

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1961

HOUSE OF ASSEMBLY

Tuesday, 22nd August, 1961.

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, Q.C., (*Leader of the Opposition*); Hon. Dr. H. G. H. CUMMINS, C.B.E., M.D., C.M., (*Premier*); Hon. M. E. COX, (*Minister of Trade, Industry and Labour*); His Honour Mr. L. E. SMITH, J.P., (*Deputy Speaker*); Hon. F. E. MILLER, (*Minister of Social Services*); Mr. E. St.A. HOLDER, J.P., Hon. D. D. GARNER, (*Minister of Agriculture, Lands and Fisheries*); Mr. C. B. SEARLES; Hon. L. St.A. THORNE, (*Minister of Education*) and Mr. J. W. CORBIN.

Prayers were read.

Mr. CRAWFORD entered the House and took his seat.

MINUTES

Mr. SPEAKER: I have the honour to inform the House that the Minutes of the last meeting are not yet ready for circulation.

Mr. BRYAN entered the House and took his seat.

LETTER FROM DEPUTY CLERK

Mr. SPEAKER: I have the honour to inform the House that I have received the following from the Deputy Clerk.

C/o Yearwood & Boyce,
14 James Street,
St. Michael.

22nd August, 1961.

His Honour,
The Speaker,
House of Assembly,
Public Buildings,
City.

Sir,

Due to unforeseen circumstances, I am unable to attend to my duties as Deputy Clerk of the House today.

I am therefore asking for leave of absence for today's meeting.

Mr. G. W. Allen, Solicitor, of Messrs. Yearwood & Boyce is willing, subject to the approval of the House, to act in my stead.

I am,
Sir,
Your obedient servant,
Sgd. H. L. THOMAS.

DOCUMENTS

Mr. SPEAKER: I have the honour to inform the House that I have received from the Accountant General the Financial Report for the month ended 31st May, this year.

DEPUTY CLERK GRANTED LEAVE

Hon. M. E. COX: Mr. Speaker, I beg to move that the Deputy Clerk be granted leave of absence from today's sitting of the House.

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

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

Mr. G. W. ALLEN APPOINTED TO ACT AS
DEPUTY CLERK

Hon. M. E. COX: Mr. Speaker, I beg to move that Mr. G. W. Allen be appointed to act as Deputy Clerk for today's sitting of the House.

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

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

STATEMENT re PRINTING OF CERTAIN
ARTICLES IN BEACON

Mr. SPEAKER: I have the honour to inform the House, in connection with recent allegations made by the hon. senior member for St. Peter in connection with the printing of certain articles in the *Beacon* Newspaper, that the Debates Committee of this House made an investigation into this matter and discovered that an irregularity had been made. The Committee has been, however, satisfied that the irregularity has been due to an oversight.

PAPERS LAID

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

The Civil Establishment (General) (Amendment) (No. 3) Order, 1961.

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Statement showing Gross Customs and Excise Receipts for the four months ended 31st July, 1961.

Hon. M. E. COX: Mr. Speaker, I am commanded to lay the Customs Duties (Tractors) (No. 2) Order, 1961.

Hon. R. G. MAPP: Mr. Speaker, I am commanded to lay:-

Statement showing Post Office advances for payment of Money Orders to 30th June, 1961.

GOVERNMENT NOTICES

Government Notices were given as follows:-

Hon. Dr. H. G. H. CUMMINS: Resolution to approve the Civil Establishment (General) (Amendment) (No. 3) Order, 1961.

Hon. M. E. COX: Resolution to approve the transfer of the rights and liabilities of Esso Standard Oil S.A. to Esso Standard Oil S.A. Ltd.

Hon. R. G. MAPP: Resolution to place the sum of \$3,727 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1961-62, Part II - Capital, as shown in the Supplementary Estimate 1961-62 No. 16, which forms the Schedule to the Resolution.

Hon. M. E. COX: I beg to give notice of my intention to move the House into Committee of Supply at its next meeting to deal with the money Resolution of which notice has just been given.

PRIVATE MEMBERS' NOTICES

Mr. CRAWFORD: Mr. Speaker, I beg to give notice of the following Resolution:-

BE IT RESOLVED that in view of the urgent need for development of industry in the territories comprising the W.I. Federation that the Federal Government be requested to approach the unit Governments with a view to proposing that the appropriate steps be taken to ban the export of scrap iron and scrap metal from the area in order to facilitate the erection in either Dominica or St. Vincent, where the existence of a hydro-electric plant should make available supplies of electricity at reasonable rates of a steel mill to convert scrap into concrete reinforcing rod iron and B.R.C. fabric for the construction industry, into agricultural implements such as hoes and forks and other basic iron and steel goods.

ORDERS SUSPENDED FROM STANDING ORDER No. 5

Hon. M. E. COX: Mr. Speaker, before you proceed with the Orders of the Day, I beg to move that Orders Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 12 and 13 be exempted from the provisions of Standing Order No. 5.

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

The question that Orders Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 12 and 13 be exempted from the provisions of Standing Order No. 5 was put and resolved in the affirmative.

A division was taken as follows:-

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

NOES: Messrs. GODDARD, CORBIN, TALMA, CRAWFORD and BRANCKER - 5.

COMMITTEE OF SUPPLY

Mr. SPEAKER: The first Order of the Day stands in the name of the Hon. Leader of the House:- To move the

House into Committee of Supply to consider the grant of sums of money for the service of the island.

Hon. M. E. COX: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee of Supply.

Hon. R. G. MAPP: 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 of Supply, Mr. BRYAN being in the Chair.

SUPPLEMENTARY ESTIMATE 1961-62 No. 13

Mr. CHAIRMAN: On the last occasion when the House was in Committee of Supply, a Resolution for the sum of \$2,005 was under consideration.

Mr. BRANCKER: Mr. Chairman, certain information was sought by us on this side of the House last week in connection with this Resolution. I would like again to remind the Minister in charge of the Resolution of certain information which we were asking of him. We wanted to find out, and still want to find out, something about the identity of this individual. It is not sufficient to put the name Ulric Nathaniel Blenman in this Addendum and one does not know whether he comes from St. George's, Grenada, or the constituency which the hon. member represents. In a matter of a public nature like this, it is not for the hon. member to say "I refuse to give the Committee information." The hon. member is the servant of this House, and, as Sir Winston Churchill used to say and is wont to say, the Minister is the Queen's Minister, and it is his inescapable duty, when he presents any matter, to give any information which lies within his power to give. He should not adopt the attitude that this is a purely personal matter and refuse to disclose information which will satisfy us as to the identity of the person. I am sure you will agree with me, Mr. Chairman, that before we vote the taxpayers' money, we are entitled to be given the fullest amount of information in respect of the matter *apropos* of which we are asked to vote this money.

The identity of the person includes the address and the occupation of the subject of this Resolution and that is what we are asking for, pressing for and insisting upon having. I would like to know whether any undertaking written or otherwise, has been given by Mr. Blenman that he would take no legal proceedings against the Attorney General or any other appropriate authority in respect of these injuries which he has sustained. I would like to know further from the Minister if it is a fact that the Government has been advised that there is a case which might have been brought against the Hospital authorities in respect of alleged negligence by some person or persons on the staff of the General Hospital, which caused these injuries to be sustained in December, 1956 by this patient. The Hon. Minister has disclosed that Mr. Blenman has sustained certain burns from the hot water bag or bags. I understand that the bag or bags was or were improperly placed and there was inadequate supervision during that period when the bag or bags was or were so placed, and the result is that injuries were sustained which would not have been sustained if the bag or bags had been properly adjusted and subject to constant surveillance during the time when they were used with this patient.

As to the manner in which this figure was arrived at, as you will see Mr. Chairman, this is not a round figure; it is an amount of \$2,005. How was this amount arrived at? Is it a question of so much by way of allowance for so many weeks' earnings which Mr. Blenman was unable to earn as a result of these injuries sustained in consequence of the burns? If that was taken into consideration, would the Minister, who was so reluctant last week to give this information, which I am sure lies now in his file, give us that information today and let us know how much of this figure represents loss, and how much represents com-

pensation for the pain and suffering which would be inevitable as a result of the burns which were sustained from the improper adjustment or placing of this hot water bag or of these hot water bags. He should let us know how much would be in respect of any actual out-of-pocket losses which this man has sustained. In other words, a break-down in respect of this \$2,005 is what we want. We are fully sympathetic with this matter but we want the Minister to take us into his confidence and let us know all these details. We want to know why it was that this matter was not brought before us before the 8th August this year. 12.35 p.m.

After he sustained these injuries at the Hospital in 1956, when did he leave the Hospital? Was he after leaving the Hospital treated as a out-patient, or did he have to seek medical aid privately? If so, is the cost of that included in the amount of this Resolution? We would like to know, too, what is the amount of stamp duty charges in connection with this payment. Of course all that would come out, Mr. Chairman, if and when the Hon. Minister gives us a break-down. That would give us a full and itemised account as to whether there is a clear case of negligence and to realise that an action might be brought against the Hospital authorities for alleged professional negligence. As you know, cases are every now and again brought in England and in other countries against Hospital authorities and against private practitioners for negligence, but in those countries the doctors are less reluctant to give evidence about their professional colleagues than they are in a small community such as this. In such cases where an action may be brought and where negligence is clearly demonstrated, sometimes very substantial damages are awarded.

If the Minister, as it is his duty, takes this Committee into his confidence and gives us a breakdown, we may well feel that the case is deserving of more generous treatment, and that the action of the Government may be parsimonious, and we may recommend giving a more ample compensation. I am sure that if Mr. Blenman is not from St. George's, Grenada, but from St. George's, Barbados, it would gladden the heart of the Hon. Minister if we recommended that a more appreciable amount be voted in order fully to compensate him for his out-of-pocket expenses, for his loss of earnings and for his pain and suffering and so on. I trust the Hon. Minister on second thought and on sober reflection since last week will realise that it is his duty as the Queen's Minister with the file before him to supply this Committee with all possible relevant information. I invite him so to do, Mr. Chairman.

Mr. STRAUGHN: Mr. Chairman, I want to make a brief contribution to this debate. When we adjourned last Tuesday, I did hear a member of the Opposition say in an aside that probably this Mr. Blenman was from the parish of St. George and that was perhaps the reason why they were pressing to get the address. It might also have been the reason why the Hon. Minister did not want to give the address. I think I did gather from the Hon. Minister when he addressed the Committee on this matter, Mr. Chairman, that the reason why he was reluctant to give any further identification of the gentleman, Mr. Ulric Nathaniel Blenman whose name is here mentioned, is because in a medical matter which to some extent would contain a certain amount of confidential information the Minister thought that any further disclosure of the identity of the patient would be a violation of the confidence which it is expected one must maintain when one is surveying medical files; and that struck me as the reason why the Minister had implored the House - in other words, he begged the House, not to press him to give the address of the gentleman.

It is possible, Mr. Chairman, that Mr. Blenman might be from the parish of St. George which happens to be the constituency of the Minister; but I think that it is purely incidental or accidental or coincidental, and no one could impute to the Hon. Minister that he himself pays any biased or prejudiced attention to persons who are in need of medical care just because they might have to come from his constituency. I am sure the Minister recognises that he is a Minister of Government and that means of the whole island, and he does not go about his work in that fashion. The Minister's record itself would prove that he does not go about his work in that fashion, because there were

other things that needed public support, and I remember the various appeals the Minister has made for children who are not in any way connected with his constituency, and he has got public support on these measures. I certainly could not be happy at the insinuations by any hon. member that perhaps the only reason the Minister would not want to disclose the address of Mr. Blenman is because Mr. Blenman might be from St. George, and therefore people would be able to impute improper motives to the Minister.

However, Sir, when one looks at the Addendum to the Resolution where one sees that Mr. Blenman sustained these burns in December, 1956, one cannot but look askance at this particular date and wonder how could the application of hot water bottles have given such intensity of burns to Mr. Blenman. Indeed I was tempted to think that it might not have been hot water bottles but some fiery cauldron that might have been used with the patient. Does not your mind go back, Mr. Chairman, to the witches' scene in Macbeth "bubble, bubble, toil and trouble, fire burn and cauldron bubble?" It certainly does appear strange that one could sustain that kind of burn from just the application of hot water bottles. We did learn from the Minister that the gentleman was given a local anaesthesia.....

Mr. BRANCKER: On a point of order, Mr. Chairman, are two hon. members on their feet?

Mr. STRAUGHN: As I said, Sir, we did learn of an anaesthesia given to the gentleman which would have caused the lower extremity of his body to be completely anaesthetized, and it is possible that the nurses in applying these hot water bottles, if that is what they did use, might have been unable to notice any particular reaction from Mr. Blenman, and therefore they would not have noticed that the burns had taken such effect. I do not know if the burns were first, second or third degree burns, Mr. Chairman, and that is one question that one cannot help asking oneself. Mr. Blenman, I understand, was getting continuous treatment at the General Hospital from time to time, either for this complaint or for some other. I do not know how much the Minister will be able to disclose to us relative to the intensity of the burns which Mr. Blenman sustained, but I do support the Minister from the point of view that if he is reluctant to disclose any further identity of the patient, it could only be for the conservation of the secrecy, you might say, of medical files and for no other reason.

Mr. CORBIN: Mr. Chairman, this Resolution which we have before us seeks the sum required to enable compensation to be paid to Mr. Ulric Nathaniel Blenman who sustained injuries at the Barbados General Hospital in December, 1956, and to meet stamp duty charges in connection with the payment thereof.

Now, Mr. Chairman, that is all the information we have before us. We know when we send people to the Hospital, we send them from a case of injury; we do not know that we send them there to receive injury. We do not know what is the case because nothing more has been put before us. We have not been told where Mr. Blenman is from, whether he is from Barbados, Dominica or St. Vincent, and it should be properly stated in the Resolution. 12.45 p.m.

Tell us whether this man who was a patient of the General Hospital was from Barbados, which village in Barbados he came from or something like that which would justify us somewhat more fully to vote this money. This sum of money was granted for an injury but we do not know what caused the injury. We know that a mistake can be made when one is trying to save lives. This may not have been intentionally done; it could have been accidentally done. At any rate, tell us what this is for? The Addendum has not stated whether the injury was caused by burns, cuts or any other thing.

I cannot support this Resolution for \$2,005 only because the Minister says that it was as a result of an injury. What caused it? If anyone goes to the General Hospital with an injury, whether he can speak for himself or someone is in charge of him, they have to give the doctor a clear explanation.

tion as to how the injury was caused to the person. We cannot take a statement like this and verify it and pass a Resolution for \$2,005 for compensation for this gentleman. You say that the patient went to the General Hospital and received injuries and we are going to grant \$2,005 for the injury. We would like to know the nature of the injury. If we were told the nature of the injury and how it was caused and by whom it was caused, I would not have need to question it.

The last hon. member who spoke said that it would be embarrassing to someone to disclose what caused the injury. That is a farce. We are the persons who have to sanction this Resolution; therefore, we should know what we are sanctioning. I know that there is something wrong which has taken place at the General Hospital or else we would not have to meet the demands. Can you give us a clear explanation? Unless the Hon. Minister gets up and gives us a clear statement as to what is the cause of this injury, I will refuse to vote this sum of money.

Sir, I know that there was some person who was a patient at the General Hospital for over a year as a result of an injury which was caused to him when he was there. He was operated on because of stricture and his bladder was punctured in the course of the operation. He received no recompense for it and he walked around a very sick man for many years before he died. Because this man was poor, no one would take up his case. Rightly speaking, I would say from my heart that this incident did not take place when the present Government was in power. This man suffered great pain afterwards. He came from St. Andrew and Mr. "Josh" Haynes who is still alive told him that he should take action against the Hospital.

If the Government would tell this Committee that Mr. Blenman went to the Hospital and received injuries there, we are not against granting this sum of money. Just tell us how he received the injuries, whether it was by a doctor or a nurse, and whether it was by burns. Do not bring down a big Resolution like this for compensation to someone and tell us nothing about the matter. Tell us that such a person received injuries through a hot water bottle being placed in the wrong position or through a nurse's negligence or the negligence of someone else. We will not be too hard on the person because we know that mistakes occur: but through our speaking on the matter in here, we can cause the person who is negligent to take heed and, as a matter of fact, it would be a warning to the whole Hospital if what took place was published. If you cover it up, the people who work at the Hospital will continue to do evil.

The Hon. Minister has said that he is not going to expose the things that have taken place. We have qualified nurses at the General Hospital: but no matter how qualified you may be, you can make a mistake. Tell us who made the mistake and the money will be easily granted. I see that the Minister is trying to protect the Government but he is not trying to protect himself because if he were trying to protect himself, he would tell us what happened. If I had a motor truck and it struck John Thomas and broke his foot and he put me in Court for so much compensation for the injury, I would have to put in writing what happened. I would have to state in words what happened when the case came up for hearing before the Judge or whoever it may be. If the Judge found me guilty, he would put on a fine on me. You must put things in words so that you can understand and so that one can see clearly everything before one comes here.

The Hon. Minister said that Mr. Blenman did not come from St. George. Whether he has come from St. Andrew, St. George or any other parish, we should be told. The Minister should be more than glad to say that the person was from the parish which he represents because it would show to his constituents that he is trying to protect them. The hon. junior member for St. Joseph is saying that because the person came from St. George, the Hon. Minister has failed to say that. If I were the Minister and the person came from my parish I would be very glad to represent my people. A member of my constituency received an injury which caused him to go to the Hospital. A pole had fallen on him and cut him in his head. I saw to it for him and he

got recompense for it. I hope the Hon. Minister will give us a fair breakdown of this case. Tell us what was the cause, whether Mr. Blenman got burned with a hot pipe, a hot water bag, a hot water bottle or whatever it may be.
12.55 p.m.

I say that at the end of it the Minister will be able to give a clear statement and we will have to grant this money.

Mr. TALMA: Mr. Chairman, while admiring to some extent the humanitarian spirit of the Minister in bringing down this Resolution, at the same time we hope that it will not be creating any bad precedent. We feel that the members of this Committee are being treated in a very discourteous manner in that information which has been supplied both in the body of the Addendum to the Resolution and on the floor of this House by the Minister, has not been sufficient, adequate and comprehensive enough to explain to us why this money is being asked for. What we feel is that the Minister is deliberately or wilfully withholding certain information from this Committee which, apparently, only the Cabinet should have. On the other hand, they want this Committee to vote this money and it is felt that after the Cabinet has considered this matter it is only a question of asking the Committee of this House to vote this money. That is not the democratic way of voting this money. All members are entitled in their own right, because we have been duly elected on the same basis, to have the information they require. We came in here on a majority vote from our various constituencies and we are entitled to know what this money is being voted for. This is the first time, for the fourteen years that I have been in this Chamber, that I have seen a Resolution for money being brought down with such improper and inadequate information in the Addendum.

When you come down with this policy you instinctively create a certain amount of doubt and distrust in the minds of hon. members. From my experience, little as it has been, in matters of this sort, that is the case. Here we have an individual named Ulric Nathaniel Blenman; we do not know which parish he is from, whether he is from St. George or any other parish, but that is beside the point. The point is that this man is a Barbadian presumably and he has received certain injuries as a result of an operation which took place. There was either the lack of medical skill or something has happened which was not anything really wilful but it was just an accident, and this person, the Minister feels, should be given something. It is not only from a humanitarian point of view, but this gentleman would appear to have some legal right because he has been attended to on two occasions, firstly in 1956 and secondly a year or two ago. I hope I am quoting the Minister accurately. If it is only a question of one incident in 1956, well, why should they wait until now to come down with this Resolution? The Minister says that it was again last year. It does appear to me that this Resolution is for the sum of \$2,000 as compensation and the other \$5.00 is for stamp duty on a Release. It means that somebody was liable somewhere along the line. There has been some negligence somewhere; the fact remains that a Release has been thrown into the payment of this money and that Release will be relieving and discharging the Hospital Board and the party in question from any action. There seems to be some threat of an action for damages and this compensation is being given so as to keep the members of the Hospital Staff out of Court.

Mr. Chairman, if the Minister does not want to give the whole thing, he should give at least sufficient information so as to satisfy hon. members. The Minister has not told us how this man got injured and how is it that they have been withholding this compensation from him for all this time. I would counsel the members of the Opposition to allow the Minister to have the opportunity of recapitulating the case and giving the information which he was not prepared to give this Committee on the last occasion but which information he is prepared to give today.

Hon. F. E. MILLER: Mr. Chairman, I am expected to repeat all that I said on the last occasion. I was at pains last week to give all the details which were bound up with the report from the Hospital. I take it that hon. members are asking for a repetition of the same report, and it may be, in finer detail. We have had the remarks of the hon.

junior member for St. Andrew, those of the hon. senior member for Christ Church, to say nothing of those of the Hon. Leader of the Opposition. I have given information as to the details of the report of the Superintendent of the Hospital and to satisfy one or two hon. members, I have been requested to give something of the man's social affairs.

On the 12th December, 1956, Mr. Blenman was admitted to the General Hospital. At this stage, I should like to repeat that there are no political implications in this matter; there are no politics in it whatever and I would like to say incidentally that this man is not from the parish of St. George, 1.05 p.m.

If he were from St. George, I would feel the same way about it, but it was purely humanitarian as far as the Government is concerned. There was no reason to go to Court and no question of litigation, lawyers or solicitors; it was merely through a request. Strangely enough, this request was made by a man who was conscious of his responsibility and interested in his health. This man walked into the Superintendent's office and asked if he could be given any assistance. This was on 18th July, 1960, five years after the first operation where he sustained the injuries. This Mr. Blenman was born in 1896, hence he was 60 years old when he was admitted for this operation. He was sent to the Surgery where he had a major operation, and I would like to underline the word "major". It was then considered by the Specialist that it should be handled in two stages. He returned to Ward 3 where it was found later that he was suffering from shock, and in the afternoon he collapsed. The doctor rushed back to the Ward and found his blood pressure was falling at a sharp angle and an injection was given, and the usual thing was to put hot water bottles all over his body.

Mr. Chairman, I think I should go one stage further here. He had a spinal anaesthetic and he was not really free from the anaesthetic when he returned to the Ward — quite a normal thing in all cases — hence he could not feel the heat from the hot water bottles nor the burns. As a matter of fact, it was not discovered that he was burnt until eight days later. However, in a sad state of shock and collapse, the doctor and nurses, rushing to this man's assistance, gave him an injection and all the things to do with hot water bottles hoping to bring him back to life. It is reported that he was fortunate enough to survive this treatment.

However, the second phase of this operation took place by the Surgeon Specialist, Dr. Leacock, and that was done on 26th February, 1960, four years later. You will have some idea of the man's condition. He appealed to the Superintendent of the Hospital and that Report was sent to the Ministry, and immediately I got in touch with the Crown Law Department asking it to investigate the case and let us have the information on it. This gentleman, Sir, has a family of six children, the last child being a girl of 23 years of age. His wife is still operating a quarter of an acre of land, and in the home there is a boy who has his own motor car and is at the moment working as a motor mechanic at Guinea Factory. Mr. Blenman himself was a factory worker. From all this you can get the address of the man and find out his illness; but it is improper and Mr. Blenman does not want any publicity. I think you will appreciate what embarrassment you will cause this man if it were found out in his district that he received \$2,000 as compensation. I am not going to say what is the state of his health and why he needed the operation, and I am not prepared to disclose anything further that would cause him undue embarrassment.

Mr. Chairman, the social story reveals, as I said, that he was the father of six children, the last child being 23 years old in the home, and a boy who has his own motor car and is working at Guinea Factory. The girl is more or less responsible for the housekeeping in the home. As I said, the man made a request of the Superintendent of the Hospital and that was done last year, four years after the operation. We investigated this information and had a series of discussions with the Crown Law Officers. Further to that, we made a request to the Factory where he was working, and incidentally one of his sons has succeeded him in his particular job. He is a mason out of the crop season, but during the crop he works in the factory in the crystallising of

syrup. We got the details from 1953 to 1956, and in 1956 his gross earnings were \$1,147 for twelve months of employment. As a matter of fact, he was admitted at the Hospital the day after he had given his last day of service to the Factory. Of course, Mr. Chairman, these figures do not take into account income tax. There was no case, no threat, but simply a request as to whether he could be given something. We took up the matter and on investigation were satisfied, after which I took the matter to the Cabinet and the Cabinet gave the amount of \$2,000 which was requested by this gentleman. The Crown Law Officer said that on the basis of 50% disability and at his age, \$2,000 was about fair compensation, and hence we brought the Resolution to the House.

Hon. members have asked for these things in detail, Mr. Chairman, but I am not in a position and I will not disclose anything further about the man's condition. The Report from the doctor is that this gentleman was admitted to Ward 3 of the Hospital on 12th December, 1956. You can understand that it must have been a very good reason in an emergency like this why the old gentleman was kept eight days before he was sent to the Surgery. However, the operation took place on the 20th and the medical record states that on his return to the Ward after the operation he was in a condition of shock. Later in the same afternoon he was in a condition of collapse. We wanted to save this man's life, there was a sudden and sharp fall in his blood pressure and all the other things, and these hot water bottles were applied just as is done in other cases. We must appreciate that under a spinal anaesthetic the man was unable to feel. There was no negligence. The man never thought there was any negligence, and if there were, I would be willing to say so. He was unable to feel due to the anaesthetic and the condition pertaining as a result of this prolonged anaesthetic. It was eight days later before it was discovered that he was at all burnt. As a matter of fact, in discussion with this gentleman, he was happy after that, and I think most of you will agree that if the doctors thought it necessary to remove both legs to save his life, they probably would have done so.

However, due to his condition it took four years before the Surgeon Specialist thought the second phase of this major operation should be handled, and that took place on 26th February, 1960. I do not know, Sir, that you need to have me say any more. He is a Barbadian, he has never left this country and he worked at a sugar factory as a worker during the crop, and out of the crop he worked as a mason. He rents the land on which the house, his property, now stands; he has six grown up children in the home with him, there is a boy who owns a motor car and is an "A" class mechanic and there is a girl of 23 who assists the mother with housekeeping.

I think I have said enough, Mr. Chairman, but if there is anything further I would be more than happy to give the answer. As I said, it was purely from humanitarian reasons four years after the operation, and we referred to the Crown Law Officers to tell us what we should offer the man as compensation, and after discussion with the Crown Law Officers he was willing to accept \$2,000. The Crown Law Officer was satisfied that with 50% disability and taking all the factors into account, and the fact that he was 60 years old when he entered the Hospital for an operation, \$2,000 was considered a fair amount. The amount was agreed on, there was no idea of going to Court and no pressure on the Government. I doubt very much if he would have wanted to go to Court in the first place.

1.15 p.m.
I think it is my duty, and the duty of any rational Government, to see that in a case like that, whether there are funds available or not, we come to Parliament to get this money to meet this compensation.

Sir, I think I have satisfied hon. members. I do hope that I have supplied all the information that is necessary. I repeat, Mr. Blenman is not from St. George; there were no political implications whatsoever; there was no pressure on Government; it was just that we felt he deserved this compensation and here we are asking this House to grant us this money.

Mr. BRANCKER: Sir, I would think that there would be more embarrassment to this gentleman and to his family

by the quite unnecessary revelation made by the Hon. Minister than by disclosure of his identity and the circumstances whereby those injuries were sustained. We are not the least concerned over the fact that Mr. Blenman has so many grown-up children, one daughter who owns a motor car and a son who is a Grade A mechanic, the second son something else and the third another thing. All that is quite unnecessary and something which may cause some embarrassment. The Hon. Minister has put us in this position. In order to establish the identity of this gentleman he has told us of someone who has six grown-up children instead of simply saying that this gentleman is of such and such an address.

As guardians of the taxpayers' purse, the onus is on us to make sure that every cent which we pass, we feel before we pass it, that it is money which is well spent and deserves to be expended even if it means revealing the identity of an individual. We are not asking the intimate circumstances of the individual nor do we want to go into the matter of the portion of the man's body which was subjected to medical treatment; we are simply asking for details of how the injuries were sustained. The hon. member told us that the injuries were caused through the use of hot water bags and we are asking the other hon. member whether he can assure us in connection with this matter that the hot water bags were not wrongly placed or not inadequately supervised and having been properly placed and adequately supervised that there was this position.

Sir, there is one thing to which I would invite the Hon. Minister to give a clear and unambiguous answer. He mentioned the Crown Law Officers and I gathered from him that they received full information. Did or did not the Crown Law Officers advise that in the absence of payment whether you call it *ex-gratia* or not, the Hospital authorities would or at least might be liable to an action for negligence? I can quite understand that the Hon. Minister would naturally try to protect the Department immediately under his care and under his charge, but it is also his duty to make things very clear to Parliament. It is even more so his duty to do that and to give Parliament the full facts than to try to shelter an individual or individuals in an institution in which he is connected by virtue of being the Minister. My question again is this. After having all the facts before them, did the legal advisers of the Barbados Government say that this is a case in which the Government may well be liable in an action for professional negligence as a result of alleged negligence on the part of some member or members of the Hospital staff? If the Hospital Staff was liable for action, was the Government so informed by the Crown Law Officers?

I notice that the Hon. Minister said that we were told what we should offer and on the other hand he has said that the man simply asked if he could be given something and \$2,000 was requested. Is this purely an *ex gratia* payment to ensure that on relief being given no action of negligence can or will be brought against the Government? Did the Crown Law Officers advise the Minister that there appeared to be grounds for action for negligence and if this did not appear unreasonable, Government would be well advised to give something so as to save much heavier damages than we now have to pay? Will the Hon. Minister tell us whether action for damages seemed liable after the Crown Law Officers had gone into the facts in connection with the manner and circumstances and conditions in which these injuries were sustained by Mr. Blenman by the placing of these hot water bags to him?

Mr. CORBIN: Mr. Chairman, although the Hon. Minister should reply I would still like to give him words of consolation. From what the Minister has said just now, I have come to some understanding and have been enlightened and I am prepared to believe what he has said. The Hon. Minister has given a clear statement and has said that he would not like to go any further into the matter. From what he has said, I can see from where the negligence came. I can see that some negligence has taken place with the patient because four years after he had a major operation at the Hospital he had to be operated on again and I can see that through the operation it has caused him to be unable

to work. According to the Hon. Minister, the Government along with other people have been through the whole matter and the Government has seen fit to give Mr. Blenman some gratuity which would be a help to his situation.

Mr. Chairman, after this explanation by the Hon. Minister, I do not think we should proceed any further or go into this matter any further. We, on this side of the House, have considered the facts and now that we have given it our full consideration, let us close it as quickly as we can.

Hon. F. E. MILLER: I thank the hon. member for St. Andrew very much for what he has just said. The hon. junior member for St. Lucy went over a lot of what has taken place already in this Committee and that is as regards whether or not the Crown Law Officer advised us to make this *ex gratia* payment. There is no question of a charge of negligence. There was no threat by Mr. Blenman for compensation and there was no desire of the Government to cover up anything in the Resolution. May I repeat, since there has been no charge for negligence, there would be no question of giving this man a compensation to save a Court suit. I would like the hon. member to keep it at this high level.
1.25 p.m.

Mr. BRANCKER: The words "charge for negligence" are inappropriate here. There is no question of any charge for negligence; the question is whether the Ministry of Social Services was advised by the Crown Law Officers as to whether they were of opinion that there were grounds whereon an action for professional negligence might be founded. The question is whether, having gone into all the circumstances, they were of opinion that there were grounds on which such an action might be successfully founded, and if so, whether their advice was that if this man would be happy with \$2,000 then by all means, give him this \$2,000; because, if there were grounds for an action, nobody knows how much damages would be awarded by the Court. In a case such as this, the damages awarded would run into five figures. The question is whether such an action would have been lodged in respect of alleged negligence in any way whatsoever.

Hon. F. E. MILLER: Replying quickly, the answer to the hon. member's question is "No". Let us save this man from further misery; let the poor wretch get this \$2,000.

The question that this Resolution do now pass was put and resolved in the affirmative without division.

SUPPLEMENTARY ESTIMATE 1961-62, No. 14

EQUIPMENT FOR GENERAL HOSPITAL

Hon. F. E. MILLER: Mr. Chairman, the next Resolution is a Resolution to place the sum of \$1,872 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1961-62, Part I - Current, as shown in the Supplementary Estimate 1961-62 No. 14, which forms the Schedule to the Resolution.

I believe that most hon. members will remember that in the last Estimates there was a vote of \$2,760 to cover the cost of certain equipment for the Laboratory and X-ray Departments of the General Hospital. For a number of reasons, the bill was not available to be paid by the end of the financial year and we are asking for a revote of this money. What is more, the figures incurred the f.o.b. charge and sometime later we got the c.i.f. price which represented an increase of \$340.00. The actual amount we are asking for is a revote of \$1,532 and an additional \$340 to cover the c.i.f. charge for this equipment which comes from the Crown Agents. I beg to move that this Resolution do now pass.

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

Mr. BRANCKER: Mr. Chairman, I have several times in this Chamber drawn attention to the frequency with which Resolutions are brought before us in which there appears the phrase in the notes "in error" or "by mistake". Something was done and the result is that we are troubled and the valuable time of the Legislature is taken up by having to rectify an error. It seems to me that the more staff we

have at the Government Headquarters, the more possibilities there are of errors and the more people there are to make mistakes. Never, before we have had so many Secretaries, Clerks and the rest of it, have I had the experience during my tenure of office of seeing so many revotes being brought before us and the explanation is that there has been an error. On this occasion the Hon. Minister has not hesitated, because he has learned experience from the previous Resolution, to give us the information which we require. He has said that the figures were wrong and this amount of \$340 will cover the difference in the valuations.

The Minister should make it plain to the individual or individuals responsible for these errors how embarrassing it is to him when he has to explain to this House that this or that error has been made particularly in the Ministry under his control, and that the House is complaining about the frequency with which we are invited to pass Resolutions in respect of revotes, and the reason is that there was an error made somewhere along the line at Government Headquarters.

A propos to this Resolution, there is one thing on which I would like the Minister to give this Committee some information. We are purchasing this equipment and will the Minister assure us that the present X-ray apparatus at the General Hospital is absolutely up to date and adequate for the purpose to which it would normally be put in the case of patients going there, or is this X-ray apparatus not up-to-date? Is it not fully efficient, is it not fully adequate to cope with the day-to-day cases which go to the Hospital for treatment? I am definitely sure that if the Minister is satisfied that we should aim at having more and more up-to-date equipment, more modern and more adequate equipment for the day-to-day purposes of this Hospital, he should not hesitate in inviting this Chamber to grant supplies for the purchase of such equipment which is as good as, if not better than, some of that in the other colonies. I am told that this equipment is not as good as it might be. Especially as we are building a new Hospital we should take the necessary steps to ensure that the equipment is as new, modern and up-to-date as the Hospital in which it will be housed. I trust that the Hon. Minister will relieve the minds of this Committee as to this X-ray equipment.

Mr. GODDARD: Mr. Chairman, I wonder if the Minister would state whether this drier was bought by tender or if someone supplied similar equipment. If it was bought on tender it would be unfair, if prices were quoted for the purchase of this equipment, to be \$340 out. There is such a thing as one person tendering c.i.f. price and another tendering f.o.b. price and after he gets the f.o.b. price or the tender for that price, he says that it includes freight and insurance.

1.35 p.m.

I only want the Minister to assure the Committee that in the purchase of this equipment it was not a tender, or if it were a tender, what was the difference between the two prices so that we can know whether there was any tampering with the quotation and its original quotation.

Hon. F. E. MILLER: From the information on the file, I would like to assure the hon. member for Christ Church that it was not a tender in the sense of the word. It was ordered through the Crown Agents; that is how Government's business is done. We pay 2% commission on this but they provide us with the service which I do not know we would ordinarily enjoy from commercial houses. Most of the equipment is inspected by experts appointed by the Crown Agents, and we pay 2% ex-factory as against a tender. We prefer to handle the purchasing of equipment through the Crown Agents for that simple reason.

Before this equipment is packed or authorised for release, it must first be checked by an expert so that we would be satisfied at the other end through their telling us that the equipment is in order and is in accordance with our order. The figure tendered to us in the first place by the Crown Agents did not include the c.i.f. charges. As I said earlier, a number of items came forward, but one item did not come with the bulk of the items before the end of the financial year. Incidentally we are asking for this sum to

be revoted. I hope I have satisfied the hon. member on that question.

In replying to the hon. member for St. Lucy with regard to the accuracy and efficiency of the X-ray equipment at the General Hospital, we have got top equipment there. I have been thinking myself of buying a second unit, because the pressure on this Department is terrific. It is clear that rather than have the films in an air-ventilated room for drying we could use artificial means of hot air, and for that reason we are importing this drier for X-Ray pictures which would step up the work of the Radiographer in that Department. We are contemplating making funds available from the Hospital vote to buy a second unit, and we plan to put the second superficial unit in the X-Ray Diagnostic Department, but that would certainly involve bringing the engineers from the new Hospital to erect a building in the old yard and then taking it up a year later. I do not know that it would be justifiable, and what is more we have not got the land space available in the compound of the old Hospital to accommodate this new X-Ray equipment. Hence we are under pressure with this equipment which would certainly augment the work done in that Department.

I think the House and the Committee will be happy to learn, although I think to some extent this disclosure would probably be regarded as premature - we are coming to you with a statement on it - that some time ago Mr. Nightengale, the man responsible for the Nightengale Home, made a contribution to Government to the tune of £5,000 for the use of any equipment, and we would be free to put in any equipment in the new Hospital. As the new Hospital will cost about \$5.8 million or \$5.9 million, I have decided to use that money to bring into Barbados first rate radio equipment for the treatment in the fight and control of cancer, and we are hoping that at the end of this year this equipment will be made available by the Crown Law Agents and installed immediately in the new Hospital. The figure of cases in this small island is now over 1,000 who have perished as a result of this dreaded disease. I know I will have the full backing of both Houses of the Legislature and the community generally, and from the gift of Mr. Nightengale who made the £5,000 available we will purchase radio-therapy equipment for the Hospital. I hope to put it in the old Hospital rather than have a delay in this Service for the community until the new hospital is constructed.

The question that the Resolution do now pass was put and resolved in the affirmative without division.

The Resolution for \$52,000 was called.

Hon. M. E. COX: Mr. Chairman, I am asking leave to postpone that Resolution.

Mr. CHAIRMAN: The Hon. Leader of the House is asking leave to postpone the Resolution for \$52,000, and unless there is any objection leave will be granted.

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

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

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

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

Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. M. E. COX, seconded by Hon. L. St. A. THORNE in each case, the Resolutions were read a first and second time and agreed to.

✱ THE CASUAL EMPLOYEES PENSION BILL, 1961

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier: Second reading of a Bill to pro-

vide for the grant and payment of pensions and gratuities to persons who have been employed on a casual basis in the service of the Government.

Hon. M. E. COX: Mr. Speaker, I am asking leave to deal with Order No. 2.

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

Hon. M. E. COX: Mr. Speaker, hon. members will see from the Objects and Reasons of this Bill that it seeks to provide for the grant and payment of pensions and gratuities to casual employees of the Government.

Hon. members will remember that in 1950 casual employees when retiring had to petition to the Government and their cases were taken into consideration and we used to come to the House with Resolutions asking for grants of money for the individual. In 1953 after a ruling was given by the Attorney General, the Government decided that casual employees should work at least 250 days of the last ten years of their employment or before retiring so as to be entitled to a pension. No stipulation, however, was made in the case where an individual had the right to accept a gratuity with a reduced pension.

Sir, I should say that as far back as 1959 we had experienced some very hard cases where an employee may work five years continuously; he may put in more than the 250 days per year during that period but through no fault of his, whether by ill-health or suspension or cessation of work, that individual is not able to comply with the stipulations; therefore, he loses his right of pension and, further, in the last year before he retired, if he failed to put in that 250 days although he might have put in more than what was stipulated in the previous years he would not be eligible.

That was reported to us and more particularly to me and I took up the matter with the Hon. Premier and he authorised a sub-Committee to be appointed to go into the matter. I was the Chairman of that Committee and the Auditor General, the Minister without Portfolio, the Labour Commissioner and someone from the Legal Department were the other members. We went into the matter very thoroughly and we made certain recommendations which are embodied in this Bill. No doubt, with the utmost sympathy and plight of these workers this Committee went into the matter and especially the Auditor General, Mr. Gittens, who gave very valuable help to that Committee and was more than sympathetic towards the plight of these workers. Therefore, I regard the members of that Committee as more or less the architects of this agreement.

As you will see in the Bill, we have recommended in the first place that the number of days a worker should put in a year should be 220 days. In other words, we have reduced the number of days from 250 to 220 a year. As I have said, no doubt quite a number of workers have been faithful servants, but through no fault of theirs, their jobs were finished and they had to be laid off and therefore they did not qualify.

The amendment in the first place provides that the individual must, as is customary under the 1947 Pension Act, have at least ten years' service in order to qualify for pension. That ten years now would be ten years of 220 days instead of 250 days as is customary today. In addition, what we say is that if an individual has through no fault of his - whether it be ill-health or that he has been laid off as a result of the finishing of particular work - ceased work, that must not be counted as broken service. His service would be counted as continuous work providing of course that the individual when called upon to report for work on the subsequent occasion turns up and accepts the work. No doubt many will do that.

What I am trying to say is this. The Head of the Department has got to keep a record of the service of the individual. He has got to keep the names of those persons in a book and any person whom he lays off he has got to send a

notice or registered letter, as the case may be, to that individual calling him in for work when there is work to be done and the individual has seven days within which to report to the Department for the job. That is to make sure that the individual had ample opportunity to turn up for the work. The day that the letter is sent is not counted, neither the day that the individual has reported.

As I have said, 220 days would be counted as a year now instead of 250 days.

1.55 p.m.

In computing his wages, pension or gratuity, the years of 220 days will be first added together and the remaining days or years in which he had failed to make the 220 days will be added together and divided by 220. That will give him whatever number will be required. In the case of some months or days over, we say that we will take $1/12$ of 220 which works out as 19 days. This Bill seeks to give the pensioner the very last half cent which is due to him when he retires. In so far as the continuation of his service is concerned when called upon to give it, that service will be regarded as continuous service and not unbroken service.

In arriving at what the individual will get, I would like to give a table which I have here. If a man works, let us say, his three last years and incidentally the three last years of his employment, he will get an average of that. As long as he does not change his job which gives him a larger pay, he gets.....

At this stage, it being 2 p.m. of the clock,

Mr. SPEAKER: It now being 2. p.m. of the clock, this sitting now stands suspended until 2.30 p.m. of the clock. This sitting now stands suspended.

On re-assembling,

Hon. M. E. COX: Mr. Speaker, I should like to draw to your attention the fact that there is no quorum present, and I ask that the Bell be rung.

On the Bell being rung, a quorum was obtained.

QUESTION TIME

Mr. SPEAKER: It is now Question Time. Question No. 5, asked by the hon. junior member for St. John, is now ready to be dealt with. I observe that the hon. member is not now in his place.

Mr. CRAWFORD: Mr. Speaker, I should like to ask that the reply to Question No. 5 be allowed to remain over until the next meeting of the House.

AMENDMENT TO PENSION REGULATIONS *re* CASUAL EMPLOYEES

Mr. SPEAKER: The next Question ready to be dealt with is Question No. 58 standing in the name of the hon. junior member for St. Lucy.

Mr. BRANCKER: Mr. Speaker, to enquire of the Appropriate Minister:

Whether Government proposes to amend Pension Regulations to ensure that Casual Employees of Government Departments will be eligible for pension benefits not only in respect of retirement on the grounds of age but also in respect of retirement on Medical grounds prior to attainment of the retirement age?

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, the answer to that Question is as follows:- In March 1960, the Government decided that legislation to award pensions and gratuities to casual employees should be prepared.

It is not proposed to amend the Pensions Regulations for the purpose stated but a new Bill to provide pensions and gratuities to casual employees has been drafted and provision is made therein to meet such cases.

I do not think I need go any further than that, because the hon. member, I believe, realises that the proposed

legislation is now being introduced and, as a matter of fact, the second reading of the Bill is now being undertaken by the Hon. Leader of the House.

Mr. BRANCKER: Mr. Speaker, will the Minister explain why is it that, in view of this matter having received the attention of the Government as he has stated in March, 1960, the instant Bill which is now before the House, was only introduced on the 8th of the instant month, with the General Election not more than three months off?

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I can assure the hon. member that the proximity of the General Election has nothing to do with this Bill before this House today. The hon. member will hear very soon just when the Government had its Select Committee meeting; I think that the point has been made in the second reading speech of the Hon. Minister. I think that the Hon. Leader of the Opposition knows that these things take time to be dealt with.

2.35 p.m.
When the Select Committee reports, the matter goes to the Cabinet, legislation has to be drafted and eventually it reaches this Chamber. As I mentioned a little while ago, this had been under consideration by Select Committee since 21st October, 1959, and on 9th April, the Cabinet concluded that the basis of award of pensions to casual employees should be reviewed by a Committee comprising the following persons: the Hon. M. E. Cox, Leader of the House, convener, the Hon. E. F. L. Morris, the Assistant Financial Secretary and the Labour Commissioner, with authority to co-opt any further useful person. When I referred to 9th April, that refers to the year 1959 when the Cabinet moved to appoint a Select Committee, and they reported on 21st October, 1959. So you will see that this has absolutely nothing to do with the proximity of the election of 1961.

Mr. BRANCKER: Mr. Speaker, did I understand the Hon. Premier to say that when this Bill was introduced on 8th August, 1961, it was not introduced three months before the date of the General Election.

Hon. Dr. H. G. H. CUMMINS: Well, Sir, I do not know when the elections will be, whether they are three months, six months or otherwise off. I am not in the position of the Leader of the Opposition who has his adviser.

PRIVATE MEMBERS' BUSINESS

Order No. 1 under Private Members' Business was called.

RESOLUTION re ENQUIRY INTO SUGAR INDUSTRY

Mr. SPEAKER: Order No. 1 under Private Members' Business stands in the name of the hon. senior member for St. Philip: to resume debate on the Resolution relative to an exhaustive investigation into all phases of the sugar industry in Barbados by the Sugar Enquiry Commission under the Chairmanship of Mr. Carl Goldenberg.

On the last occasion, the Hon. Minister of Trade was addressing the House.

Hon. M. E. COX: Mr. Speaker, although it would appear as though I am speaking at length, I would like to assure the hon. member that I will finish in a short while from now, but I think that this matter is so important, more particularly since I notice some people have been coming to this country and making people believe that the Minister of Agriculture, in particular, is indifferent to the question of organising workers, planters and farmers as the case may be, that the position should be put as forcibly as possible to the House and the people of this island.

I said on the last occasion, Mr. Speaker, that I regard this Resolution as a sort of bogus Resolution in that the member who is responsible for it has no Party, no Organisation whatever or no Union to deal with a question such as this, and merely comes to the House of Assembly because some people believe that a member is useful or could be useful when in truth and in fact the opposite may be the case and wastes the time of the House with something which

he knows will not fructify or has nothing in it. Members will remember that after the 1958 strike the Government had a Commission of Enquiry in addition to that Commission of Enquiry which settled the dispute. The Government said that in order to avert any similar strike in the future, what it would do is to get a Commission of Enquiry to go into the economics of the industry as a whole and make recommendations. That Committee as we know, Sir, sat and Mr. McKenzie who is an expert in this field made recommendations to the Government. Since then, despite the fact that the Union claims not to have paid any attention to his recommendations, the formula laid down in those recommendations has been adopted. At least in one sense I can quote, and I refer to the differential which existed between the cane-cutters and the factory workers. He said that any future increase that is given should be on a 75:25 basis. In other words, the cane-cutters should get 75% and the people in the factory should get 25%.

I say quite categorically, Mr. Speaker, that the Union adopted that, even though it claims it has not accepted the Report, because you will remember that in the following year the *ad hoc* bonus was consolidated and was given to the people in the field, and the workers in the factory had a considerably reduced bonus in the following year. Since then, the bonus which was given to the field workers was consolidated and the bonus which was given to the factory was completely taken off. I again repeat that the 7% given was consolidated as a basic wage for the field workers as against the factory workers whose bonus was taken off.

As I said on the last occasion, Mr. Speaker, the Union negotiated with the Sugar Producers' Federation and they reached agreement as to what wages should be paid. I cannot too often repeat that the hon. senior member for St. Peter who is not in his seat today, but whom everybody knows is the Trade Union boss, said on the floor of this House that when he enters behind doors to negotiate, he does not come out unless he gets what he wants. As I said, he asked for 10% increase, they agreed to give 9% increase, and 9% increase was added on to this year's crop. From the figures I have in my hands, that brought the cane-cutters' pay to \$1.36 per ton, cleaning and loading to \$1.36, heading out of field and dumping from \$1.68 per ton to \$2.05 per ton, carting - including boy - from 75 cents, lorry driver 35 cents, lorry hands 38 cents and so on; the production bonus remains the same and so forth. That is the position, Sir, and that is why I say that there is absolutely no uncertainty where the sugar industry is concerned.

I quoted last week to show that the Commonwealth Sugar Agreement has a life of 8 years. At present I think the International Sugar Council is meeting, and when the time comes they will no doubt with the British Government through the Ministry of Food add another year, which means that you always have 8 years of certainty in advance for disposing of your surplus sugar.

2.45 p.m.
That being so, I cannot see for the life of me how it can be argued that the Sugar Industry is in a perilous condition or in uncertainty and, further, when the hon. member calls for this rationalisation I must repeat, and I cannot too often repeat, that we in Barbados should not be too readily inclined to rationalise this industry.

Mr. CRAWFORD: Mr. Speaker, I rise on a point of order. On the last occasion, when we discussed this matter, I tried without success to impress upon the hon. member that I have said nowhere in this Resolution anything about rationalisation of the industry.

Hon. M. E. COX: Mr. Speaker, again I repeat, anyone who reads the Resolution which the hon. member has before the House will see that he has referred to the rationalisation of the sugar industry. I am not asking what the word "rationalisation" means; I know what it means and he knows what it means also; but to those whom he can fool and to whom it is not understood, he can get up now and deny it. I know what it means.

Mr. CRAWFORD: Mr. Speaker, I rise on a point of order. I am not going to have the hon. member putting in

words in my Address which do not exist at all, I suggest that the easiest thing for him to do is to get a dictionary or get somebody who knows the meaning of the words in the dictionary.

Hon. M. E. COX: Mr. Speaker, I am going to read the Resolution before I sit down again. I know what the word "rationalisation" means. As I have said on the last occasion, Mr. Goldenberg went into the sugar industry of Jamaica, investigated it and made recommendations. The hon. member referred to Mr. Goldenberg's recommendations and the very excellent results of them. I think over \$1 1/2 million was paid out to 40,000 workers in the industry after the recommendations were made, but it had its repercussions which were that between 1,000 and 1,500 people were put out of work at one place because the people in the industry began to use the mechanical loader. We cannot afford to have that with our employment situation as it stands today.

Mr. CRAWFORD: Mr. Speaker, I rise on a point of order. I think I was at pains to point out in the simplest possible terms that even a second standard boy would understand that Mr. Goldenberg's enquiry into the sugar industry of Jamaica came after experimentation had been made in Jamaica with the mechanical loading of cane and not before.

Hon. M. E. COX: Sir, I am going to pin him down on that despite what he says today or any other time. We are not as dumb as the hon. member thinks we are. This is the Resolution which he has before the House:-

"WHEREAS the future of the sugar industry is uncertain and there is therefore urgent need to place every phase of its operation on the most rational basis."

What does that mean? He goes on:

"BE IT RESOLVED that the Government take steps to invite the Sugar Enquiry Commission under the Chairmanship of Mr. H. Carl Goldenberg, Canadian economist-lawyer, which recently enquired into the sugar industry of Jamaica, with such excellent results for the workers and the cane farmers to undertake a most exhaustive investigation into all phases of the sugar industry in Barbados."

I do not have to ask anybody what "rationalisation" means. What does it mean by "operation of the industry on the most rational basis"? I say again that what happened in Jamaica was that hundreds of people, over 1,000 people, were put out of work as a result. Today, we in this country are faced with a situation as a result of the construction of the Deep Water Harbour where a large number of people has been put out of work. This Government has headaches, more particularly my Ministry, in trying to put people into employment, not only in this country but outside of this country, and would we be such fools to sit down now and agree with him to have all this rationalisation of the industry which would mean the reduction of factories in the first place and, secondly, mechanisation of the industry to the hilt?

Mr. CRAWFORD: Mr. Speaker, I rise on a point of order. I know that Your Honour was a good school teacher but you are not supposed to be a good school teacher to do this. I imagine in circumstances like this Your Honour is entitled to save members from making fools of themselves. If, Mr. Speaker, a member of this Chamber says, for instance, that the hon. junior member for St. James was talking rationally or making a rational speech, does that mean he is rationalising something? If somebody says that you should put this sugar industry on a rational basis, does it mean that you are rationalising the industry or that you are mechanising the industry? Can anything be more obtruse?

Mr. SPEAKER: The hon. member has the right to reply and to give your interpretation of the Resolution.

Mr. CRAWFORD: Does that mean that the hon. member is entitled to distort the meaning of words?

Mr. SPEAKER: The Hon. Minister is giving his interpretation.

Mr. CRAWFORD: As Your Honour pleases; but every time he attempts to distort what I say, I will rise. 2.55 p.m.

Hon. M. E. COX: When you are dealing with an industry and you talk about rationalising the industry.....

Mr. CRAWFORD: On a point of order. I said nothing about rationalising the industry.

Mr. SPEAKER: Is the hon. member speaking on a point of order?

Mr. CRAWFORD: I am speaking on a point of order. Putting the industry on a rational basis is putting it on a basis in so far as the profits of the industry are concerned. There is a difference between the word "rational" and the word "rationalise" in the sense in which the hon. member wants to use it.

Mr. SPEAKER: The Hon. Minister says if he, the hon. member, says he is going to rationalise the industry; that is only a supposition.

Mr. CRAWFORD: I did not use the word "if". Nowhere in this Address does the word "rationalise" occur.

Mr. SPEAKER: If the hon. member did not hear the word "if" being used, he would be incensed; but if he heard the word "if" he might not be incensed.

Mr. CRAWFORD: Nowhere in this Address is there any reference to rationalising the sugar industry. The hon. member is putting in the Address something which does not exist.

Mr. SPEAKER: The hon. member can defend his remarks.

Mr. CRAWFORD: And I will do so.

Hon. M. E. COX: When the hon. member referred to the word "rational" he meant a reasonable basis. How does the matter of sense get into that? In this Resolution as it stands where the hon. member spoke about putting every phase of the sugar industry on the most rational basis, does he refer to an individual? No, he is referring to the industry. It is not a question of how much brains an individual has or has not got. In so far as this word is concerned, it has a different application or relationship according to the particular item to which you are referring. We know that there is much unemployment in this island and everybody is concerned with the plight of the workers in this island. The Government is doing its best to find employment for people and we would be fools to talk about putting the sugar industry on the most rational basis. That would mean that the whole industry should be gone into as far as its operation is concerned, and it would be a question of the almost complete mechanisation of the industry and the reduction of the number of factories which now operate; the workers in the factory would be included as well.

I said that if the future of this industry were in any doubt or uncertainty, as the hon. member puts it, I am sure that the people concerned with this industry would know about it. You have the Sugar Producers' Association, you have the West Indian Federation, you have the Ministry of Agriculture in Barbados, in Jamaica and all over the place, and mark you, we are in a better position than Jamaica today as far as our sugar is concerned. I know that Jamaica, with a surplus of sugar has to accept three pounds per ton less for her sugar. There is an Agreement between herself and Canada where she would supply Canada with sugar for which Queensland has a quota. Canada pays something like six pounds per ton higher than the world's price or the free sugar price. Jamaica has got an arrangement with Queensland to allow them to supply Canada with sugar, but in turn she gains three pounds and loses three pounds in that of the six pounds per ton she only gets three pounds because the other three pounds have to be passed over to Queensland for accommodation, so to speak.

I have only mentioned that to show what is the position with regard to sugar in Barbados. We manufactured in Barbados the amount of 151,171 tons in 1956. At the negotiated price, we sold 123,726 tons and we sold 40,607.6 tons to Canada. We use in this island approximately 10,000 or 11,000 tons, so that you will see that as far as we are aware, we have nothing to fear. In 1957 we produced 204,525 tons of sugar and we sold 126,149 tons at the negotiated price. We sold 54,023.6 tons to Canada. Fortunately, in this year there was an artificial shortage and we were able to sell our free sugar at a higher price than we got for our negotiated price. In 1958 we produced 152,847 tons. We sold 21,497.2 tons to Canada and we had between 10,000 and 11,000 tons locally. We sold 127,290 tons at the negotiated price.

3.05 p.m.

In 1959 we had 184,152 tons of which 127,864 tons were negotiated and 37,536.9 tons sold to Canada. Then in 1960 we had 153,668 tons of which we sold 130,681 tons at the negotiated price and 19,299.3 tons went to Canada. In 1961 we had 159,542 tons and we sold 129,685 tons at the negotiated price, but I have not got the figures of what we sold to Canada. You will see therefore that as far as our production is concerned, there is absolutely nothing whatsoever to cause us to believe or feel that we are in any danger, difficulty or uncertainty whatever in so far as the sales of our sugar are concerned.

If for example, the member had brought this Resolution after the British Government had discussed this question of entering the European Common Market, then we might be tempted to feel that the sugar industry is in danger because you know of the preference which we have with the United Kingdom Government, and that perhaps, if ample protection is not given to us under this E.C.M. question, we may lose our preference. If he had brought this Resolution after those discussions, he might remotely have had some grounds for uncertainty as he expresses it; but he has not done that. I attended a meeting in Trinidad where we met Lord Perth and we were given the assurance that as far as we are concerned and in the matter of our primary agricultural product, the British Government in entering the E.C.M. would do everything that is humanly possible to ensure our products are protected. If he had brought this Resolution hearing now about the British Government entering the E.C.M., we might say there might be something in it. I ask again where is all this uncertainty, doubt and fear about the future of the sugar industry and yet the Trade Union, who represents the workers referred to in this Resolution, has said nothing at all about it?

The Trade Union in this Island is recognised as the bargaining body of the workers in this industry. That is appreciated by all of us although the member says he does not appreciate it. It is easy to have no organisation or Party but only to come along and say "I have got so and so for you" when there is any question of an increase; but any time they get a set-back in negotiations or any strike, then he has nothing to do with that. The member has a one-sided, one-tracked sort of function. When there are increases, he claims he has got them for the people but when the workers march in the streets as was done in the case with the *Advocate* for twelve weeks, starving and things of that sort, he is not responsible; the Government is. As soon as an agreement is reached, he gets up and says he did it, and the same thing applies to the sugar industry. They have no organisation or no Party and yet the first people to claim that they have done something are the very people who have no organisation at all.

I repeat, Mr. Speaker, that some people follow you blindly down a well. Whoever wants to follow them can go ahead, but they will soon find out their mistake, that all this is just hot air and, as the Minister of Agriculture has rightly put it, making a political football of the most important industry in this island by every now and again getting up and making wild, foolish statements which have absolutely nothing in them.

Let us look at the position in Antigua today. I am sure that all of us are aware of what is happening in Antigua. The factories say that they cannot carry on under these

conditions; they want subsidisation and everything else now. They want grants to run their factories; otherwise no canes will be ground. How then are the workers going to be fed? From where are they going to get the money? All these are problems we have to face and as soon as these mischievous people create this dissension and disorder, they get out of it, pass the buck and say: "It is the Government." As long as God gives me breath, whether or not I am inside or outside of this House, whenever I see these attempts to mislead the people and to fool them as is customary, I am going to nail these things on the head; it is up to the people then to do the rest, and I know that in process of time they will.

I want to repeat before I sit down, Mr. Speaker, that the sugar industry has been gone into on several occasions by this Government and the workers concerned — I refer to 1951 when for the first time in this country the people were able to get a production bonus. Before that time as you know, Sir, when the crop was finished the workers used to be put in a cart with some hibiscus flowers around the cart and on the mule's head and they were given some syrup water as a celebration that the crop was ended and everything was all right. When the hard times came along the workers were at a great disadvantage, but the managers and those higher up used to get \$1,000 or \$2,000 because they exploited these fellows who were able to help them to save a lot of money, and they could take a trip to England for six months and educate their children.

3.15 p.m.

But for the first time in this country, under this Government, as I quoted the agreement last week — and I have it here again this week — the workers of this island were given a production bonus and I know that some of them got a fairly handsome sum. Some got as high as nearly \$100, \$300 and that sort of thing. As a matter of fact, when we did it — I do want to cast aspersions on the Union — when the crop reached \$210,000, the workers got 26 1/2% production bonus. To date, the maximum of the production bonus for 171,000 tons is 14 1/2%. They go no further today than that and then it is 1 1/2% for every 5,000 tons over; but ours was 26 1/2% and anything further than that, that is to say for every 5,000 tons above just as what you get today, it was 1 1/2% for the addition. This is no attack on the Union because things change, nothing remains static.

I go back as far as 1945 when there was uncertainty as far as the industry was concerned, when we had to go through the length and breadth of the country and appeal to the workers to reap the crop. We told the workers that we would see to it that all phases of the industry would be gone into and we would see to it that they got wages which were commensurate with the work they did. While we did that an irresponsible person was telling them "Oh no! Do not reap those canes; those people are getting money from the wealthy people." I want to examine the position and see who get money from the wealthy people. We are not favourites of the wealthy people. The whole weight of criticism comes upon us. I do not want to say what I heard about one of those same people to whom help was given, but one of those noisy people in here received substantial help from one of those wealthy people.

Now, Mr. Speaker, we started from there on. We brought down Professor Shephard in 1946. He came and made recommendations. From then on, there was quiet and progress in the sugar industry. In 1951, we had this agreement which, as I have said on the last occasion, was regarded as the Magna Charta so far as the sugar industry is concerned. We had a little trouble in 1958 and we had it settled.

The hon. member talked about Mr. Gomes. Let me say that Mr. Gomes was Chief Justice of Barbados at the time, but he was in Trinidad attending the opening of the Federal Parliament and the Hon. Premier and I went to his home to discuss with him the possibility of getting a qualified person to come to Barbados to investigate the sugar industry with a view to settling the dispute which had arisen about wages. Mr. Gomes suggested one or two names, and so on. The hon. member got up with a straight face and said: "Oh no, I did it. I went to the Governor and told him to do so and the Governor did so." I wonder if the hon. member thinks that

we operate under any colonial system or that we are run by the Secretary of State for the Colonies. The Governor does not run this country any longer; we run it.

Mr. Speaker, again I repeat, that all the arrangements were made by us. I left Trinidad before the function of the Opening of the Federal Parliament was over. When I heard Rediffusion broadcasting that grinding of the crop was to a standstill, the next morning I left Trinidad. Of course, we had a cable from the Governor too. A Commission was set up. After the Commission was agreed to, the hon. member with a few of the others along with two cane cutters arranged to come to Government House. When they came to Government House they found the Governor and myself sitting down. When they came in and said what they were about, the Governor quietly told them that that was done already.

Mr. CRAWFORD: I did not care to rise before to contradict this issue of lies.

Mr. SPEAKER: Would the hon. member tell me what he is rising on?

Mr. CRAWFORD: I said on a point of order. Did you not hear? I said that I did not care to rise before to contradict this issue of lies.

Hon. M. E. COX: I object to that.

Mr. SPEAKER: I need no prompting. The hon. member has objected to the remark "to contradict this issue of lies" which is unparliamentary and cannot be said in Parliament. I therefore ask the hon. senior member for St. Philip to withdraw that remark.

Mr. CRAWFORD: As Your Honour pleases, I would like to say instead, that it is not true. The hon. member is actually telling lies on the Governor apart from telling lies on the issue itself.

Hon. M. E. COX: I object to that.

Mr. SPEAKER: I ask the hon. senior member for St. Philip to withdraw those remarks.

Mr. CRAWFORD: The hon. member said that the matter was fixed already and the Commission was agreed to. Not one word of that is true.

Mr. SPEAKER: Will the hon. member withdraw those words?

Mr. CRAWFORD: As Your Honour pleases. It is an absolute fabrication that the delegation from the Democratic Labour Party went to Government House after the Commission was agreed to.

Hon. M. E. COX: Mr. Speaker, I rise on a point of order. My vocabulary is very limited but that is a similar way of telling me that I am a liar.

Mr. SPEAKER: The hon. member objects to that remark also. The hon. senior member for St. Michael has asked that the statement "that is an absolute fabrication" be withdrawn.

Mr. CRAWFORD: As Your Honour pleases. What I am saying, Mr. Speaker, is that the statement made by the hon. member in this debate springs entirely from his fertile imagination. It is absolute incorrect to say that the Democratic Labour Party Delegation with some cane farmers went to Government House and the Governor said that the matter had been fixed already.

Hon. M. E. COX: What did he say?
3.25 p.m.

Mr. CRAWFORD: That is not true. Furthermore, it is not true to say that when the delegation went to Government House, a Commission of Enquiry was already appointed. That is not true.

Hon. M. E. COX: I will not commit the same offence as the hon. member. All I say is that this matter was done

before they got to Government House. I made a broadcast over the radio and everybody knows that. Where was the hon. member? When did they go to Government House? What is the hon. member talking?

Mr. CRAWFORD: On a point of order. What is the broadcast over the radio to do with this matter? They let down Sir Grantley Adams; that is all they did.

Hon. M. E. COX: The broadcast said that the Government was actively engaged in the appointment of a Committee. I am annoyed by the hon. member getting up all the time.

Mr. SPEAKER: I must settle the question of a point of order. Let me make this point crystal clear to hon. members. It is the duty of the Chair to settle points of order and I must not anticipate points of order. I must hear what the hon. member has to say before I deem it a point of order or not. I will not anticipate anything because that would be unfair to an hon. member.

Mr. CRAWFORD: My point of order is this. When the Democratic Labour Party's delegation went to His Excellency the Governor on the matter, we had no intimation at all that the Governor was establishing any Commission to enquire into the dispute.

Hon. M. E. COX: What does that mean? It means absolutely nothing. Were we to write them or interview them and tell them that we were setting up a Board of Enquiry? I have not heard such nonsense in all my life. Because they were unaware of it....

Mr. CRAWFORD: On a point of order. No member of the Democratic Labour Party is suggesting that the Government should write us or ask us anything. The hon. member said that the Governor told us when we got there that all of that dispute had been already settled. The Governor said absolutely nothing of the kind, and he could not have said it because nothing was done.

Hon. M. E. COX: It is my word against his.

Mr. CRAWFORD: My word against his is one hundred times different but there are people in this Chamber who were present....

Hon. M. E. COX: I know that my words in this island would be accepted against the hon. member's. The records of this House will show that. However, Sir, I have dealt with this matter at length and I have convinced those who have heard me on this matter, even the hon. member's supporters. As I said earlier, this is a question of cheap politics; this is one of the regular hardy election stunts which are being thrown up from time to time. I was looking at the records and I noticed that in 1956 a similar thing was brought before the House by the same hon. member. He used to ride on the emigration horse, but that horse is dead now. He is nothing to do with emigration now; the Government has completely taken everything over and handled it.

Mr. CRAWFORD: On a point of order. The records as to the question of emigration raised in this House are there and nothing which the hon. member can say can detract from them.

Hon. M. E. COX: I have the 1947 debates with me now in which Mr. H. W. Springer dealt with the hon. member. The hon. member did not shape so well there.

Mr. CRAWFORD: I have all the debates.

Hon. M. E. COX: As I said, Mr. Deputy Speaker, there can be absolutely no question of any uncertainty about the sugar industry as the hon. member puts it. I want again to point out that the Trade Union knows nothing about that, the Sugar Producers Federation knows nothing about any uncertainty in the sugar industry and they are the people concerned. I do not think the hon. member plants sugar canes now. He had a few boys up there but they found out that it was better to go to school than to work on his farm.

Mr. CRAWFORD: On a point of order, I did not hear what the hon. member said.

Hon. M. E. COX: I said that if there was any trouble or uncertainty about the sugar industry the Trade Union and the Sugar Producers' Federation would know about it.

Mr. CRAWFORD: On a point of order, it caught my ear that the hon. member said something about my employing little boys. Is the hon. member afraid of repeating what he said now?

Hon. M. E. COX: I was a man ever since; I cannot be twisted and turned about. I am not afraid of anything; I was not afraid when I went to the parish of St. Philip and stones were being thrown. I held my own at the microphone. 3.35 p.m.

I repeat for the last time, Sir, that the sugar industry has a guarantee of eight future years, and every year when the Council meets, another year is added. I read from the Commonwealth Bi-Monthly Survey of Colonial Affairs of 1952 when the Minister of Food made a declaration of the security of this sugar industry. I repeat that if there were any trouble or any uncertainty whatever, the Producers' Federation would know and would not have gone to him; they would have informed the Government of it through the Ministry of Agriculture, and would have sought the assistance of the Government on that question. They would not be so silly as to go to him because I think they know him too well. The Union in turn would also have known that the future was uncertain; and we as a Government, more particularly the Minister of Agriculture would have known. All of this uncertainty is only revealed to the hon. senior member for St. Philip and nobody else. I repeat that this is one of the regular stunts which come up in this House of Assembly from time to time, which the member brought in 1956 just immediately prior to the election date, and is here again with us now because this is election year.

With those remarks, I think I have given the member sufficient time to finish his speech today if he wants to do so. I think I have made the position clear not only of the Government but as far as the sugar industry is concerned, and I am sure that nothing the member says will convince intelligent person as to the uncertainty, as he says; and, least of all, no person who is interested and has Barbados at heart would at this time suggest any question of rationalising the industry, bearing in mind that rationalisation means the reduction of factories, and consequently factory workers and the mechanisation of the sugar industry.

Mr. CRAWFORD: On a point of order, even although the hon. member is singing his swan song....

Mr. SPEAKER: I do not want a comment on his speech as a point of order.

Mr. CRAWFORD: The point of order is that despite the absolute incapacity of the member to understand the wording of the Address, I still rise again to repeat and to reaffirm that nowhere in this Address is one single word said about the mechanisation of the industry or its rationalisation.

Hon. M. E. COX: I agree that nothing about mechanisation is put in the Resolution, but certainly the word "rationalisation" is in the Resolution.

Mr. CRAWFORD: That is not true.

Hon. M. E. COX: The Resolution says "on the most rational basis".

Mr. CRAWFORD: To put the phases of the industry on a rational basis.

Hon. M. E. COX: "Rational" is the adjective and "rationalise" is the verb. However, I will again repeat that I have put the position quite clearly and squarely that there is absolutely no truth or foundation of fact in the Resolution which is before us that the industry is in a state

of uncertainty, and therefore the necessity for having this enquiry.

Mr. SPEAKER: Does any other hon. member want to speak before the Hon. Mover replies?

Mr. CRAWFORD: Mr. Speaker, I must say that it was most generous of the hon. member to suggest, by stopping at a quarter to four, that he has given me time to finish my speech today when he has taken the time of this House on about four or five different occasions — each of duration of more than an hour — in meaningless and senseless diatribe on the matter before the House. I do not propose today to begin by replying to some of the most manifestly absurd remarks made by him; I want to begin from the beginning and to quote the remarks made by the Minister of Agriculture on this matter and to reply to them first and foremost. Some of the remarks of the Minister who has just sat down when taken alongside remarks made by the Minister of Agriculture remind me, for instance, as if a jackass were on a hill, the two front legs are going up the hill and the two hind legs are coming back behind, because the Minister of Agriculture spoke at length about the threat to West Indian Sugar by beet sugar, and the Minister who has just replied said there is absolutely nothing threatening the industry, there is no uncertainty for the future, and therefore there is no cause for concern. However, these things will be dealt with in the appropriate time and in due course. (Hon. M. E. COX: I have documents.) I am not concerned with documents; I am merely saying that the two Ministers do not know what they are saying. One says that there is no uncertainty and the other talks about the threat of beet sugar and that he had some gentleman in his office talking about beet sugar; but I will come to that later on.

When the Minister of Agriculture first began his speech, Mr. Speaker, he said "An enquiry by Mr. Carl Goldenberg? Who is he?" He almost touched the ceiling asking who is Goldenberg. Let me begin by explaining for his benefit who is Goldenberg. Mr. Goldenberg is a Canadian Economist/Lawyer who was invited to the West Indies in 1959 by the Trade Union in Jamaica and the Government of Jamaica to head an enquiry into the sugar industry there. Subsequently, Mr. Speaker, he was also invited to Trinidad to represent the Union in an arbitration inquiry in that country. In the Jamaica inquiry he was associated with a very eminent firm of Canadian Accountants, and in Trinidad he was associated with Mr. Derek Knight, Barrister-at-Law in Grenada, and the workers' representative from St. Lucia. The results of his investigation into the Jamaica inquiry are well known. He recommended an increase of 12 1/2% in wages for 1959 and 12 1/2% in wages for 1960 for Jamaican agricultural workers. 3.45 p.m.

When the representatives of the enquiry into the Trinidad sugar dispute had reported, the President of the Union, Mr. Geoffrey, said that his Union had benefited considerably through going to the Goldenberg arbitration; in other words, in both instances the workers in the industries concerned benefited from the exercise.

Well now, both the Hon. Minister of Agriculture and the last Minister who spoke have tried to convey the impression that the mechanisation of the industry had arisen as a result of the Goldenberg enquiry. They have tried to say that after the Goldenberg enquiry there was increased mechanisation of the industry. Mr. Goldenberg conducted his enquiry into the Jamaica sugar industry in 1959. These are the figures for participation by workers in the Jamaica sugar industry. In 1954 — that is before Mr. Goldenberg's enquiry — 45,226 workers were employed in Jamaica in crop. By 1958, the year before Mr. Goldenberg came, this number had dropped to 42,404. In 1955 there were 26,728 employed out of crop and by 1958 the number had dropped to 23,992. That was one of the reasons — the other reasons I will get to later — why Mr. Goldenberg was invited to come down to investigate into all phases of the industry in Jamaica. There were ideas of mechanisation of the industry previous to the bringing down of Mr. Goldenberg. In 1957, the West Indian Sugar Council in Jamaica experimented both with mechanical cane-cutters and mechanical cane-loaders

at a factory called Monymusk. That was in 1957 and there was no Mr. Goldenberg on the scene yet.

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

I was saying, Mr. Deputy Speaker, that in 1957, the Jamaica sugar factories began to experiment in mechanisation and at a factory called Monymusk they introduced mechanical cane-cutters and mechanical cane-loaders. This was an attempt to mechanise the industry and, as I have pointed out, with the decreasing number of employees in the industry, that is what led up to the introduction of Mr. Goldenberg on the Jamaica agricultural scene.

Later on I propose to show that the stage which we have reached in Barbados today makes an enquiry into the industry just the same as what they had to do in Jamaica. I have quoted figures to show that there was wide-spread decrease in the number of workers employed in the sugar industry in the years before Mr. Goldenberg came down because I wanted to establish beyond the slightest shadow of doubt that it is completely untrue and incorrect to say that mechanisation of the sugar industry in Jamaica began after the Goldenberg enquiry.

Hon. M. E. COX: Mr. Deputy Speaker, I rise on a point of order. I am sure neither the Minister of Agriculture nor I have said that mechanisation only began after Mr. Goldenberg went there. What I said is that after the Goldenberg recommendations, approximately 1,500 people were put out of work by mechanical loading and I asked the hon. member to say whether that is true or not.

Mr. CRAWFORD: Mechanical loading and mechanical cane-cutters began in Jamaica in 1957. In other words, the number of workers in the industry decreased from 1957. It was because this mechanical loading and mechanical cane-cutting were going on in the industry and because the number of workers was decreasing that Mr. Goldenberg was brought out. They said: "You are mechanising the industry and employing less people; therefore, it follows *ipso facto* that more profits are going to the industrialists and machines; and since we have no means of finding the figures involved, let us have a proper enquiry."

That was the simple approach to the matter which a blind man on a trotting horse can see. I am going to show that the sugar industry in this country is almost at the same stage. Let me say now that we are going to have a sugar enquiry soon, as sure as day comes, and nobody on that side of the House can stop it. Not even the present Prime Minister of the West Indies in his heyday was big enough to stop it when I said that there was need for it. What I imply, therefore, is that the little pigmies over there cannot stop it; and the Ministers over there will see, Mr. Deputy Speaker, that we are going to have this enquiry into the sugar industry for the reasons which I am going to outline.

Hon. M. E. COX: Mr. Deputy Speaker, I rise on a point of order. The hon. member was saying that the recommendations of Mr. Goldenberg was for the payment of increased wages to the workers. I refuted that and said that as a result of the recommendations by Mr. Goldenberg over 1,000 people, nearly 1,500 people, were put out of work and I asked the hon. member to say whether that is true or not.

Mr. CRAWFORD: That is not true. Mr. Goldenberg did not make any report with regard to the mechanisation of the industry. That is what the Hon. Minister does not understand. Mr. Goldenberg's recommendations were with regard to the wages of the workers. Sir, it seems as if you have to repeat something 1,000 times before people of childlike mentality can understand what you say.

3.55 p.m.

It is the process of mechanisation in the Jamaica industry, the introduction of mechanical loading and cane cutting beginning in 1957 at Monymusk Factory that made them bring down Mr. Goldenberg. He had no power to stop this process and all he did was to make a recommendation and clear out. The only person who could have stopped this mechanisation was the Government, and if the Government did not see fit to stop it, obviously in every succeeding year more people would have been thrown out of work. In 1961

you would have more people thrown out of work if the process is not stopped. Every year in this island we employ less persons as I will show later on. The hon. member can speak for himself, he does not know what the Minister of Agriculture said on this question of bringing down Mr. Goldenberg. I think I will quote from the hon. member's speech when he is here. I prefer to let my remarks in reference to his speech remain over until he is here.

When this debate began I made it perfectly plain why I thought an investigation into the sugar industry was needed here. I pointed out that the position of the Sugar Industry in Barbados, in Trinidad and in Antigua.....

Hon. M. E. COX: On a point of order. May I be informed as to when the debate from which the hon. member is quoting now, took place?

Mr. CRAWFORD: I do not know what the hon. member is talking about.

Mr. DEPUTY SPEAKER: Is the hon. member quoting from a debate?

Mr. CRAWFORD: I particularly said that I would not quote from the speech of the Hon. Minister of Agriculture until he is in his place.

Hon. M. E. COX: It is the Hansard from which the hon. member is reading.

Mr. CRAWFORD: Mr. Deputy Speaker, did you not hear me say that I would refrain from quoting the remarks of the Minister of Agriculture until he is in his place?

Hon. M. E. COX: The hon. member said that he would wait until the Hon. Minister of Agriculture returned before he would quote his speech. What I am saying is that the hon. member is quoting from a document which is a debate which took place during this Session of the House. The hon. member cannot do that.

Mr. CRAWFORD: Mr. Deputy Speaker, am I to understand that I cannot refer to the remarks made by the Minister of Agriculture during the course of this debate? I am asking Your Honour for a ruling on that.

Mr. DEPUTY SPEAKER: The question is whether the debate is a debate which took place during this Session or another Session.

Mr. CRAWFORD: I am replying to the remarks made by the Minister of Agriculture during this present debate.

Mr. DEPUTY SPEAKER: The hon. member may proceed.

Hon. M. E. COX: No! No! Sir. That is a violation of the Rules of this House. No hon. member can quote from a debate which has taken place in this Session. If he is referring to what has taken place, well, that is another matter. The hon. member is quoting from what he himself has said and he is violating the Rules of this House. No hon. member can do that; I will give you the appropriate Rule in a minute.

Mr. CRAWFORD: I have not got to read what I have said because I know what I said. I said that I will refrain from quoting the remarks of the Minister of Agriculture until that Minister is in his place. I am saying that reference can be made to the Minister's remarks in this debate during the course of my reply; if I cannot do that, then it will be reducing the debate to a farce.

Mr. DEPUTY SPEAKER: If the hon. member is referring to this same debate he is in order.

Hon. M. E. COX: Mr. Deputy Speaker, I want to get the records straight. Rule 26 (11) says this:-

"No member is to allude to any debate of the same session upon a question or Bill not being then under discussion, except by indulgence of the House, for personal explanation."

Mr. DEPUTY SPEAKER: The hon. member is referring to the present debate which is going on.

Hon. M. E. COX: He cannot read from the debate which is going on now. He can refer to it but he cannot quote from it. I have been discussing a debate on a Resolution in connection with the setting up of single member constituencies; I wanted to get in something and His Honour the Speaker ruled me out of order. However, it is a matter for Your Honour.

Mr. DEPUTY SPEAKER: What is the Rule to which the Hon. Minister is referring?

Hon. M. E. COX: I am referring to Rule 26 (11).

Mr. DEPUTY SPEAKER: Rule 26 (11) says this:

"No Member is to allude to any debate of the same session upon a question or Bill not being then under discussion, except by indulgence of the House, for personal explanation."

I take it that this is a matter which is being now under discussion.

Hon. M. E. COX: I will go a little further and read Rule 26 (12). The Rule says this:-

"A Member may read from the authorised report of the debates, the report of any speech made in the General Assembly during any previous session."

4.05 p.m.

Alluding is not really reading.

Mr. DEPUTY SPEAKER: It is the number you quoted.

Hon. M. E. COX: With great respect it is for Your Honour to know the Rules and to see that they are carried out.

Mr. DEPUTY SPEAKER: But not for one to try to mislead the Chair.

Hon. M. E. COX: I never attempted that. I should have read Rule 26 (12) which is the right one.

Mr. DEPUTY SPEAKER: Then I will read it for the benefit of the hon. member.

Hon. M. E. COX: Not for me, Sir, because I am aware of it.

Mr. DEPUTY SPEAKER: Rule 26 (12) reads as follows:

"A member may read from the authorised report of the debates, the report of any speech made in the General Assembly during any previous Session."

Mr. CRAWFORD: Mr. Deputy Speaker, what are we coming to? Has he found out which number he means yet? Secondly, has anything he read there demonstrated that what I have done is impolite? To recapitulate, I was saying that it is an absolute fabrication to say that the Goldenberg Inquiry has resulted in any large scale mechanisation of the industry in Jamaica. I have already quoted the figures to show that between 1954 and 1958 there was a considerable decrease in the workers in the sugar industry in Jamaica, and the Union felt that since there had been this large-scale mechanisation with mechanical cane loaders and mechanical cane cutters, it was high time an inquiry was conducted to find out where the additional profits were going, and whether a fair share of them was accruing to the workers. That is where Goldenberg came in, and therefore the statement of the Minister of Agriculture and the Minister of Trade that the inquiry would lead to this whole scale mechanisation is not true, because Goldenberg had nothing at all to do with mechanisation.

Hon. M. E. COX: I never said that an inquiry would result in whole-scale mechanisation.

Mr. CRAWFORD: I never said that he said so. I said that the Minister of Agriculture said so.

Hon. M. E. COX: I never said, Mr. Deputy Speaker, that an inquiry by Mr. Goldenberg would result in a large-scale mechanisation. I will repeat what I said, and it is as a result of the inquiry and the recommendation made and the fulfilment of those recommendations, nearly 1,500 people were out of work in so far as loading canes was concerned, because they load canes by mechanical equipment.

Hon. D. D. GARNER: On a point of order, I am not denying anything I have already said. Quite recently I was in Jamaica and I saw for myself that because of Mr. Goldenberg's visit there, certain parts of the country were highly mechanised, and it meant doing away with thousands of workers in the fields and in the factories. I said that that was a direct result of the enquiry by Mr. Goldenberg.

Mr. CRAWFORD: That is what I am saying is not true. This is the fundamental core of the debate and therefore I am going to spend as much time as is necessary to get it straightened out. Goldenberg's recommendations dealt exclusively with wages. He recommended 12 1/2% increase for 1959 and 12 1/2% increase for 1960, but I said that before Goldenberg came down, the Trade Unions in Jamaica were concerned with the reduction of the workers in the Jamaica sugar industry and I quoted the figures. They were reduced from 45,000 in season in 1954 to 42,000 in 1958, and from 26,000 out of crop in 1955 to 23,000 in 1958. Mechanisation of cane loading and cane cutting began before Goldenberg. To be precise, Mr. Deputy Speaker, the mechanisation of cane cutting and cane loading began in 1957 in Monymusk estate in Jamaica. Goldenberg only came down in 1959, so that when both those Ministers get up and try to create the impression that if you have an inquiry by Goldenberg you are going to put people out of work because you are going to have mechanisation, that is a distortion of the facts and they do not know what they are talking about.

Hon. D. D. GARNER: The hon. member is labouring the fact that what I have said is not true. What do you think these people had an inquiry for? They had an inquiry because they were getting discontent among the workers; they were on the other hand forced to pay more wages and salaries, and therefore I have not the slightest doubt that Goldenberg told them that if they wanted to satisfy the people to get rid of the workers, mechanise the place and make their money. That is what I am absolutely convinced of, and that is what I was told in Jamaica, and any man who knows what he is talking about would say that. They were being pressed by the Union to give more money and he might have told them that the land is theirs; they hire these people; therefore they could mechanise and get rid of a lot of them, and be able to pay better wages to the remaining ones. That is the gist of the whole thing.

Mr. CRAWFORD: Can anybody be so stupid? It is all well and good, Mr. Deputy Speaker, if you are talking with some people outside who cannot think and you can push anything down their throats. I have told the House that the mechanisation of the industry in Jamaica began in 1957. I repeat that they had mechanical cane loaders and cane cutters at Monymusk estate in 1957 before Goldenberg, and that the Union pressed for the enquiry by Goldenberg because of this wide-scale mechanisation which the sugar industrialists had introduced. What I am telling him now, he can cable to Jamaica and find out in time for next Tuesday's meeting of the House, and then he can come and contradict me, but not before. Let him cable to the Minister of Agriculture in Jamaica and he will be told that they began mechanical cane-cutting and cane-loading in Jamaica in 1957. (Hon. D. D. GARNER: I have all the facts at home.) Why come here and try to fool somebody that if you have an inquiry by Goldenberg you will get mechanisation?

4.15 p.m.

You come in here and try to fool somebody. That is what the Minister of Agriculture is trying to do. I am calling his bluff. Mr. Goldenberg came down to Jamaica

in 1959. The Union made out this case for his enquiry because they were alarmed over the decrease in the number of people employed in the sugar industry and the Goldenberg enquiry was conducted on the basis of finding out whether or not the industry could pay more wages arising out of the mechanisation of the industry and arising out of other things which I would get to later. After the enquiry it was discovered that they could give a 12 1/2% in 1959 and 12 1/2% in 1960. Mr. Goldenberg came in on the scene when the mechanisation process was going on. He could not stop it; he was not the Jamaica Government. If since then more mechanisation has gone on, only the Jamaica Government headed by Mr. Manley can stop it. Mr. Goldenberg could not stop it and, therefore, an enquiry into the industry which resulted in recommendations for increased wages for the workers had nothing at all to do with whether or not further mechanisation of the industry goes on.

What is happening in this country is that the opposition to this Resolution is to be found on that side of the House. The opposition to this enquiry would not be so vehement even by the capitalists themselves. The sugar industrialists in this House and outside of it are the people who have to be afraid of an enquiry into the industry. I will explain what is the reason for this opposition by the Minister of Agriculture although it is felt by the people, even by planters and sugar factory owners, that the industry is in a condition which demands investigation. The reason why certain members on that side are dodging the issue is because they are hoping to woo the planters' votes at the coming general elections.

Hon. D. D. GARNER: Mr. Deputy Speaker, I rise on a point of order. Who can control who would vote for me or who would not vote for me? Why would not the hon. member come straight to the point? The hon. member has walked through the whole of St. Philip and has said that I do not want this because the planters would vote for Garner. What is wrong about that? The hon. member is making sport.

Mr. CRAWFORD: The fact that the planters vote for him is the reason why he does not want anything which would tread on their corns.

Hon. M. E. COX: Mr. Deputy Speaker, I rise on a point of order. I hate to interrupt the hon. member. I heard the hon. member say that this enquiry is purely a question of getting votes. I would like to remind the hon. member of what he said.

Mr. CRAWFORD: Sir, he is misquoting me.

Hon. M. E. COX: The hon. member has stated "with such excellent results for the workers and the cane farmers" in the Resolution. What is he trying to say?

Mr. CRAWFORD: Who is meant by cane farmers? It means the peasant proprietors of this country.

Hon. M. E. COX: He is a peasant and he would benefit from it.

Mr. CRAWFORD: The hon. member does not know what he said. He said absolutely nothing at all. To begin with, Sir, when I introduced this resolution, this is what I said. At the beginning of the crop last year, the Union got an increase of 15% in wages for workers in the sugar industry. Now, throughout the island workers expected that the 15% would occur throughout the year. As a matter of fact, as I explained in my opening remarks, the reason for bringing this Resolution before the House springs entirely from that agreement. This is what I said earlier.

Hon. M. E. COX: Sir, I rise on a point of order. An hon. member must not read from the *Official Gazette* and that is what he is trying to do. He had it in his hand.

Mr. CRAWFORD: Mr. Deputy Speaker, I am saying that when I tabled this Resolution I said that the workers in the sugar industry had represented to me at the beginning of the crop last year that the Union had secured for them an increase of 15%. Their impression, when they saw

this 15% increase published, was that the 15% would apply to work throughout the year. It did not. It only applied to day's work. In St. Philip and other parishes most of the work is done by job work and, therefore, the workers did not really get any benefit from this increase because they get very little work as day's work. Representations were made to me in the parish of St. Philip and also in Lodge Road, Christ Church, that this 15% increase was of no use to them since they were working by the job and not by the day.

Hon. M. E. COX: I have the agreement here.

Mr. CRAWFORD: Does that mean that what I am saying is wrong? When I tabled this Address the workers in the sugar industry felt what was the use of getting the 15% increase when they were doing job work and not day's work. The Minister cannot tell me that I am incorrect. What I am saying is absolutely true.

Mr. DEPUTY SPEAKER: The hon. senior member for St. Michael must not cross talk.

Mr. CRAWFORD: Let the hon. member get up and say what I am saying is not correct. The people in the industry did not get the 15% increase because they were not given any work to do by day's work. If the people in the industry took the Union for a ride, that is their business but I am here to represent the people who vote for me every year.

Hon. D. D. GARNER: I rise on a point of order. Mr. Deputy Speaker, what the hon. member is saying is misleading this House. How can he stand there and say that the workers in the sugar industry did not get an increase last year? I do not think he can bring one agricultural labourer who is in his right sense to substantiate any remarks which he has made. I will say this.

Mr. DEPUTY SPEAKER: The Hon. Minister has established his point of order.
4.25 p.m.

Mr. CRAWFORD: I repeat that the Union got a 15% increase in wages last year in respect of day's work. Most of the jobs on the estates like digging cane holes and making hedgerows - most of the work is done by the job.

Hon. D. D. GARNER: On a point of order. When the hon. member talks about cane holes being dug as job work, they have always been dug as job work and when the price of these things go up, the wages go up. When the workers got \$1.20 last year the price went to \$1.40 as a result of the increase in day's work. The hon. member just does not know what he is talking about.

Mr. CRAWFORD: The Minister knows what he is talking because he knows that somebody digs cane holes by the day.

Hon. D. D. GARNER: By the hundred.

Mr. CRAWFORD: Most of the work on the estates today is done by the job; and representations were made to me that since the workers are not doing day's work they are not getting a 15% increase. Any fool can understand that. The Union said that they got a 15% increase on day's work. You are doing job work and how can you get a 15% increase? That was the point of the contention.

Hon. D. D. GARNER: That is not true. You are batting on a bad wicket.

Mr. CRAWFORD: You were bowled out for nought.
At this stage, it being now 4.30 p.m. of the clock,

Mr. DEPUTY SPEAKER: It is now 4.30 p.m. of the clock and it is time for the resumption of Government Business.

REVERSION TO GOVERNMENT BUSINESS CASUAL EMPLOYEES PENSION BILL

Mr. DEPUTY SPEAKER: On the last occasion of Government Business, the Hon. Leader of the House was

speaking on the motion for the second reading of a Bill to provide for the grant and payment of pensions and gratuities to persons who have been employed on a casual basis in the service of the Government.

Hon. M. E. COX: Mr. Deputy Speaker, I was dealing with the point of the computation of the pension which it is intended to pay these casual employees under this Bill. Clause 12 (2) of the Bill points out the manner in which the computations are to be made. The pension will be computed as is done at present, that is, on the pensionable emoluments earned by the employee during the last year or the last three years of his employment before he retires. The reason for that is this: during the last year of his employment, his wages might be higher than the average of the three years and, on the other hand, his average of the three years might be higher than that of the last year during which he was working. That provision has been put there so as to protect the individual so that he can get the better of it. As I have already said, that is provided for in Clause 12 of this Bill. That pension will be computed on 220 days per year instead of 250 days as is the case at the present time.

It has been pointed out that this method of computation might work to the disadvantage of some workers, but it will also work to the advantage of many workers. As a matter of fact, I cannot envisage many workers losing anything as a result of this Bill and, on the other hand, many workers will gain as a result of this Bill. From the average which we have seen from time to time, many workers may not be able to get in 220 days, but whether they get in that 220 days or not, if they put in 100 days in the last three years their pension will still be computed on the 220 days.

As far as the computation is concerned, Bank Holidays are also included in the 100 days. The Bill says that where an employee has put in not less than 220 days in each year and has held the same form of employment or has been transferred from one form of employment to another without any change of emoluments other than the grant of any scale increment, the emoluments to be taken shall be the emoluments enjoyed by such employee in respect of his employment for 220 days in the year immediately preceding the date of his retirement. Then a table is given. The table shows the wage of 240 days which is the last three years of his employment. You get the pensionable amount of 220 days. The second table is 250 days by two and 200 days by two. Two years will be two hundred days each and that is multiplied by two; you discount the extra thirty days and you put all the three years of two hundred days which gives four hundred and forty dollars pensionable computation.

There is also another table which refers to the position where an individual has changed his employment. He gets a higher wage under that change and therefore the pension is computed in this way to give $1/3$ instead of $1/60$. In the first set-up he will get $1/3$. The figures 240×2 , 200×2 and 220×3 give a total figure of \$1,540. Taking that figure of \$1,540 divided by 3 gives you 513.4, 35 p.m.

If there is a change he would not get \$444 as under the former job, but a higher amount under the job which gives him a greater wage, not as I said, by increment but by change of work. If for instance he was working in the gang with the cantoniers and was promoted to Supervisor or something like that, he would get one-third instead of one-sixtieth of his emoluments. A little further on, Mr. Deputy Speaker, there is a slight amendment which I propose to make in Section 14 when we go into Committee. Hon. members will see under the 1947 Pensions Act that an individual loses his pension if he is convicted and serves any period of twelve months imprisonment with hard labour. I do not know if it is an oversight in this case, but you will see in Section 14 (1) of this Bill that it reads "where an employee to whom a pension has been granted under this Act is sentenced to a term of imprisonment exceeding twelve months by any Court for any offence, such pension shall, if the Governor-in-Executive Committee so directs, cease as from date as the Governor-in-Executive Committee may determine." The words "with hard labour" have

been omitted from this Bill, and I propose when we go into Committee to include these words so as to make it uniform and make it apply to everybody. I would hate to think that we were discriminating against anybody in this case, and more particularly those persons in the lower bracket.

Mr. Deputy Speaker, I think that those are the most important parts of this Bill and I hardly think it is necessary to say much more on it. I would like to conclude by saying that this Bill no doubt will bring in many persons who through no fault of theirs have never qualified for a pension due to cessation of work or, maybe, ill health. As I said, I have known of quite a few cases which have even resulted in the death of the individual; their personal representatives have made applications but nothing could be done in view of the fact that the individual did not comply with the Regulations as are stipulated in the Act. When this passes, all those persons who would more or less have failed to qualify will now qualify. As I mentioned earlier, even if the individual has what is regarded as broken service, if he is laid off under this new Bill, that would not be regarded as broken service as long as he turns up when the Head of the Department sends for him within seven days. As you will see from the Bill, we will not count the day we send for him, neither will the day when he shall have turned up or the day before be counted; he must have seven clear days to turn up when the Head of the Department sends for him.

This Bill, as I said, Mr. Deputy Speaker, will relieve quite a few people. I think there is justification for this Bill in that it is taken for granted that persons who work in the Government contribute, whether or not they receive it, part of their wage to some sort of Pension Scheme. It is felt that approximately 25% of one's earnings is always withheld to be paid by way of pension. The casual workers in this case do not receive a higher pay than the permanent workers, but when they fail to qualify under the 250 days as is set out, they do not get any gratuity or pension; I should say "no pension" because gratuity was not provided for under the regulation or instruction. As this now stands, they are entitled to a gratuity and a reduced pension just as any other employee or just as a permanent employee or officer of the Government.

I want to say here and now that as Chairman of that Committee I have had the utmost co-operation and assistance from the Committee, and as I mentioned earlier this morning everybody will no doubt agree that the Auditor General particularly is a gentleman from his head to his feet, and a man of vast sympathy as far as these casual workers and workers as a whole are concerned.

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

Hon. L. StA. THORNE: I beg to second that.

Mr. TALMA: Mr. Deputy Speaker, before the question is put, I think it is only proper that some member of the Opposition should express total agreement with the principle of the Bill and commend the Government for at long last taking some tangible step in doing something concrete or appearing to be doing something concrete to assist this forgotten class of worker, the casual employee. Now from time immemorial individual cases among casual workers have been dealt with from time to time, and any amount of injustice has been meted out to these forgotten cases. In that I mean, Sir, that in certain cases representations were made at the right time and the right place and their cases were taken up, but in many other cases many people worked for the ten years and never got a gratuity.

Although I am not blowing my own trumpet, if you look at Question No. 54 on the Order Paper, you will see that I had the privilege on 18th April this year of asking a question in connection with a casual worker formerly employed in the Public Works Department by the name of Cecil Norland Simmons of Welches Terrace, Kingston + Road, St. Michael who had rendered continuous service from 1921 to 1940 and received no gratuity, pension or anything at all. 4.45 p.m.

That was after nineteen years of service.

On the 4th August, this year, I again drew to the attention of the House to the case of Mr. Quintyne Lashley of Sayes Court, Christ Church, who is being regarded as a casual worker at present, although in truth and in fact he is not a casual worker but a permanent employee. Hon. members can refer to Question No. 68 and they will see what I asked. I asked if the Minister was aware that Mr. Quintyne Lashley of Sayes Court, Christ Church had worked as a foreman of the Sayes Court Agricultural Station for a continuous period of 15 1/2 years, part of the service with C.D. & W. and the other with Government but has received no such pension after retirement.

There are many such cases; but now this Bill is being put on the Statute Book so as to protect casual workers generally, it is to be hoped that no hardship will be meted out in the future to these forgotten people. It is because of that that I commend the sub-committee that sat on this matter and I hope that no misinterpretation will be placed on this Bill so as to exclude these cases which this Bill is intended to cover. I know that if this Bill is left to certain petty Heads of Government Departments, they will try to misinterpret things and would place an entirely different construction on the Bill from what the Government intended. I hope that Departmental Heads would make the computations according to the Bill and according to all the points explained by the Hon. Minister. I hope that in the administration of the Bill the letter of the law will be adhered to and no misinterpretation of it would be placed by any petty Head who abuses any little power which he has. The casual worker has to fight his case practically all the time on his own behalf and to see that he gets full redress and full assistance for every day which he puts in. I am asking the Government to see that the Bill is strictly enforced and that the ones whom it intends to help will receive full benefit from it.

The Hon. Minister referred to the policy of the Government since 1953. The policy of the Government has been to grant gratuities to workers who have put in, in the normal way, ten years continuous service based on 250 days' work per year. That has been agreed to since 1953; so it is still good to see that in 1961 this Bill is being implemented and put on the Statute Book.

Hon. M. E. COX: Mr. Deputy Speaker, I rise on a point of order. That is not the case. What was agreed on in 1953 was carried out by a directive. Instructions were given and if the worker had put in 250 days every year for ten consecutive years, he would not get a pension. It is not that we are now putting something in a Bill.

Mr. TALMA: Sir, I am so often misunderstood. I am merely complimenting the Government. (Hon. M. E. COX: I know that you are.) I am not going into the question of the 250 days. What I have said is that you have made it easier. As a matter of fact, you have gone so far as to say that if the worker did not complete 220 days in a particular year, you would add up the amount of days in the other years along with that and take into account all the number of days for the number of years which the worker had put in. I am referring to cases which are ignored and overlooked. I am referring to the petty director or sub-head of a department who in most cases is vindictive and always out to victimise the workers. I know that you are now trying to see that the casual workers get a square deal.

Mr. Deputy Speaker, there are really two grave omissions which I have observed. They are omissions at present but they may be brought down as amendments later on. Of course, what appears to me to be an omission may not be an omission in itself, *ipso facto*, but it may not be Government's policy to do that. I refer to the question of the exclusion of the reputed wife as a dependent. In Clause 16, you will see that provision is made for the widow and her children and the matter is all covered for them under that section, but no provision is made for the reputed wife and her little children.

The average casual worker is not a man of means and therefore not a man able to muster sufficient money to buy

a suit of clothes. We know the society and standard in which he lives and we know that he is a man who usually has a common law wife. Provision for casual workers with common law wives is not set out in this Bill. You will probably find that in three out of every five cases the wife of this type of worker is a common law or reputed wife and that such a wife has little children and that she and they are living in the same house and being maintained by the man. I may say that sometimes they love more happily than those who have gone through the form of marriage. As I have said, in this Bill provision is made for the lawful wedded wife and children of the casual worker but no provision is made for the common law or reputed wife who is the average wife you will find of a man in this standard of society.

4.55 p.m.

I am asking the Government that although there might have been an oversight - well, let us put it this way; although it may be an oversight, the Government may not be able to deal with it today; but consideration should be given to the matter by the Cabinet and the appropriate Minister particularly. I want to say that this Bill is a good Bill but the Cabinet and the Minister particularly should see there is inserted in it the necessary amendment whereby the interest of dependents or that of the wives or dependents of pensioners will be protected. That would not be creating any precedent; it would be bringing the matter into line with the Workmen's Compensation Act where a reputed wife and children are included in the compensation granted in such cases. With this amendment you would be keeping in line with the regular pattern of society of those in the lower income bracket. I think I have said enough on that point.

Mr. Deputy Speaker, I am wondering, while we are about it now and knowing that the Minister will appreciate this point, if it would be possible to move in this provision now so as to make sure that the matter is covered. It would not take any period of months to draft such an amendment. I could draft it in two minutes. If the Minister would give an assurance that the matter would be dealt with, we could let the second reading of the Bill be passed and bring back the Bill later on with the amendment. Unless something along that line is done, many people will not be assisted. If you want to be sincere, if there is any such term in politics or even in this House, if you want to do something sincere and practical and not let it degenerate into a vote-catching gesture, like the Hotel Employees Bill, that amendment should be made. I will give way if the Minister were to rise on a point of order and give an assurance that he will see after the amendment; but failing that, it is my duty to my constituents and the electors of Barbados as a whole to make the motion for the necessary amendment and let the Government vote against it. I am giving the Minister the chance of giving that assurance. You can see that this is a glaring mistake and the Minister can let us know whether he will agree with the amendment or whether he will depend upon his numbers and vote against the amendment.

Mr. Deputy Speaker, the second point is this; in view of the numerous irregularities which have taken place within recent years even since the Labour Government has been in office - I refer to the numerous cases of casual employees who have worked for over ten years and who have had no return for their service - I am saying.....

Hon. M. E. COX: On a point of order, I would like to refer the hon. member to Clause 16 sub-clause (3) which states this:

(3) For the purpose of this section "child" includes -

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased employee for support; and
- (c) an adopted child, adopted in a manner recognised by law before the date of the injury and dependent as aforesaid.

It is all very well to make people believe that this is something forgotten but not only illegitimate children but

also adopted children are provided for. Let the hon. member read the Bill and he will see that.

Mr. TALMA: Reputed wives have not been put in.

Hon. M. E. COX: The hon. member is giving the impression as if no provision is made for these children. I repeat that under Section 16 (3) of this Bill, provision has been made for adopted children. The hon. member was a member of this Government on two occasions and he knows that whenever anything happens to these illegitimate or common law wives, a petition is sent to the Governor-in-Executive Committee and whatever the deceased person leaves is given to these people.

Mr. TALMA: It is all right for the hon. member to try to remove a glaring mistake. I am saying that no provision has been made for a common law wife.

Hon. M. E. COX: On a point of order. I am asking if what I say is not true.

Mr. TALMA: The object of this Bill is to facilitate the payment of gratuities and pensions to everybody who is entitled to them. We do not want anybody to be running cap in hand to the Premier or the Minister or the Government asking for anything. We want all of that to be finished. These people who have worked hard will be able to get their pensions without having to run cap in hand to the Government. We want the Government to include everybody in this Bill and not leave out anybody. Now that I have raised this point in the Opposition the Minister is saying that I was a member of the Government on two occasions. I may say that I was a good Minister too. (Laughter).

5.05 p.m.

If you are passing a Bill of this nature to include all dependants, we are saying that you should pattern it after the Workers' Compensation Act. If the draftsmen do not know the legal conditions, let them keep a copy of the Workmen's Compensation Act in front of them when they draft Bills like these. If they had done this this omission would not have occurred. If you do not include a reputed wife, you have not done anything and their children would starve to death.

Hon. M. E. COX: On a point of order, Mr. Deputy Speaker, that is not correct and the member knows that because he has a Bill in his hands. Subsection (3) of Section 17 of the Pensions Act, 1947, reads as follows:-

"For the purpose of this section the word "child shall include

(a) a posthumous child;" - whatever that means.

"(b) a step-child or illegitimate child born before the date of the injury or wholly or mainly dependent upon the deceased officer for support, and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid."

Where is this child going to suffer? You have the Bill in your hand; be honest.

Mr. TALMA: Mr. Deputy Speaker, it is my intention at the appropriate time to make the necessary amendment to this Bill, so that in the same sub-clause (3) to which the Minister is referring and trying to justify the position we will add "(d) reputed wife or common-law wife", because unless she is included we have done nothing. After the death of her reputed husband, the common-law wife is the head of the family and the one to whom the little ones will look for maintenance, food, assistance and care. Unless you include her, the whole home is disintegrated and destroyed and there will be privation and suffering; so it is my intention to move in subclause "(d)" and include "reputed wife and common-law wife."

The last point I will touch on, Mr. Deputy Speaker, is that this Bill should be made retroactive for many reasons.

The Minister himself told us that at present you have to apply to the Court for Letters of Administration, but you have to prove that you are a personal representative. Where are these people going to get this money to apply for Letters of Administration? These gratuities should be paid to them on the certificate of some Minister of Religion or Justice of the Peace or on swearing to certain affidavits and bringing various certificates to corroborate them, thus making it easy for them. You should not make them go to the Court for Letters of Administration and go through all that red tape and expensive legal processes, because they have not got the money with which to do it. You should insert in this Bill that all such gratuities shall be paid to such dependants on the necessary verification being complied with, and not stipulate a personal representative as you have done here. You are trying to help them and although you are doing that, whether wittingly or unwittingly they are still going to have to take out Letters of Administration and things they cannot go on with. In other words, you have to qualify as an administrator to the estate.

I am saying therefore, that in the first place that should be removed and the Act should be made retroactive so as to include all those deserving cases since the Labour Government has come into office. I refer to 1945 or 1946 when the Labour Government came into office, or at least it should be retroactive to the last ten years. As a gesture to prove that you are helping the casual worker, both the ones who are employed at present and the ones who have resigned within the last few years, there should be some retroactive Clause to include those former workers who might have reached the age of 65 years or 70 and may live for quite a few more years, but who would not be caught under this Act but should normally be entitled.

I feel, Mr. Deputy Speaker, that this Act should be made retroactive to cover at least those who have retired within the last ten years to more or less coincide with the time that the Labour Government came into office. That would be a good gesture and would bring relief to hundreds of dependants and many workers who have served faithfully and well in the various Government Departments in this island, whether the Public Works, Waterworks or Department of Highway and Transport. I feel the Government is definitely moving in the right direction. This is a good piece of legislation and with the amendments which I have suggested, a retroactive clause, the inclusion of common-law wives and also by making the payments easy, say, by the signing and swearing of affidavits and not having to go through the regular process for the granting of Letters of Administration, it would be a wonderful Bill and would be of assistance to those people in the lower brackets of this island who more or less can be regarded as the forgotten casual workers, whose wages are never properly considered and who undergo and have been undergoing great hardships for many a year.

Mr. CRAWFORD: Mr. Deputy Speaker, I think that the points raised by the hon. senior member for Christ Church have been exceptionally well taken. To begin with, on the question of common-law wife, the Government has taken the stand that since illegitimate children are included and even adopted children, this matter has been taken care of; but they have got to bear in mind that there might be no children at all from the association, and therefore the common-law wife would get nothing. If there are illegitimate children, they will get; but in cases where the man has been living for years with his reputed wife and dies without issue, certainly she is entitled to any gratuity, any *ex-gratia* payment or any payment to which her common-law husband was legally entitled.

5.15 p.m.

As a matter of fact, only about six weeks ago a case was brought to my attention by a constituent of mine as regards a relative of his who lives in St. Thomas. In this case the man had been married but he and his wife had been separated for years and he had been living with another woman for a number of years. She had nursed him through a long number of years of illness and buried him and then she came to find out that not only was she not entitled to anything at all, but even a simple thing such as some cane money which was to be paid to him, the sugar factory

owners refused to pay to her because she did not have Letters of Administration to the estate. As a matter of fact, the hon. senior member for Christ Church could not be more right for the simple reason that the other day when we amended the Act which raised the amount from £10 to £100 which the beneficiary would be entitled to get without taking out Letters of Administration, a woman came to me from Marley Vale whose husband had got a job at the Deep Water Harbour and died and she told me that she would not be entitled to get the money unless she took out Letters of Administration.

I agree with the argument advanced by the hon. senior member for Christ Church that a certificate or affidavit signed by a Justice of the Peace or even a factory owner or some recognised person in the district should be enough in this case rather than persons being compelled to go to the Law Courts and spend money to take out Letters of Administration, in many cases the cost of which may be more than the amount which they are going to draw.

As regards making this legislation retroactive I heartily support it. There are hundreds of very deserving cases which should have been brought under the provisions of this Act many years ago and it can do no harm to try to include some of them by making the Bill retroactive even if it only be from the beginning of this financial year. I am sure, Mr. Deputy Speaker, that this cannot impose any grave burden on the financial resources of the country, but it certainly will create considerable benefit to deserving people who, if this legislation had been enforced five years ago, would not be in the position of poverty as they are now. There is nothing at all to be argued against the proposal for making the Bill retroactive for the limit of five years. Nothing at all can be said against that. I do feel that the first point of the hon. senior member for Christ Church with regard to the insertion of common law wives could not be better put. If it means that she may live with a man for fifteen or twenty years and she would not benefit if she has no children, that is not fair and not right and there can be no argument for leaving out a common law wife if she has no children.

Mr. CORBIN: Sir, I am very glad today to see that a Bill of this nature has come before us because it was long overdue. There are thousands of people who have been employed in the Government Service who have lived and died without a gratuity and pension after working in the service for many years as a casual employee. The Hon. Minister says that according to the Bill instead of their being called to put in 250 days a year as they have to do now, they will only put in 220 days. I know of many cases of casual labourers who have worked in the Government Service and have received nothing for the time that they have been employed.

I am very glad that the Government has brought a Bill of this nature before us today and I believe every member of this House of Assembly will support it unanimously because of its nature. This Bill seeks to provide for the grant and payment of pensions and gratuities to casual employees of the Government. I know there are many men and women who have worked in the Government's employ for many years. Some have taken sick and have gone home without a gratuity and pension. Some have worked for ten years, some for twenty years. I know of many men who have worked in the Department of Highways and Transport, and when they came to the threshold of their days, they were laid off. Some worked for 220 days and as many as 240 days and they were laid off without any consideration because this Bill was not in operation. Some are mourning and are crying and are dying and, as a matter of fact, some have died because no consideration was given to them. I have seen with my eyes that the Overseers in the Highways and Transport Department have checked behind some of these labourers and when they came to the threshold of their putting in the necessary number of days said to those workers that there was no more work. Those workers then had to start the next year fresh and whenever they came to the threshold they have been turned off and because of that all their time has been thrown away. Now that the Government have thought fit to bring in this Bill, I say that it is a good one.

Mr. Deputy Speaker, I would go back to those poor men and women who have suffered in days gone by, many of whose children have gone astray and who have rendered service for nought. There are men who may have put in ten or fifteen years and who had a reputed wife with five or six children. I must agree that a pension or gratuity to what I see here should be given to those children and to the reputed wife. Of course, the woman may be able to marry some other man and you are not responsible for her, but you must think of those poor infants who have to be educated and maintained. Therefore, I do not see why the law in this Bill should not be made right and in such a way that those poor people should be able to get a gratuity.

5.25 p.m.

It should be made clear in the Bill. The Bill is all right except that a certain Clause needs to be amended and that can be done. It may take a person \$240 so as to get a pension; he may have to look for Lawyer and Solicitor in order to get it. I am saying that everything should be made right in this Bill now; there is no reason why it should be put back for any long time. It is not a question of embarrassing the Minister; we want to know that, in the matter of the children, where the father dies, they can get their money without having to go through any legislation. Some of them will die before they get the money. I repeat that the Bill is here and it can be made right; it is one of the best Bills which I have seen brought down here and I will support it one hundred per cent.

Mr. Deputy Speaker, we have trouble with people who have been laid off or dismissed. What are you going to give them for their time? I am sorry that this Bill did not come into operation before so that those poor people who have rendered service to the Government could be compensated. We do not want to be waiting on public assistance because in my district, public assistance is very little. There are many people who have helped to build up the economy of this island and some of them are receiving very small pensions. They are receiving pensions and they are still beggars. You have people who have given service in the 1914-18 War so as to save the British Empire, but what are they receiving today? They are receiving a small pension or gratuity; they should be considered and given some greater benefit. As soon as wages are increased, the pensions and gratuities of these people should be increased in the same way because they have to eat and wear clothes just as anybody else. I am suggesting that by making these people right in this Bill, the Government will have nothing to fear. I will support wholeheartedly this Bill or any Bill of this nature.

Mr. GODDARD: Mr. Deputy Speaker, the provision in this Bill is to be commended because it satisfies a want for which many of us have been asking for a long time. It regularises the pensions and gratuities of casual employees of the Government. Many of us have from time to time to telephone departments so as to enquire as to why is it that these persons who have reached the qualifying age have not been able to get their pensions or gratuities and often the members of these Departments have told us that they are working on these matters; but because of the nature of the work which these employees have done in so many departments — they have worked at the Public Works Department at one time and at the Waterworks Department at another time — the persons responsible have to collate all the information before the money can be paid out. That was a reasonable reply. The working out of these things takes time and many of these people have had to wait for six months or nine months before they could draw their pensions or gratuities. That is too long a period for which these people have to wait for their money. These people have no savings and therefore they are at a great disadvantage when they have to wait so long for their money. I hope that the situation will be so improved that the information will be centralised in some department. A year or eighteen months before the time for his retirement, it should be made known that John Henry will be retiring from the Public Works in a few months' time and his pension and/or gratuity should be made available to him as soon as possible.

Mr. Deputy Speaker, the Bill is a good one. It regularises what has been going on before, with the exception of what the hon. senior member for Christ Church has drawn

to the attention of the Government, that is, that the Bill leaves out a very important category of dependant, that is, the common law wife. I am quite sure that that must have been an oversight. I am surprised that the Government could not see it in that way. I will go further and say that if this Bill is passed without the amendment as suggested by the hon. senior member for Christ Church, it will not be six months before an amendment to that effect is brought down here. I will also go further and say that the Other Place will amend this Bill and it will come back here to us. That is an obvious omission in Barbados; it is taken care of in the Workmen's Compensation Act. The definition is there; I think that provision for such a person who is living with a man — and she must be living with him for at least one year — should be included in this Bill. If a man dies without any issue and he has been living with a common law wife, is she not entitled to what he would have got as a pension or a gratuity had he been alive? If I have to spur someone else on for the cause and benefit of the people, then I will do it. I am quite surprised that the Government could have sat down there and not accept an amendment such as has been suggested, or get up and admit that there has been an oversight and they will amend it.

5.35 p.m.

If they do not wish to amend it today, what is the harm in postponing this after the second reading and coming back next week and having it done? That is the sensible thing to do. You should get up and say that you see our point, thank us for it and say that you will have the amendment ready for next week. I entirely agree with the Bill, but I will again point out that omission. I had a note of it here because we discussed this. The legal standing of the common-law wife in Barbados should be in this Bill and the definition should be there because it is something we have done in the past; so why leave it out now? I am surprised that the Committee which sat did not see it then and even today when they are confronted with it they are not willing to accept. Whether or not they thought it would have been a feather in the cap of the Opposition for pointing that out to them, they should get up and reply and say why it was omitted. What is the answer to it? (Hon. M. E. COX: I can answer that.)

I know, Mr. Deputy Speaker, that children born out of wedlock are included and even a grandmother or grandfather, but a common-law wife is not there and in the majority of cases, that is the person to whom the money should be paid. Why do you want her to petition to the Governor-in-Executive Committee? We want to get rid of that. She wants it in her right, and that is why we are having this Bill today. We do not always want to be going to the Governor-in-Executive Committee with a petition. With that amendment, Mr. Deputy Speaker, it would be a good Bill.

I recommend this Bill and I hope even at this late hour the Government will see fit either to amend it now or postpone it after the second reading for the purpose of including a common-law wife as a legal personal representative.

Mr. STRAUGHN: Mr. Deputy Speaker, I think everybody has talked about the commendable concept in this Bill and one does not have to repeat that. I am quite certain that every member in this Honourable House has experience of this sort in relation to casual employees and the difficulties which they undergo in respect of their gratuities or regularities of work. As everybody has made comment on that, I do not think it is necessary to repeat that. It is also necessary again, I think, to point out what administrative difficulties are encountered so often with casual employees but it is also a fact that from the point of view of administration the people whom we would like to help most are often the people who get that help last. When we were discussing the Resolution for the review of the Civil Service with Mr. Jacobs, one of the terms of references given to him was that he should give any other recommendation for the better running of the Service or words to that effect, and one of the things I was at pains to point out at that time was to see how we could get our accounting system so readjusted that when there is need to make some kind of payment to these casual employees they do not find that they have to wait four or five times as long, or six weeks to two months longer than the ordinary employees of Government to get such recompense.

I remember for instance when we made the cost of living readjustment that it happened to the casual employees. Our accounting system is that meticulous, but at the time not geared fast enough to deal with these problems in an expeditious manner. I know that the Accountant General's Department wants to be very careful at all times, and it is very difficult to have casual labour and all the remuneration to casual labour calculated in a very short time, but nevertheless it is right for us to face that it is a problem, and whereas the Chief Justice for instance can find that in a very short time his remuneration or recompense in certain matters is very quickly calculated, the cantonnier finds that it takes a long time to get his calculated. But that is really nothing against Government as such. The Government obviously from the point of view of ordinary, practical everyday politics would want to feel that a thousand cantonniers are more quickly satisfied than one senior Civil Servant in that particular respect. It does not mean that one is not interested in the Civil Service as a whole, but these are things that just happen and are administrative problems.

It is necessary for us, Mr. Deputy Speaker, on every occasion we get to point these things out, because we need to so gear our administration that we can handle these problems more expeditiously. Now I am myself a little concerned and I would like to feel that the spokesman for the Government in replying to the suggestions and recommendations made so far would give us a little more lucid explanation than what I have heard so far relative to the idea of a common-law wife or even a legitimate or illegitimate child. We have been referred to Clause 16, sub-paragraph (3) and told to look at (a), (b) and (c) and get all the information we want there. Now when I look at it I see it says "for the purpose of this section "child" includes —

(a) a posthumous child."

My humble interpretation of the term "posthumous" is a child born after the death of the father. That in itself does not say that the illegitimate posthumous child is going to benefit, because the next sub-section says it will either be a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased employee for support; so the illegitimate child is going to benefit only if he were a child born before and not after the death of the father. It is just a matter for us to be sure if that is what we intend to convey. Do we intend to convey that it is only the lawful, posthumous child who would so benefit? What makes me a little more concerned again, Mr. Deputy Speaker, is the feeling that these sub-sections particularly concerning the children are considered by the Minister of Trade to be the answer to the suggestion about the common-law wife.

5.45 p.m.

I am not quite certain that the argument about children is fully the answer to the suggestion about the wife or common law wife. Why do I say that? It is obviously the concern of us that we must know even though we are interested in taking care of the children that it is not meant that that automatically takes care of the woman who bore those children. I think that is a point which must be considered in that light. I would say this, after considering this matter for some time and having some discussion on it, it has been brought to my attention that the suggested amendment made by the hon. senior member for Christ Church would really mean that if you were to get that amendment in this particular Bill your casual employees would be enjoying greater privileges and benefits than your permanent employees because you do not have it so arranged in the other Act that the other permanent employees can take care of their common law wives or reputed wives.

I think there is justifiable reason that a common law wife or reputed wife must prove that she is deserving of consideration by bringing a petition. However, I think that if you can get the whole question of compensation to a common law wife completely revamped, you will get away with this problem of her running to you with a petition. I can see that there is further administrative difficulty about the question of a common law wife, and so on, because it is possible for a man to have two or more reputed wives. I do

not know what the lawyers may think about that, but it is easily possible for a man to have five children from two or more women. We must be sure that you are aiming at the children first; we must be sure that they are taken care of first but it poses a slightly difficult problem when you try to handle a case of the woman who bore the children.

I do not have accurate statistics but I am going to make a guess and give some figures which to me would make a forcible argument that this whole problem of compensation to mothers of children who happen to be associated in any form with out casual employees is a matter which needs to be considered *in toto* and very seriously. I know it is a fact that we have an illegitimacy rate in Barbados at least 62% or more. It is probably more than that now. That was the case when I checked the figures four years ago. It is also a fact that the type of employee whom you are taking care of in this Bill is the type of person among whom you will find more illegitimacy than the more well-to-do people in the country; therefore, it is a safe assumption to think that 70% or 80% of those people are the people who have what we regard as illegitimate connections.

It is also to be assumed that at least there may be 4,000 persons so involved. The Hon. Minister of Communications and Works is not present, neither do I know if he has the figures on this thing; therefore, if I make a guess that there are 4,000 persons so involved and 80% of that number has illegitimate connections, then I conclude that there are at least 3,000 who might be so affected in one way or the other if you do not give some sort of consideration to compensate reputed wives.

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

Mr. Speaker, I was just about to say that the figure of 3,000 in any part of a community — and my colleague has told me more especially in the case of Barbados — is a pretty substantial figure. I do not claim that my figures are accurate, but the pressure that the figures themselves may present to you must make you feel that this whole problem with the suggestions made as to how you should amend this Bill touches other things and I would like to hear what communication Government can give in this respect. You must give some kind of communication because it is quite possible to argue that if you by the suggestions put up to you agree to make provision for common law wives in this particular section of the Bill, what you are doing is giving your casual and non-permanent employees better terms of service than you give now to your permanent employees.

But that is not reason in itself for saying that you should not consider the whole problem as regards this matter. What I would say is that this whole problem needs to be revamped in its totality and if we get to such a stage that such is the intention of the authorities, then it might not be necessary to press a detailed amendment of this sort because obviously you will get the problem handled on a wider basis. It is possible that in the whole problem of social development and all of your talk of social security you are going to find these problems coming up in a different form because when you talk about these things which involve a number of people, the statistics themselves would pose a problem. Anything you talk about when it comes to illegitimate statistics must pose such a problem, and whether you put in this amendment or not, the problem is here. Therefore, the question is: how are we going to face up to this problem of these women who might very well be the rightful wives of these people. This is a problem to which this Government cannot be unaware. Some time ago, my colleague, the hon. junior member for St. James, said that you should give consideration to legislation which would allow illegitimate children to be regarded for inheritance. I have only brought in that example to show that the whole problem is here before us and that this is only a single facet of it. Sir, this is something which you can talk on for hours and then connect it and end at the same place where you began.

5.55 p.m.

It is quite possible, especially in the case of somebody who has given some thought to this subject of the whole so-

cial policy of the country, for him easily to talk for two hours and connect every link. He could start at one place and come back to the same place. It all shows that you have a whole problem with which to deal. It is commendable that the hon. senior member for Christ Church should have spotted that there is no direct reference to a common law wife in the section to which we have referred. I will also draw another instance, that there is no reference to the illegitimate, posthumous child either and you can get certain cases like that cropping up. The proper concepts which are envisaged in carrying out the terms of this Bill are affected by this problem of the illegitimate wife, the common law wife and this type of people. Has the Government got this problem in mind and are they giving active consideration in trying to come to grips with this problem in some way or other? I am not convinced that the simple amendment, good as it is in itself, is the total solution for this problem. It is a hard thing to ask the Government to bring down legislation to assist casual employees and then they find that the casual employees are better provided for than the Government employees. It is a hard thing to ask the Government in the impersonal form to do that. Although the machinery of Government is so involved, the people who pass the laws in here are very much in the personal form, and we must be very concerned as to how the administration affects the people for whom we pass the law.

I feel that a more lucid reply to the problem which has been posed by the members of the Opposition should be given than the one which has been presented by just referring us to Clause 16 (3) of this Bill, which deals only with the children of the casual employees and gives some consideration to the illegitimate or adopted or lawful posthumous children. That does not in itself answer the problem of the wife or the reputed widow and there will be at least 3,000 persons involved. I admit that the problem is a bigger one than has been envisaged in this Bill. The problems of administration will also be increased; you will find that if it so happens, as a matter of human frailty, a person gets illegitimate children for Miss 'A', it is easy to get illegitimate children for Miss 'B' as well. That continues in progression and you will find that more than one woman will be claiming for illegitimate children. From the point of view of the principle and policy, the whole problem of compensation for the mothers of illegitimate children needs a total revamping and a total revamping would be much more effective than any piecemeal amendment in this particular case.

Hon. M. E. COX: Mr. Deputy Speaker, I should like to begin my reply by saying that I thought I would have been able to compliment the hon. senior member for Christ Church for the contribution which he attempted to make in the earlier stage of his remarks; but regrettably, the hon. member spoiled everything he attempted to say by bringing the political element into this debate, when he talked about the many years when this thing should have been done and now this is just an election stunt and that sort of thing. I informed this House when I was moving the second reading of this Bill that ever since 1959 I had a discussion with the Premier and he decided to set up a Committee and I was made a Chairman of that Committee. This matter dates back to the 31st August, 1959.

I have a letter here stating that the Cabinet had appointed me as convener of the meetings of the Committee which had been set up to consider this question of the payment of pensions and gratuities to casual employees. The Committee reported on the 21st October, 1959. Then again on the 24th March, 1960. The Cabinet agreed to the recommendations made by the Committee and instructed that legislation should be drafted as soon as possible. That was 1960. Like all other matters, no one would expect that an item could be decided on today and tomorrow morning the Crown Law Officer could draft a Bill in connection with that item and hand it to you. These officers are all busy people; they have to attend the Assizes and, in addition to that, there are other items of a legal nature to be dealt with. There are Bills to be drafted which will take precedence over this Bill.

Mr. Deputy Speaker, to be uncharitable and suggest that this Bill has been brought in now that the General Elec-

tion is just a short way off, could have only emanated from a mentality which would do a similar thing with a view to catching votes. Whether one likes me or not, is immaterial to me. I have said on other occasions that as long as I am able to assist in doing anything which will improve the lot of the masses, or the community as a whole, I will do it. I will do that at Election time, after Election time or whenever it is. I should like to say that in these days, if you repair a road it will be said that that road was repaired because it is Election time, whereas people do not realise that the work of the Government has to be carried on whether it is Election time or not.

6.05 p.m.

The Queen's work has to be carried on all the time whether or not it is election time. Whether or not it were so, then the position would be that you would only do work at election time. In other words, you would do work in the last year of the five years and in the other years people would be walking about looking for work. How nonsensical a thing like that is!

Now, Mr. Speaker, I should just like to say this before I deal with what was suggested by the hon. junior member for St. Joseph. He says that in this Bill it is not set out whether it is a posthumous illegitimate or legitimate child. I would have thought that would come from somebody who is not as mature as he is. Let us see what the definition says. It reads as follows:-

"For the purpose of this section, "child" includes -

(a) posthumous child."

Unlike the inference that he drew, this does not say whether the child is a child of a married person or an illegitimate child; it says a "child", and therefore it has to be used in the widest context. It goes on further and says:-

"(b) a step-child or illegitimate child born before the date of the injury and wholly dependent or mainly dependent upon the deceased employee for support; and

(c) an adopted child, adopted in a manner recognised by law before the date of the injury and dependent as before said."

In this definition, therefore, Mr. Speaker, every child is covered. I would have thought that this would be only for people who could not understand this to raise a point on it. I would just like to say that I listened to him with his dissertation of statistical digests, but I would like to tell him that sometimes it is better that we keep our mouths closed. I do not think that we need get up and tell the world that our illegitimacy is 100%, 90%, 80% or anything like that. It is not their business. Why should we spit up in the air and let it drop in our faces? How does it add to the debate? What he was saying was uncalled for and totally unnecessary, because no doubt this has been thrown at us on several occasions. Our people going to England and other parts of the world are often referred to as people who do not like marrying, and therefore people who represent the political ideology and everything that the hon. junior member for Christ Church believes feel that they cannot integrate such people into their community. Why should we come on the floor of the House because we have mouths and say that from a survey we did all this statistical work, that the figure is 60% and that out of 4,000 people who might be working in this Works Department 80% will be illegitimate. That is of no help to this country nor does it raise us in the eyes of the world; it lowers us. The sooner we learn to keep our tongues between our cheeks at times the better for us.

Mr. STRAUGHN: On a point of order. It would appear that the hon. member was referring to remarks I made. I would like to let him know that any remarks I made were done as a student of social research. I can give the statistics of illegitimacy for Jamaica and Trinidad if he wants them as well. It is a West Indian problem.

Hon. M. E. COX: I think if he wants to give them he can find places that he can do that where it would be less damaging than giving them here. Now, Sir, let us get down to the

point raised by the hon. senior member for Christ Church supported by the hon. senior member for St. Philip, the hon. junior member for Christ Church and also the hon. junior member for St. Joseph. They have referred to the common law wife not being included, but I would ask them to point out where in any pension legislation in the most modernised and civilised countries such persons are included in a Pensions Bill by any Government. We have the 1925 Public Employees Pensions Act, the 1937 Public Employees Pensions Act and the 1947 Pensions Act, and nowhere in any of these Acts is provision made for any common-law wives.

Mr. TALMA: On a point of order, Mr. Speaker, the hon. member should realise by now that two wrongs do not make a right. If you are doing something here to help casual employees, you know that they are not married to anybody but have common-law or reputed wives; therefore you should not bring down this Bill to try and fool anybody.

Hon. M. E. COX: Now, Sir, That is an interruption. Section 17 of the Pensions Act, 1947, is repeated word for word in this Bill before us. The hon. junior member for Christ Church asked why should they appeal to the Executive Committee, and said that we want to do away with the Executive Committee. I agree. Since people like us.....

Mr. GODDARD: On a point of order, Mr. Speaker, I did not say that we want to do away with the Executive Committee; there has to be one. We want to do away with having to appeal to them now we have a Bill here in which we can rectify that.

Hon. M. E. COX: There is nothing wrong with that, Sir. As far as I remember, from the time I was a member of the Executive Committee and now as a member of the Cabinet, whenever these cases come up they were checked by the Queen's Solicitor, or in fact by the Police first and then by the Queen's Solicitor. These cases were submitted to the Government, the Government's right is waived and the individual receives what belonged to the deceased as long as satisfactory evidence can be forthcoming to prove that the individual was dependent upon the person who died, did service and things of that nature.

6.15 p.m.

But, as I think the hon. member and the ex-Minister of Agriculture in a *sotto voce* remark said, what is the position if for example there are two people who are depending on this gentleman? How are you going to get around that? It is not all that easy. It is quite easy to get up and say it but you may find difficulty because there may be two. He may be like a Moslem in Northern Nigeria where you can have five wives.

Mr. TALMA: Mr. Speaker, I rise on a point of order. A common-law wife can be described as a woman living with this casual employee for the last five years or for a year. If you want to amend it, you can; if you do not want to amend it, you can turn it and twist it.

Hon. M. E. COX: What is the position as regards a man who goes at three houses at each of which he has a reputed wife? Which are you going to give? If the time comes for a general overhaul.....

Mr. STRAUGHN: Is the hon. member saying that in this House? I do not believe I heard it right.

Hon. M. E. COX: Sir, I am replying to the stupidity and the nonsense that some of them raised on the floor of this House.

Mr. TALMA: Mr. Speaker, I rise on a point of order. What I have said is that you can amend it in the Interpretation Clause by saying that "widow" includes a common-law wife who is a woman cohabiting with the deceased for the last five years.

Mr. SPEAKER: I must intervene now. That is not a matter for the House. All of those details can be gone into in Committee but not in the House.

Hon. M. E. COX: I am sorry, Mr. Speaker, but just let me ask him who is going to prove this cohabiting.

Mr. SPEAKER: I would like to tell the Hon. Minister that that also can be gone into if the Bill reaches the Committee stage.

Hon. M. E. COX: Sir, I am not disagreeing with you. That is the position. That has been the pattern of things. As I have said, in no place has provision been made for such persons: but as far as Government is concerned, satisfactory arrangements have always been made with respect to persons who are regarded as common law wives.

The hon. member talks about making an amendment to this Bill. This is a Money Bill and even if he moves the amendment I can assure the House that that would not pass because we could not accept anything like that. If the time comes for a general overhaul, obviously we would consider the matter: but to push something like that into the Bill at this stage, we must oppose it.

The hon. junior member for Christ Church talks about postponement. This is no legislation for postponing. We know what his postponement means.

Mr. GODDARD: Mr. Speaker, I rise on a point of order. I said to postpone it for one week so that he can get together with his legal advisers to put in the proper amendment. The Hon. Minister heard that all right.

Hon. M. E. COX: Sir, I want to assure the hon. member that we went into this Bill meticulously. This was under consideration from the 31st August, 1959. We have reached agreement on this and there is no question of postponing it. This Bill is to be passed as soon as possible and put on the Statute Book so that persons who do not at present qualify for this treatment would qualify. If it becomes necessary to have the whole thing overhauled it would be overhauled. The hon. member should know that under the Income Tax Act, allowances are made for the common law wife.

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

On motion of Hon. M. E. COX, seconded by Hon. L. St. A. THORNE, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. BRYAN 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. L. St. A. THORNE: I beg to second that.

Mr. TALMA: Mr. Chairman, before the question is put, I just want to say this but I am not going to repeat myself. I think at this stage it might be a good thing for the Hon. Minister to give consideration to the insertion in this Interpretation Clause of the definition of "widow" which would include and cover both cases of a wife according to the suggestions put up. In other words, you can put in this Interpretation Clause that "widow" would not only mean a widow arising out of lawful wedlock but also a common law wife, that is to say a wife not arising out of lawful wedlock. If you put it in this Interpretation Clause, wherever you see the word "widow" it would mean both and that is the scientific way of doing it. You would not have to put in 'reputed wife' or 'common law wife' wherever the word "widow" appears.

Sir, I am not actually moving the words yet to be inserting but you can put it this way: "widow" means a widow strictly so called arising from lawful wedlock and also a woman cohabiting continuously with a casual employee for a period of five years immediately preceding his death. You can do it that way or this way: "widow" includes a common law wife. "Common law wife" means a woman cohabiting outside of lawful wedlock with a casual employee for a period of five years immediately preceding his death.

You have to define it in order that everybody would be clear on what it means. If you amend it that way, there would be no ambiguity whatsoever. This amendment is nothing complicated. It is a simple amendment and if it is not done today it may be another two or three years before it is done.

Hon. M. E. COX: Sir, I wonder if the hon. member knows that we are discussing Clause 2 and that Clause 2 deals with service.
6.25 p.m.

Mr. TALMA: Mr. Chairman, Clause 2 is the interpretation or the definition Clause. I can easily put in the words "widow includes a common law wife" and define what "common law wife" means. Whenever you see the word "widow" you will know that "common law wife" is included in that term. That is the more scientific way of dealing with this matter than to put this amendment in Clause 16 of the Bill.

Hon. M. E. COX: I cannot accept that.

Mr. TALMA: Well, I will formally move that the following interpretation be included in this Section. "Widow includes a common law wife." And the second amendment bearing on the same matter is this: "Common law wife" means a woman cohabiting with a casual employee out of lawful wedlock for a period of not less than five years immediately preceding his death."

Apparently, the hon. member is so dense. The woman must be living and cohabiting with the man for a period of not less than five years. There must be continuous living; these conditions must be complied with. (ASIDES) You will hardly find one man living with six women under the same roof. Only the Ministers would get in that category. (A MEMBER: The ex-Minister.) I know that the Minister means no malice: so I will not take him on. I feel that the Minister should consider seriously the insertion of this amendment in that it is the only scientific way of dealing with such an amendment. (ASIDES) I take it that the backbenchers will be deemed to be unofficial candidates.

Mr. Chairman, there are sufficient safeguards in the amendment I have proposed so that only one woman can qualify as a widow or common law wife. For any one to say that the average cantonnier is able to maintain three homes - how could he keep three homes on \$14 or \$15 a week? To suggest that the average cantonnier or casual worker can run more than one home, well, as a matter of fact, he cannot even run one home properly because his children are always half naked. To suggest otherwise is just trying to confuse and becloud the whole issue. If you do not want to pass legislation which is beneficial to the worker, well, you can say so. I am suggesting that this amendment will be of great benefit to the casual employee and his common law wife.

The expert of sociology, I am referring now to the hon. junior member for St. Joseph, brought figures to bear and to show that he has given this matter a thorough study; he has, in fact, corroborated many of the points made by members on this side of the House.

I beg to move that Clause 2 be amended by the insertion of the following definition:-

"Widow includes a common law wife." "Common law wife" means a woman cohabiting with a casual employee out of lawful wedlock for a period of not less than five years, immediately preceding his death."

Mr. CRAWFORD: Mr. Chairman, I beg to second the motion made by the hon. member. While it may be true that nothing is to be gained by a parading of social happenings, there is also nothing to be gained by getting up like an ostrich hiding one's head in the sand and refusing to face the realities of life around us. The legislation which we pass must mirror in some way the basic social trends of the country. If we were to take up legislation in polygamy as practised or any other social practice that we consider decadent or unchristian-like, we should not be amazed at the provision of such legislation. If this Bill or any similar Bill

has for its object the effecting of certain provisions which we regard as desirable or if it even contains sections or provisions which appear to run counter to normally expected legislation of the sort, there is nothing fundamental against our passing such legislation if by so doing we will benefit the people whom that legislation is designed to benefit.

6.35 p.m.

The facts in this case are simple. If a man is married in the public service and dies, becomes incapacitated under certain conditions or retires from the Service, he or his legal dependants are entitled to certain compensation or certain benefits. We are going further now and saying that even his illegal offspring are legally entitled to these benefits; but if the man is unmarried or if he is married and has left his wife for a considerable period of time, the person with whom he is associated should derive no benefits at all. The man may well be married but not living with his wife, unmarried and living with a woman who has rendered just as loyal service as a person who is married, but because she is not married, she is not entitled.

Personally, Mr. Chairman, the amendment may be considered by some fastidious legal draftsmen to be not as elegant as they like. Personally I thought it might have been better to say "a widow" or "common-law wife" and then define "common-law wife"; but I am assured by the hon. senior member for Christ Church that since the word "widow" appears so many times in the Bill, it would be rather cumbersome to be inserting "widow" or "common-law wife" right through, and therefore in the Interpretation Clause he wants to begin by saying that in the definition of "widow" is included "common-law wife". The elegance or the inelegance of it has nothing to do with it; it is whether or not Government accepts the principle. Not accepting the principle simply means that they are condemning the woman who is not married to the man to receiving nothing at all, and therefore the money to which she is entitled would remain in the Public Treasury. That is not good enough.

Mr. Chairman, if they do not like the amendment, let them get the Government legal draftsmen to draft legislation couched in the most legal terms so obscure that it is only clear to legally trained men that it contains the provision for which we are asking. You should not say that the thousands of people who are going to fall into this category who would benefit from this legislation are not entitled to receive any benefit under the same conditions to which married women are entitled. Legislation of this sort should take some cognisance of the basic, social trend of the community. The time will come, we hope, when you will not have to think in terms of depriving unmarried women in this context of their rights; but at the same time, Mr. Chairman, either we are setting ourselves up to be such perfect moralists that we are prepared to condemn out of hand the woman who is living as the common-law wife of a man in the public service, or saying that since she is not married to him she is a social leper and is not entitled to anything at all. Either we are doing that or we are prepared to accept the amendment moved by the hon. senior member for Christ Church.

I do believe, Mr. Chairman, that it is not merely the question of giving what the inclusion of this amendment would appear to portray to people reading the legislation; it is a question of doing justice to a number of persons who are entitled to receive this benefit as of right. If some sociologist or anthropologist wants to pick it up and say that in the West Indies the people are so immoral that they have got to provide legislation for unmarried women, let them do it. There are anthropologists who have gone to the South Sea Islands and after observing the social practices of the inhabitants many of whom were polygamous, have come up with the theory that their lives are better ordered and more scientifically correct than that of so-called civilised people. Much as we may dislike what the inclusion of this amendment may appear to portend, I say it is not a question of appearance, it is not any question of being ostrich-like and pushing our heads in the sand, it is a question of doing justice to a deserving section of the community. Who are we to set ourselves up as moralists, and because a woman is living with a man she should not get anything when he dies?

Hon. M. E. COX: On a point of order, Mr. Chairman, what the hon. member says is not true, I have already

pointed out several cases where individuals have been given assistance. Section 14(3) says "where a pension or gratuity ceases by reason of this section the Governor-in-Executive Committee may direct all or any part....."

Mr. CHAIRMAN: What Section are you reading?

Hon. M. E. COX: I am reading the correct Section in reply to the mistake which the hon. member made. I will continue to read: ".....the Governor-in-Executive Committee may direct all or any part of the money to which such employee would have been entitled by way of pension or gratuity, had he not been sentenced as aforesaid to be paid to or applied for the maintenance or benefit of all or any to the exclusion of the other or others of the following, that is to say, such employee and any wife, child or children of his, or such other dependents as the Governor-in-Executive Committee may determine." I should like to emphasise the phrase "or such other dependents". If the individual, as he says, has a common-law wife living with him and dependent on his earnings, then she qualifies under this.

Mr. CRAWFORD: I am not talking about what the Governor-in-Executive Committee may or may not do. What I am saying, Mr. Chairman, is that it should be set out unequivocally clearly that the common-law wife has the same legal rights as the widow. A dependent is an entirely different thing in this context from a widow and therefore the amendment makes it unmistakably clear that the common-law wife has the same rights under this Act as the widow.

6.45 p.m.

I say, who are we to moralise on the issue?

Sir, I have no inclination at all to moralise against a situation which the amendment may appear to disclose. Any common-law wife is going to have no end of trouble in trying to establish her rights under the section quoted by the Hon. Introducer of the Bill. Do you think anybody is going to regard any strong, hard-working women, young or middle-aged, as a dependent of somebody who is dead? Why put these people in the position that they have to go petitioning somebody and begging them for that? You might just as well come right out and say to them: "You have not been married to the man; therefore, you will get nothing."

Hon. R. G. MAPP: Mr. Chairman, I rise on a point of order. Is the hon. member saying that the proposed amendment as it is tends to make it easier for anybody to come along and make a claim?

Mr. CRAWFORD: The amendment is quite clear. Somebody is cohabiting in a house with the deceased for a period of not less than five years.....

Hon. M. E. COX: Why five years?

Mr. CRAWFORD: Ten years if you like.

Hon. M. E. COX: Why not two years?

Mr. CRAWFORD: Because a woman who is merely the common law wife of a man for two years is not in the same position perhaps to one who would be living with him for a longer period.

The position is this. Say that you accept the amendment as proposed by the hon. senior member for Christ Church or say point blank: "Away with you! You are not married and, therefore, you do not qualify under the provisions of this Bill". That is all there is to it.

Mr. BARROW: Mr. Chairman, I feel myself constrained to say something on the amendment which is before the Committee and only so because there appears to be complete ignorance on the other side of the House as regards it. Both the hon. members who spoke prior to my getting up made valuable contributions on something which vitally affects 60% of the family relationships of this Island. What hon. members on the other side fail to see is this. Whether there are integrated or settled territories, wherever there is such a common law marriage, it is legally binding. Of course, an association of twelve months would not be recognised.

Let us look into the question of a person establishing the right of their inheriting a peerage, a fortune or any such thing. In England, for instance, a man can go and prove that his great-grandfather — if he is an heir-at-law — was living with a certain person who was his great-grandmother for a certain number of years although there is nothing on record that those people were married under the provisions of the Marriage Act, and if he can prove that, he is legally entitled to this peerage or this fortune or whatever it may be by reason of the fact that everybody in the village or town or district where his antecedents may have been living accepted the fact that those people were living in such a house together and were regarded for all purposes as man and wife. There are a lot of people in Barbados, as we know, who if they were in an income group as that which these people are in, would similarly want to establish their claim and if proof could be found, it would be regarded by the Law Courts that they were married for all intents and purposes.

I see the hon. senior member for St. Thomas is laughing but there is nothing in this to laugh at. It is all right to say, "why not a year?", but this is a serious amendment. You cannot have somebody who is switching their attention from one person to another being entitled to the same status as far as rights and privileges are concerned as some person who has been living in a house for twenty years and who has borne children and who wintered and summered with that same person. Certainly, five years is a reasonable period. One of the reasons why a lot more people do not go through the formalities of the Marriage Act is because of economic grounds.

I think if one took a survey of the employees in the different departments of the Government, one would find that the figure of the common law marriages exceeds 60%, and if hon. members would look at the Workmen's Compensation Act, they would see under that Act that there is provision for persons who were living in the house of the deceased, or the workman. The term "dependants" under that Act means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively; provided that a person shall not be deemed to be a partial dependant of a workman unless he was dependent partially on contributions from the workman for the provision of the ordinary necessities of life suitable for persons in his class and position.

Under this Act which we have before us, a "department" is defined "a department of the Government". It is more important to describe, as far as the law is concerned, what is meant by "dependant" of an employee than to define what "department" is. There can be no legal dispute as to what is or what is not a Government Department. We know that the Highways and Transport Department, the Waterworks Department and the Public Works Department are Government Departments and they are the departments which normally employ casual workers for whom this Bill is designed.

6.55 p.m.

Therefore what the Government should do in this matter is not necessarily to put in the definition of "widow" or "wife" or to extend the term "widow" to include "reputed wife", but to put in a definition of what a dependant is. However, I am supporting the amendment made by the hon. senior member for Christ Church for the simple reason that the amendment covers a group of persons whom we feel should be protected. It is remarkable that, in this island which has a long history of constitutional reform, the Lower Chamber would much sooner see an amendment come from the Bourbons who inhabit the Other Place and swallow any kind of amendment sent back down to this Chamber, than for the Government to get up in this Chamber and do what is their duty to the public, because they consider it more face-saving to allow an amendment to come from the Other Place than accept an amendment from this side of the House.

That shows the absence of pride and self-respect. If the hon. member has made a suggestion, they know that there is an essential validity in the suggestion which is put forward, but the members of the Government feel that credit would redound to the members of the Opposition if they were to accept an amendment coming from this side. Mr. Chairman, have you ever heard us get up in here and crow because the Government accepted an amendment coming from this side? These are matters which would appeal to people who have commonsense, but the level of thinking on the other side of the House is really appalling. Because the suggestion has come from this side of the House they will not accept it, but these same people will go to the various parishes and ask the people to vote for them and say that they are the people who are looking after their interests. If we vote against this Clause the members on the other side will say that the Conservatives and the Official Opposition voted together and that sort of ignorance which one hears expounded on public platforms and in this House from time to time. I am suggesting that no particular one should be mentioned in this Clause. I do not see how the members of the Government could not have thought about this matter; but let us say that they did think about it and forgot it. I am asking them to postpone the further consideration of the Bill and let the Legal Draftsman tidy it up and not leave it absolutely blank.

At this stage, it now being 7 p.m., of the clock, Mr. SPEAKER took the Chair.

Mr. SPEAKER: It now being 7 p.m., of the clock, this sitting stands suspended until 7.45 p.m. of the clock. This sitting now stands suspended.
7.00 p.m.

On re-assembling,

CASUAL EMPLOYEES PENSIONS BILL

Mr. SPEAKER: On the suspension of the sitting for dinner, the House was in Committee on a Bill to provide for the grant and payment of pensions and gratuities to persons who have been employed on a casual basis in the service of the Government.

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

Mr. CHAIRMAN: On the suspension of the sitting, the hon. junior member for St. John was speaking on Clause 2 of a Bill to make provision for the grant and payment of pensions and gratuities to persons who have been employed on a casual basis in the service of the Government.

Mr. BARROW: Mr. Chairman, some hon. members have referred to Clause 14 of this Bill and suggested that there was some kind of provision whereby a pension might be paid to a person who may not necessarily be the lawful married wife of an employee. That was an argument put forward against the amendment suggested to Clause 2 of the Bill by the hon. senior member for Christ Church. It is true that we are not dealing with Clause 14 of the Bill at this stage, but since the hon. senior member for St. Michael was allowed to get up and say that this amendment is unnecessary, I will point out that Clause 14 deals with a person who has been convicted of a criminal offence and sentenced to a term of imprisonment exceeding twelve months. This is a Clause where a penalty has been imposed upon a man and he has been sentenced to a term of imprisonment exceeding twelve months for an offence and the Governor-in-Executive Committee may make directions; but why should they want to have recourse to a Clause in this Bill which deals with the exceptional case? I hope that the Government will not employ people who are likely to be subjected to a term or terms of imprisonment of twelve months or more, which term or terms of imprisonment can only be imposed by a Judge at the Court of Grand Sessions. In a case of this sort this Clause says that the Government can order.....

Mr. CHAIRMAN: Is the hon. member referring to Clause 14?

Mr. BARROW: Yes.

Mr. CHAIRMAN: It was unfortunate that I did not hear the remarks made by the hon. senior member for St. Philip allegedly in connection with Clause 14. When the hon. senior member for St. Michael started to make reference to Clause 14 I then looked at the Clause and the hon. member said that he was referring to it because the hon. senior member for St. Philip was referring to it. I must plead guilty to that; but at this stage, having allowed one member to make reference to that Clause, I had to allow the other member to reply. The hon. junior member for St. John is making reference to Clause 14; I am suggesting to the hon. member that he should not expand on this Clause because there was an oversight in the first instance.

Mr. BARROW: Mr. Chairman, the first person, according to my recollection, who mentioned Clause 14 was the hon. senior member for St. Michael who got up and tried to short-circuit the debate because of the provision in that Clause. Clause 14 only deals with people who have been convicted and imprisoned for a period exceeding twelve months.....

Mr. CHAIRMAN: Let us stick more closely to the Clause with which we are now dealing.
7.50 p.m.

When you get to Clause 14 you can deal with that.

Mr. BARROW: Look, Mr. Chairman,....

Mr. CHAIRMAN: The hon. junior member for St. John must listen when I am speaking.

Mr. BARROW: You seem to be making a major speech.

Mr. CHAIRMAN: You will have to listen to the Chair, and I have means of making you listen. I will stand and you will have to take your seat. I am appealing to you not to try to explain Clause 14.

Mr. BARROW: I am not saying, Mr. Chairman, that you are guilty of any oversight; I am merely pointing out that I do not agree that things like this should be dealt with on points of order, but in the course of a debate especially in Committee, another member whether from the Government or from the other side can say he is not going to support this amendment because we have provision somewhere else in the Act for it and point out where the provision is.

Mr. CHAIRMAN: You cannot deal with Clause 14 until you get to it.

Mr. BARROW: I do not really understand you, Mr. Chairman. I said it is not competent to deal with this matter on a point of order, but are you seriously saying that any member of this House cannot get up and say, if the hon. senior member for St. Michael wants to put in such an amendment, that he is not going to support it because provision is made for it in another Clause?

Mr. CHAIRMAN: I am saying you must not deal with the particular Clause at this point.

Mr. BARROW: I am not dealing with the Clause. I am merely saying that the hon. senior member for St. Michael who was allowed to rise on a point of order should not try to make it appear as if there was some provision made in the Bill which would render the amendment made by the hon. senior member for Christ Church unnecessary. I do not think we have to indulge in any debate on semantics in order to get this matter cleared up. I am pointing out that the member for St. Michael is utterly wrong to say that there is any provision in any part of this Bill. We do not have to deal with Clause 4 or Clause 16; I am saying that there is no provision in any part of the Bill which makes the amendment proposed by the hon. senior member for Christ Church redundant, and it is completely misleading for the member to get up and say that a particular Clause has such a provision. How the question of persons who have been sentenced to terms of imprisonment come into this, I do not know. Moreover it is a matter which is not granted as of right even in that isolated group of cases, but is purely discretionary and means that a widow or reputed wife

would have to go hat in hand and ask for something to which she should be entitled, and would have to wait until election time to get it anyhow; therefore to get up and ridicule the two hon. members who proposed and seconded the amendment and say that provision is already made in the Bill is ridiculous.

When you say, Mr. Chairman, that if a person has been sentenced to a term of more than twelve months imprisonment he may lose his pension, I do not know how it becomes a pension at all. It is really a subvention or gratuity towards the support of the employee. I do not think it has any right in this Bill at all, and I think the whole case can be met either by the amendment which has been proposed, or alternatively by putting in a definition of the term "dependent" to include anyone who is living at the time in the house of the employee and who was totally or partially dependent upon the employee's earnings. That is consistent with an amendment to the Workmen's Compensation Act which I introduced here some time ago and which is the law in Antigua and Jamaica, and that would settle the whole issue. We would not have to go chopping and changing independent Clauses.

What hon. members are saying is this: whether or not you like it, we are living in a community where these irregular family relationships are more the rule than the exception. We are saying that amongst this particular category of Government employees the incidence of these common-law relationships by statistical proof is higher than it is in any group in the community who draw salaries or emoluments from the Treasury of this island. If you are in a Bill of this kind making it permissible for a widow in the legal sense of the term and not in the common law sense of the term to derive benefits under the Bill, the Bill is really a farce. If therefore the accusation of window dressing immediately prior to election were hurled at the Government, it would not be without some justification in truth and in fact.

Now do not let us mince matters. They have a lot of stooges to do their thinking for them because they are incapable of thinking themselves, people who are supposed to have a little more intelligence than they have, but who have long surrendered their ability to think at all. They only want to ingratiate themselves with the Government or Ministers; and you know to whom I refer; but because they have been obsequious for such a long period of time, although they are semi-literate and can read and write, when it comes to thinking out policy in the interest of the people of this country, only somebody who has faced the tape at election time is entitled to interfere with matters of social legislation such as the one which we are considering.

If the Hon. Premier was really serious about his social security, all this would be unnecessary. I do not want to go into his failure to debate the Richardson Report because I am sure you would stop me, and you would be entitled to stop me. But we have to face facts. Naturally there are a lot of people, especially people who are avowed to their relationship, themselves Victorian, and other people who are brought up in the standard of Western civilisation, who tend to equate a person's responsibility to his ability to conform with the institutions which have been imposed upon us; but we cannot say we are bringing a Bill for 4,000 or 5,000 persons when the provisions of the Bill exclude from its operation 65% or 75%. We have to be realistic about these matters. That is why in Antigua they thought it feasible, necessary and correct that they should include in the Workmen's Compensation Legislation a definition which was sufficiently wide to cover all the people who would suffer, who would be placed in a precarious position if their main source of support was cut off either by the Universal Reaper, by sickness or by some other agent. You have a bread-winner in a household; that bread-winner is cut off; what provisions are you making for the people who are dependent upon him? In the term "dependents" you should include such person or persons living in the house of the employee at the time of, let us say, his death who were wholly or partially dependent upon his earnings, and that covers everything.

Mr. Chairman, the hon. senior member for Christ Church has focussed attention on the people who would be

brought within the provision by saying that we should introduce an amendment to extend the term "widow". The hon. senior member for St. Philip who seconded the motion agrees that to change the common, ordinary day to day usage and legal meaning of the term "widow" so as to include the particular class of person may not be elegant drafting. I believe that the hon. senior member for Christ Church is a fairly elegant draftsman, and he has focussed attention by that amendment on the problem which is confronting the Legislature at this particular juncture. Do you mean, Mr. Chairman, that we have to send this to the Other Place and let people who ostensibly have no interest in the average working-class man in Barbados send back down an amendment?

8.00 p.m.

Is it that we should make provision for these people, or should we tell the public that it was the hon. senior member for Christ Church who first thought about it and therefore we would introduce it and then claim the honour and credit for it? The question of who gets the honour is not the material thing because at some stage of history, posterity would look backwards and would give credit to whom credit is due, but at this juncture the man in the street is only concerned with what he would get. History and posterity would judge.

I am inviting the Committee to agree to a different kind of amendment which would have the same effect. I am therefore moving, Mr. Chairman, in order to save their face, if that is what they are interested in, the postponement of the consideration of this Clause so that they can go and get an amendment made.

Mr. GODDARD: Mr. Chairman, I heartily second the motion for the postponement to enable the Government to get the advice of the Crown Law Officers and to give an interpretation to common law wife as has been expressed by everyone on this side.

The question that further consideration of the Clause be postponed was put and resolved in the negative, the Committee dividing as follows:-

AYES: Messrs. GODDARD, BARROW, TALMA, CRAWFORD, TUDOR and BRANCKER - 6.

NOES: Hon'bles Dr. H. G. H. CUMMINS, M. E. COX, D. D. GARNER, R. G. MAPP, L. St. A. THORNE, F. E. MILLER, Messrs. HOLDER, SEARLES and STRAUGHN - 9.

The question that the words proposed to be inserted stand part, was put and resolved in the negative, the Committee dividing as follows:-

AYES: Messrs. GODDARD, BARROW, TALMA, CRAWFORD, TUDOR and BRANCKER - 6.

NOES: Hon'bles Dr. H. G. H. CUMMINS, M. E. COX, D. D. GARNER, R. G. MAPP, L. St. A. THORNE, F. E. MILLER, Messrs. HOLDER, SEARLES and STRAUGHN - 9.

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

Clauses 3 to 8 inclusive were called separately and passed.

Clause 9 was called.

Hon. M. E. COX: I beg to move that Clause 9 stand part.

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

Mr. BARROW: Mr. Chairman, this Clause reads as follows:-

9. Where an employee is otherwise qualified for a pension under this Act, but -

(a) has been employed in the service of the Government for less than ten years but for five years or more; and

(b) retires because of ill health or because of injuries received in the actual discharge of his duties, such injuries not being attributable to the employee's own misconduct or negligence,

the Governor-in-Executive Committee may grant to such employee on retirement a gratuity not exceeding five times the annual amount of pension which, if there had been no qualifying period, might have been granted to him under section eight of this Act.

Now, Sir, my objection to Clause 9 which is to give an employee who has served less than ten years but has served five years or more a gratuity equal to five times the pension he may receive if he had qualified is this. You will notice in sub-clause (b) that they have inserted that if he retires because of ill health or because of injuries received in the actual discharge of his duties, such injuries not being attributable to the employee's own misconduct or negligence, then the person is eligible. It seems to me that if it is because of ill health he is eligible, but if he gets knocked down with a motor car and is no longer able to work, he does not come under the provision of Clause 9. If he retires because he has weak lungs or weak heart he is eligible; but if he has injuries which he sustained outside of his employment he would not come within the provisions of Clause 9. That does not seem sensible to me. If a man leaves work and sustains injuries in the course of his going home he is still a person employed in your service. I do not know why this distinction should be made of persons in ill health or persons who are suffering injuries where those injuries were received in the course of his employment whether they were received in some other kind of accident which was not in any way attributable to his own fault.

8.10 p.m.

Hon. M. E. COX: The answer to that question is a simple one. If, as the hon. member says, a man was injured by a motor vehicle which the hon. member or anybody else may run on the road without complying with the law of having Third Party Insurance.....

Mr. BARROW: On a point of order, Mr. Chairman, I do not think it is competent for hon. members to get up and make remarks like that. I have not attacked the hon. member; I should like to ask at what stage of the 22 years during which I have been driving a motor vehicle, have I ever driven such a vehicle which has not been insured. The hon. member probably has done that but I have not done it. I have driven War Office vehicles, but when the hon. member gets up and make a statement like that, he would give the general public the impression that I drive a motor vehicle without having Third Party Insurance. If the hon. member wants to know if I am insured, let him come across me.

Hon. M. E. COX: Mr. Chairman, the hon. member made a speech when the Bill to provide for Third Party Insurance was before the House, and that Bill was introduced for the purpose of providing that persons who might be owners of motor vehicles but who might not be solvent or who might not have any substance, should carry Third Party Insurance inasmuch as they could not compensate an individual who might have sustained injury as the result of an accident with any of these vehicles. If an individual is insured, as the hon. member says, it is that the Third Party Insurance...

Mr. BARROW: On a point of order, I object to the remarks made by the hon. member to the effect that I am driving a vehicle which may not be insured.

Mr. CHAIRMAN: That point of order has been established.

Mr. BARROW: It appears to me, Mr. Chairman, that you do not like my speaking in this House.

Mr. CHAIRMAN: The Hon. Minister of Trade, Industry and Labour has explained what he means by Third Party Insurance.

Mr. BARROW: The hon. member says that I may be driving a motor vehicle which is not insured, and therefore he is accusing me of breaking the law. Furthermore, they have made no provision in this Bill, for any person who might have been injured by a motor vehicle which has not been insured. The hon. member cannot pretend to be referring to the law in England. In England the Home Secretary has made provision for that situation. The hon. mem-

ber is making a direct, slanderous attack on me to the effect that I am in the habit of driving motor vehicles which have not been insured.

Mr. CHAIRMAN: The hon. junior member for St. John has established his point of order and will therefore take his seat.

Mr. BARROW: Mr. Chairman, what do you intend doing about what the hon. member has said?

Mr. CHAIRMAN: I do not see any personal attack in it.

Mr. BARROW: You appear to acquiesce and apparently they are myopic because you do not see anything on that side.

Mr. CHAIRMAN: When I am speaking to the hon. member he attempts to cross me. I am speaking now. The hon. junior member for St. John rose on a point of order on what he said was an attack on him by the hon. senior member for St. Michael. The hon. senior member for St. Michael has explained what he meant by Third Party Insurance.

Mr. BARROW: Mr. Chairman, it is remarkable.....

Mr. CHAIRMAN: I am speaking.

Mr. BARROW: Whenever I want to speak....

Mr. CHAIRMAN: I should like to tell the hon. member, as I have already told him, that I have the authority to make him take his seat. The hon. senior member for St. Michael explained what he meant by Third Party Insurance.

Mr. BARROW: On a point of order, I think, Mr. Chairman, that you are neglecting your duty if you pretend not to understand what my point of order is. My point of order is that the hon. senior member for St. Michael has made a personal reference to me in suggesting that I am in the habit of breaking the law. If you did not hear that, then you are not doing your duty. It is remarkable that all the speeches made by you are when you are sitting down in the Chair and when I am trying to speak, when you should be over there representing the people.

Mr. CHAIRMAN: Ignore that. The hon. senior member for St. Michael may continue.

Hon. M. E. COX: Mr. Chairman, I have absolutely no respect for anything that the hon. member says. Where the Workmen's Compensation Act comes into being, an individual does not get any pension or gratuity or anything like that. If a vehicle injures an individual he is entitled to compensation under the Third Party Insurance Act; therefore an individual is amply protected under the Act. We are not passing legislation to duplicate any legislation which is already on the Statute Book. It is all right for the hon. member to try and fool idiots.....

Mr. CHAIRMAN: Let the hon. member deal with Clause 9.

Hon. M. E. COX: Mr. Chairman, this Clause is as clear as ever. You are giving an employee, although he is not entitled to a pension since he has not completed ten years of service which qualifies him for a pension, a gratuity of so much money. But sub-paragraph (b) of this Clause says that if the employee retires because of ill health or because of injuries received in the actual discharge of his duties, such injuries not being attributable to his own misconduct or negligence, he will get this gratuity. All Pension Acts make a provision similar to this. Why did the hon. member not raise the question as to any other Pension Act which we have on the Statute Book? Nothing has been raised to show where the individual would suffer any loss or inconvenience or hardship in case he gets injured. We discussed the Third Party Insurance Bill in 1952 or 1953 and the hon. member made what some people have regarded as a good speech.
8.20 p.m.

I repeat that we discussed that Third Party Insurance Bill some time in 1952 or 1953, and the member was sup-

posed to make what some people regarded as a good speech on it. As I said, Sir, it is absolutely unnecessary. (Mr. BARROW: It is a pity you didn't understand the speech!) I think I have explained to the Committee that provision has already been made in the 1947 Act, and this is a repetition of the 1947 Act. We are putting these casual employees on the same footing as permanent officers of the Government.

Mr. BARROW: Mr. Chairman, I want to get this clear. The Third Party Insurance makes absolutely no provision for persons, or in fact, does not entitle them to any compensation under the Act, and that is why I made the remark to the hon. member when he was speaking that he obviously did not understand the speech to which he referred that I made when we were considering the Third Party Insurance Act. The Third Party Insurance Act is not an Act which guarantees, like the Workmen's Compensation Act, payment to a person independent of the question of negligence on the part of the person who has had the accident with him. It is an indemnifying Act, indemnifying the person against whom the action is brought, and in an action or suit is a condition precedent to anyone recovering compensation. It is a condition, I said that eight years ago in here in the same speech to which he has referred which is reported in the Official Gazette, and I only wanted to make it clear that the Workmen's Compensation is a gratuity compensation Bill and not an indemnifying Bill.

The purpose of Third Party Insurance is to indemnify the defendant who has the judgment against him, because very often the judgment is against him and he is not able to satisfy the judgment. All he may have is a motor car and that may belong to Olds Discount; so Third Party Insurance was not the creation of the Barbados Labour Party; it exists all over the world. Even here in Barbados it is not water-tight, because if you drive your car or if anyone drives a car which is not insured and judgment goes against that person, then and in that case the person who recovers damages is left without any remedy at all. They have rectified that by setting up a fund under the Third Party Insurance Act to which all the Insurance Companies contribute; so where a person, let us say, a juvenile delinquent - I would not say a member of the Government on the other side, but the other juvenile delinquents - takes up a motor car and knocks down somebody, the car is not insured nor is he insured, the Company is not liable to pay that person any damages; so how can the hon. member say they are protected?

Now the member envisages that the only kind of accident you can have in Barbados is an accident with a motor car. Suppose it is an accident with a bicycle? Suppose you slip on a banana skin and break your foot; where is the protection he is talking about?

Hon. M. E. COX: On a point of order, I was replying to exactly what he said. He talked about a motor car breaking somebody's legs in which case the legs had to be amputated, and I was replying to that. When he says something else, I will reply to that also.

Mr. BARROW: I gave other illustrations and *inter alia* - to use the quotation from my colleague on my left - the example of a motor car accident. I mentioned other kinds of accidents too. The position is that there are other kinds of accidents. I would like them to answer this: suppose an employee going home from work slips on a banana skin and sustains a compound fracture or any kind of fracture and he is incapacitated for a period of time or dies because he hits the back of his head, where is he protected in this Bill? Do you mean to say that his family is not entitled to gratuity, pension or compensation if he has another kind of accident? If he is in ill-health, is suffering from a respiratory disease, cancer or something like that, he can get a pension; but if he slides on a banana skin he cannot get it. If they cannot see that, I am sorry for them.

Mr. TALMA: Mr. Chairman, the general intention here is to grant compensation to an employee despite the fact that he has not served the entire ten years; but if he has served five years or more he would not be entitled. He is entitled to this compensation: if he retires because of ill-health or

because of injuries received in the actual discharge of his duties. That is a very unfortunate phrase and one which is seldom used in Compensation Acts or any compensatory legislation of this nature. The term that is usually employed is "injuries received in the course of his employment", which means not necessarily on the job but while he is journeying to the job or returning home; as he is covered from the time he leaves his home. I am making the point that if you want to comply with such industrial legislation, you should use the hackneyed expression "in the course of his employment", because it has a clear and legal interpretation attached to it and covers the workman from the time he leaves his home, whether by bus, bicycle or on foot until he gets back home. At least that would cover him to a greater extent than if you left this expression which is unknown to such legislation - the expression "in the actual discharge of his duty". That expression would connote that the injury would have to be sustained while he is actually on the job and not otherwise, if the floor where he is working breaks or some beam falls. If you put in "in the actual discharge of his duty", it is too limited, and that is what the hon. junior member for St. John attempted pointing out in the most explicit manner in this Committee.

Mr. Chairman, the hon. member gave of his legal knowledge freely and gratis. When you give legal advice like that it is not appreciated, but if you pay 50 guineas you might appreciate the advice tendered. The hon. member has simply tried to improve the type of legislation, because he knows what the Minister and the Cabinet have in mind, and he has done that in order to give greater assistance to this class of worker. If you are going to do something to help them, do not limit it that way. Do not put a lot of red tape and attach a lot of restrictions. What he should do is to make it clear cut. You might probably just say "retired because of ill-health or becomes incapacitated, such injuries not being attributable to the employee's own misconduct or negligence, or becomes physically incapacitated."

8.30 p.m.

If you leave it like that, you will be doing something. He retires because of ill health, it may be because he worked too hard on an empty stomach and in consequence his health broke down or it may be because he was undernourished. You have covered that point but then you should leave it in an open way if the intention is to help. "Or becomes incapacitated" means in some other way he cannot continue to work whether by accident or any thing else except his being guilty of misconduct. If the hon. member would delete those words and just include the words "incapacitated" that will cover what the hon. member has in mind but which the draftsman failed to insert though it was the spirit and intention of the hon. member.

The question that Clause 9 stand part was put and resolved in the affirmative without division.

Clauses 10, 11, 12, and 13 were called separately and passed.

Clause 14 was called.

14. (1) Where an employee to whom a pension has been granted under this Act is sentenced to a term of imprisonment exceeding twelve months by any court for an offence, such pension shall, if the Governor-in-Executive Committee so directs, cease as from such date as the Governor-in-Executive Committee may determine.

(2) Where an employee is sentenced as aforesaid after retirement in circumstances in which he is eligible for a pension or gratuity under this Act but before the pension or gratuity is granted, then the provisions of the foregoing subsection shall apply in relation to any pension or gratuity which may be granted to him.

(3) Where a pension or gratuity ceases by reason of this section the Governor-in-Executive Committee may direct all or any part of the moneys to which such employee would have been entitled by way of pension or gratuity had he not been sentenced as aforesaid, to be paid to or applied for the maintenance or benefit of all or any to the exclusion of the other or others of the following, that is to

say, such employee and any wife, child or children of his, or such other dependants as the Governor-in-Executive Committee may determine.

Where any such employee after conviction at any time receives a free pardon, the pension shall be restored with retrospective effect or the gratuity shall be paid; but in determining whether arrears of such pension are payable to such employee and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3) of this section.

Hon. M. E. COX: Mr. Chairman, earlier on, I intimated to the House that I would be moving an amendment to this Clause so as to bring it in line with a similar provision under the Pensions Act, 1947. This section deals with the cessation of pension after an employee is convicted of an offence and is sentenced to a term of imprisonment exceeding twelve months. The 1947 Pensions Act states that where a person to whom a pension or other allowance has been granted under the Act is sentenced to a term of imprisonment with hard labour exceeding twelve months by any Court, for any offence, such pension or allowance shall cease. You will note that it says a term of imprisonment with hard labour. The words "with hard labour" have been inadvertently or otherwise left out of this Clause and in order to bring this Bill into line with the Pensions Act of 1947, I am asking leave to include the words "with hard labour". All of these sections with which we are dealing are identical to those in the 1947 Pensions Act. This varies slightly by the omission of those words.

As I have said, I am asking leave to insert those words so that the section would now read as follows:-

"Where an employee to whom a pension has been granted under this Act is sentenced to a term of imprisonment with hard labour exceeding twelve months by any court for any offence, such pension shall, if the Governor-in-Executive Committee so directs, cease as from such date as the Governor-in-Executive Committee may determine."

Mr. CHAIRMAN: The Hon. Minister is asking leave to insert the words "with hard labour" in this Clause. If there be no objection, leave will be granted.

Mr. GODDARD: Sir, may I ask the hon. member if that was put in at the request of the Civil Service Association?

Hon. M. E. COX: I do not quite follow the hon. member. The Civil Service Association does not run the Government.

Mr. CHAIRMAN: May I ask the hon. junior member for Christ Church if he is objecting.

Mr. GODDARD: No, Sir; I only want to know whether it was put in at the request of the Civil Service Association.

Mr. CHAIRMAN: That can be answered afterwards.

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

Hon. M. E. COX: Mr. Chairman, I beg to move that Clause 14 as amended stand part.

Hon. L. StA. THORNE: I beg to second that.

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

Clause 15 was called and passed.

Clause 16 was called.

Hon. M. E. COX: I beg to move that Clause 16 stand part.

Hon. L. StA. THORNE: I beg to second that.

Mr. STRAUGHN: Mr. Chairman, this is a Clause on which one can speak for at least about three hours. I will try if I can to make a speech on it near to three minutes

instead of three hours. I am sorry that I had to wait this long because I could have taken the same chance under Clause 2 when hon. members discussed that Clause, 8.40 p.m.

The Hon. Minister has used the words "if the time comes there will be a general overhaul." I would give the most generous and charitable interpretation of that by which I would be able to support the Government in this issue. It is really difficult to find any elasticity in the answers which were given on this occasion, but the questions I raised were questions which would have to be handled in a much wider sense than anything which can be handled in this particular Clause relating to the mothers of illegitimate children who might happen to be the dependants of these workers. It is a much wider question than any slight amendment which you might be able to make to this Section. I said that I wanted some indication from the Government that they understand that this is a wider question than the amendment you will have here. Despite all the arguments which were referred to, the Minister said that if the time comes for a general overhaul, they will do it.

Mr. Chairman, I refer now to the question of the posthumous child. I would like to say that I think the Government should check again with their legal officers on this particular question. It would appear that the introducer of this Bill feels that the term "posthumous child" refers to all children illegitimate or otherwise, from an illegitimate union. I do not know the legal interpretation of it.

Mr. CRAWFORD: On a point of order, Mr. Chairman, what did the hon. member say was the interpretation by the hon. senior member for St. Michael of the term "posthumous child"?

Mr. STRAUGHN: The hon. member replied and suggested that the term applied to any child whether it was living or not. I said that the impression which I got from the Legal Advisers around here is that the term "posthumous child" means a child which was born after the death of its father, and if, according to the law, an illegitimate child is one which is without a father or one whose father you cannot locate, the term "posthumous" could only refer to a lawful child. I am not certain that biologically and socially speaking every child has a father, but even although the lawyers might have a bank holiday on this matter, I think that as legislators we must be a little more careful. It is quite possible for legal people to pass legislation with a lot of loop holes in it, because that is how they make their living; but, as legislators, we must be sure that this matter has the liberal interpretation that the Minister seems to suggest it has. I am not myself sure of that; I would suggest strongly that we do make some reference to the legal authorities on the matter.

The Minister has said that this Clause has been taken almost word for word from the Pensions Act of 1925 and the amended Act of 1947. In 1925 a particular Act would be passed by a particular kind of Government and in 1947 it would be amended by another Government. There is an Illegitimacy Act of 1930 which means that the then Government and the House of Assembly, comprising at that time the plantocracy with perhaps a little liberal thought in it, would recognise that there was the problem of illegitimacy in the island at the time. They have recognised it and they have this Illegitimacy Act of 1930. I understand from the legal minds around here that there is no other kind of Illegitimacy Act on the Statute Book because it is not needed. The term "lawful wife" is taken from the English common law. It is taken for granted that persons would know about conditions of marriage if they are a lawful husband and wife. Even before there was a House of Assembly there was this understanding of what a husband and wife mean. In 1930 you recognised that and even more so today it is necessary to understand what are the social problems and conditions of this country.

Mr. Chairman, I could give you comparative figures for the rest of the Caribbean because it is the Caribbean pattern, and when I mention these figures in this House the people in England will know about it. The newspaper will not publish whatever I say and Rediffusion has a ban on me. It is more easily said when Miss Betty Arne, our last Social

Welfare Officer, mentions illegitimacy in Barbados and the newspaper publishes it and she goes back to England. Miss Betty Arne, as Social Welfare Officer, will present her report and the newspaper will publish it in relation to the illegitimacy figures here. It is essential that the Government should reflect the conditions in the country. In the Government of Ghana, the Minister of Internal Affairs would be changing up the law. It is either that you want to continue in your way of living having three or four wives if you want to do so or otherwise; but it was either Mr. Macmillan or Mr. McLeod who said that it is a bad practice. Anybody can make any comments of that nature.

8.50 p.m.

These references which anybody studying statistical information makes for the benefit of everybody on which we could act are not to be taken in the light that they are in any way derogatory of a Government or else. As a matter of fact, I said that I was going to give the most charitable interpretation to the reply of the Hon. Minister, because I was trying to point out that I was actually softening the criticism that was given by the Opposition by saying that what they are trying to suggest did not really answer the complete problem at all, because the problem itself was a bigger problem than anything you could introduce into this section of the Act. The Minister in the end must have caught on because if he interprets it to mean that if the time comes there will be a general overhaul, I am only suggesting that there are people in Barbados and members of the Barbados Labour Party who feel that the time has come and verily now is. I am quite conscious, Mr. Chairman, of my position here. I am the person holding the cement to knit things together or the dynamite to blow them up, and I am hoping I do not have to use more dynamite than cement.

Mr. CHAIRMAN: The hon. member should stick to the Resolution.

Mr. STRAUGHN: Are you suggesting that I should get back to this Section? That is all I have been talking about.

Mr. CHAIRMAN: The remarks about the Party and about cement and all that do not come within the Resolution.

Mr. STRAUGHN: I would like to cement all the points of view of this issue now and to say, Mr. Chairman, that, as I said earlier, as this problem is a bigger problem than the amendment which the hon. senior member for Christ Church has in mind, I take the assurance from the Government and the Minister himself that there is some possibility of a general overhaul which would tackle this whole problem; and if I give a charitable interpretation to that, it would therefore mean that the Government could be supported if they did not happen to accept any particular change in this Clause. *(Cheers from Opposition members.)*

Hon. M. E. COX: Why didn't you all clap this morning? This is the first time that you have welcomed him into your bosom. I am disregarding a lot of what the hon. member said on the question of a posthumous child. He said that from his interpretation it must mean a child got out of wedlock or anything like that, that it could not mean an illegitimate child because an illegitimate child is not supposed to have a father. I would only say that as far as I know an illegitimate child is not supposed to have a father, but the Magistrate generally finds one for him.

The question that Clause 16 stand part, was put and resolved in the affirmative without division.

Clause 17 was called and passed.

Clause 18 was called. It reads as follows:-

18. (1) The provisions of this Act shall apply -
 - (a) to every employee who is first employed in the in the service of the Government after the commencement of this Act; and
 - (b) to every employee who is employed in the service of the Government at the commencement of this Act unless not later than twelve months after such

commencement or within such further period as the Governor-in-Executive Committee may in any special case allow, such employee gives notice in writing to the Head of his department that he does not wish the provisions of this Act to apply to him.

(2) The provisions of this Act shall not apply to any person to whom the provisions of the Pensions Act, 1947, the Public Employees Pension Act, 1937 or the Public Employees Pension Act, 1961 apply.

Hon. M. E. COX: I beg to move that Clause 18 stand part.

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

Mr. BARROW: Mr. Chairman, I am going to be very brief, I want to move an amendment to Clause 18. You will see that Clause 18 provides the classes of persons to whom the provisions of the Act should apply, and these classes as set out are: (a) to every employee who is first employed in the service of the Government after the commencement of this Act." That is if next year the Act comes into force it would apply to him, (b) to every employee in the service of the Government after the commencement unless he contracts out of the provisions of the Act, I do not see anybody contracting out of a pension, but that is by the way, and it ends there, I would like to insert an amendment to include another group of persons to whom the Act should apply, and that is "(c) to every employee who shall have retired as a casual employee within five years immediately preceding the coming into operation of this Act." So instead of having only the people who first worked for the Government after the Act comes into force and the people who are actually employed today and next week or a month from now when the Act comes into force, what we want to do is to include a third class, because there is a large number of persons who are undergoing hardship now who have rendered this Government long and faithful service, and I think that the Five year period relating back to the five year period which is the life of this House would be really a very good thing for us to do here.

Mr. Chairman, the amendment is self-explanatory. There are persons who have actually worked for the Government for 38 or 40 years continuously who have already retired, and I think you should make the operation of the Act, at least for that particular class of persons, retroactive and send it back for five years. My amendment therefore is to insert after paragraph (b) a new paragraph "(c) to every employee who shall have retired as a casual employee." The words "casual employee" are already defined, so we do not have to go into that. The complete amendment is as follows:-

"(c) to every employee who shall have retired as a casual employee within a period of five years immediately preceding the coming into operation of this Act."

I beg to move that Clause 18 be amended by the insertion of paragraph (c).

Mr. TALMA: Mr. Chairman, I beg to second that motion for reasons which are so patent. As the hon. senior member for St. Philip and myself in our second reading speeches have already emphasised, it is only fair, equitable and right that this piece of legislation should be retroactive so as to include at least casual employees who retired within the last five years.

9.00 p.m.

Most hon. members should realise that there are hundreds of casual employees who have worked faithfully and have put in very long periods. One who has put in a period of ten years would benefit under this Act by the receipt of a pension whereby a complete year includes 220 days along with the other provisions in the Bill. It is only fair and right that we should make it retroactive so as to include a few other hundred needy cases whom we feel should be assisted in this way. It is not a question of who gets the credit; it is a question of helping people who need assistance. Let us forget politics and help the people. Let us try and get something done for the people who sent us here with all those

high hopes but when we come in here nothing is done because members think more of political kudos.

Hon. M. E. COX: I have never heard the behaviour of the Opposition more aptly described in here than has been described by the hon. member who has just spoken. I rise to say that as far as members of this House are concerned, I am sure that none over there is as seriously interested in the welfare of these people as any of us over here. Sir, the fact that they have coalesced over there is ample evidence that they are conservatives.

Mr. TUDOR: When the hon. member said that some moments ago, we took no notice of the remarks; but now he has said so standing on his feet, I have reason to say that that is absolutely untrue and can never be true. This Party of which I am a member has no intention of entering into a coalition, not even with the Party which the hon. member represents.

Mr. TALMA: Mr. Chairman, I rise on a point of order. This is the second occasion on which the Hon. Minister has seen fit to make such allegations. If the hon. member wants to carry the argument to its logical conclusion, one can accuse the Barbados Labour Party of also entering into a coalition in that they are only running one member with the member of the Democratic Labour Party in the constituency of St. Philip. They can be likewise accused of the same thing in the St. Lucy constituency in that they are running only one candidate on the grounds of political expediency. I want the hon. senior member for St. Michael especially to hear what I am saying. This is more or less addressed to him because he is the one member who in 1956 engineered to a great extent the idea that some candidate, no matter how ill-equipped he might have been, should ride on my back in Christ Church. It never happened.

Mr. CHAIRMAN: I am speaking to the hon. senior member for Christ Church. You rose on a point of order and you have established it; so do not make a speech.

Mr. TALMA: I am speaking on a substantive motion.

Hon. M. E. COX: I wish to say that if evidence is needed, it is only left to be seen on his immediate left and the hon. member will remember 1947.

Mr. CRAWFORD: Sir, I rise on a point of order. We have had the spectacle in 1944 of the Conservative Party and the Barbados Labour Party in coalition actually running the Government with the Congress Party in opposition. Mr. Chairman, in any legislature in which they have more than two parties with an almost equal number of seats, there has to be a coalition between some groups in order to get a majority.

Mr. CHAIRMAN: Let us get back to the Clause.

Hon. M. E. COX: Sir, I will reply to that at the appropriate time and give chapter and verse. As far as that amendment is concerned, I do hope Your Honour will rule on it. This is a money Bill and under the Executive Committee Act - it has not yet been changed to accommodate the motion made by the hon. member - the amendment can create a charge on the Treasury. It is stated that no member other than the Government can create a charge on the Treasury. An amendment such as that proposed by the hon. member and which has retrospective effect must of necessity be a charge on the Treasury.

Mr. CHAIRMAN: I would like to inform the Committee that I took particular note of the amendment by the hon. junior member for St. John at the time and my next step was to call the Clerk in consultation.

I do not want to put it any higher than that the amendment as proposed by the hon. junior member for St. John for the insertion of the words "(c) to every employee who shall have retired as a casual employee within a period of five years immediately preceding the coming into operation of this act," in my opinion would create a charge on the Treasury because it would extract money from the

Treasury to pay people to whom it was not the intention of the Government to grant pension.

My reason for waiting was this. If the Government had accepted the amendment, then the Government would have agreed to it creating a charge on the Treasury. That is my ruling on this matter.

Mr. BARROW: Mr Chairman, I rise on a point of order. I would like to say something. With all due deference to Your Honour's ruling, you allow the hon. member to shelter behind some technicality on the part of the Treasury.

Hon. M. E. COX: Mr. Chairman, I rise on a point of order. I am objecting to that. The hon. member must sit down. I am not sheltering under anything; I am merely drawing to Your Honour's attention something which is constitutional. If this motion is accepted, then we will vote against it. We do not have to shelter under anything.

Mr. BARROW: Sir, I just want to say something.

Mr. CHAIRMAN: Are you going to speak on my ruling?

Mr. BARROW: If the Clerk has told you that, the Clerk is corrupt. (VOICES: Order, Order.)

Mr. CHAIRMAN: Why say that when you know that the Clerk cannot defend himself?

Mr. BARROW: He has to make up his mind whether he is a servant of this House or a servant of the Government Party.
9.10 p.m.

Mr. CHAIRMAN: This Committee has heard the ruling which I have made. Having given my ruling there can be no further debate on this Clause. There is no debate....

Mr. TUDOR: On a point of order.

Mr. CHAIRMAN: I am on my feet.

Mr. TUDOR: I rise on a question of privilege.

Mr. CHAIRMAN: The hon. member must take his seat.

Mr. TUDOR: This is the point of privilege which I want to establish. If an hon. member has moved an amendment and the Minister on the other side merely gives an opinion as to why the Government cannot accept it, it is not for the Chairman to give a ruling. A ruling can only be given when both sides have been heard.

Mr. CHAIRMAN: I said I was waiting to see if the Government had accepted the amendment. The Government intimated that they could not accept the amendment (A MEMBER: By whom?) and I rule that the amendment is creating a charge on the Treasury. I think that that is an end of the matter.

Mr. BARROW: At what stage did any member of the Government get up and intimate to the Chair that they were not going to accept the amendment? That is exactly the point I am raising. The hon. member cannot shelter behind that because it is competent for an hon. member to accept an amendment. All the hon. member said is that this amendment would be creating a charge on the Treasury. All these big speeches are coming from the Chair now and there is no whimper when you are on the floor of the House.

The question that Clause 18 stand part of the Bill was put and resolved in the affirmative.

A division was taken as follows:-

AYES: HON'BLEs Dr. H. G. H. CUMMINS; M. E. COX; D. D. GARNER; R. G. MAPP; L. St. A. THORNE; F. E. MILLER; Messrs HOLDER; SEARLES; T. W. MILLER and L. E. SMITH - 10.

NOES: Messrs. GODDARD, BARROW; TALMA; CRAWFORD, TUDOR and BRANCKER - 6.

Clause 19 was called. It reads as follows:-

19. This Act shall come into operation on such day as the Governor may appoint by proclamation published in the *Official Gazette*.

Hon. M. E. COX: Mr. Chairman, in moving that Clause 19 stand part of the Bill, I would like to say that as far as this Government is concerned, it will consider applications along the lines as is proposed in this legislation when the time comes. I beg to move that Clause 19 stand part of the Bill.

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

Mr. BARROW: The hon. member is now saying that he is making a face-saving speech, that he is passing this Bill in these terms; but why did they not accept the amendment such as we have suggested so as to save their faces?

The question that Clause 19 stand part of the Bill was put and resolved in the affirmative without division.

On the motion of Hon. M. E. COX, seconded by Hon. D. D. GARNER, the CHAIRMAN reported the passing of the Bill in Committee with an amendment.

Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Hon. M. E. COX, seconded by Hon. D. D. GARNER in each case, the Bill was read a third time and passed.

COMMITTEE OF SUPPLY

Hon. M. E. COX: Mr. Speaker, I am asking leave to revert to Order No. 1 on the Order Paper.

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

Mr. SPEAKER: Order No. 1 is to resume Committee of Supply.

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

SUPPLEMENTARY ESTIMATE 1961-62 No. 15 HEAD VI - EDUCATION - OFFICE ACCOMMODATION

Hon. L. St. A. THORNE: Mr. Chairman, this Resolution is a Resolution to place the sum of \$52,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimate 1961-62 Part II - Capital as shown in the Supplementary Estimate 1961-62, No. 15, which forms the Schedule to the Resolution.

This sum of money is required for the purpose of effecting certain extensions at the Department of Education. These extensions result from various causes; firstly, the lack of necessary space in the Department of Education itself, secondly, the need for the offices which the Ministry of Education occupies in the Ministerial Buildings and thirdly, but by no means the least, the fact that it is felt that at this time when there is a need for space, we could do well by integrating the Ministry and the Department of Education.

9.20 p.m.

The integration of the Department with the Ministry will make for greater efficiency in that the educationalists in the Department would be used chiefly for the purpose of looking after the professional side of things, in the sense that they would be relieved of much of the clerical duties which they are now performing and which could well be performed by the officers in the Ministry of Education. This transfer of the executive and clerical functions of the Ministry of Education would enable us to use the educationalists for the purpose of giving greater supervision to the work in schools. These officers would be able to keep in close touch with the Institutions, schools and colleges, would be able to advise more thoroughly these Institutions, would be able to make the necessary reports to the Minister when he needs them and without the delay which is at times occasioned, would be able to carry out or assist in the

study or in the making of research of educational problems, and they would be expected to devote much of their time to furthering, as I said earlier, the work in the schools.

Again, Sir, the constitutional changes which have recently taken place would seem to suggest the need for this integration. The cost of making the necessary extensions would be as set out in the Resolution \$52,000 which if broken down would mean that \$42,000 would be actually spent on furnishing eight rooms. In the building as it stands now at the Department of Education, there is the need for removing the staircase which exists in that it is very difficult to traverse. So that the total amount of money spent for making the necessary changes will be \$7,500, and \$4,500 will be used for car parks making a total of \$52,000. This is very essential to the fact that the Permanent Secretary to the Ministry of Education who is really responsible to me for the supervision of the spending of this vast sum of money which we have to look after would be in direct contact. He would not have to be waiting to get information from the officers of the Department, and in point of fact he would be principally responsible for the administration of the Department.

The Director of Education as you know is no longer responsible for the formulating of policy; that falls to me; but at present he is responsible for the administration of his Department. He would be relieved of that and, as I said earlier, he would have only to concentrate and therefore should be able to spend that time of which he would be relieved on any administration, in looking after schools and so forth.

I beg to move that this Resolution do now pass.

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

Mr. TUDOR: Mr. Chairman, I am willing to grant to the Minister that the structural changes and alterations are necessary. I am going to take for granted that all that he says that needs to be done to make these offices more commodious will be done and that the Ministry of Education in consequence of these changes will function more smoothly.

What I am anxious about is far different and far more important, because these changes would symbolise something which is even more important, the streamlining of the work of the Ministry of Education in more efficient channels. I am therefore somewhat surprised that it should take the Minister three years before this could be brought about. I firmly believe, Mr. Chairman, as Sir Winston Churchill said, that we shape our buildings and afterwards our buildings shape us, and it seems strange to me that it should have taken the Minister three years to discover that what was needed among other things in education in this island was to integrate the work and the functions of the Ministry with the work and the functions of the Department; but I still do not think it is too late. It is something which should have been done and I believe that no little portion of the Minister's difficulties in the last three years was due to the fact that although physically there was no great distance between the Ministry and the Department, yet perhaps from the point of view of greater efficiency and greater contact there was a wide gulf set. By that I mean that the Department of Education virtually as it stands now is almost as it was in organisation ten or twelve years ago, except that owing to the changes which have taken place in the Ministerial and Cabinet systems, the Director of Education as the Minister has just said is no longer responsible for policy. But, Mr. Chairman, old feelings and old habits die hard and traditions get handed down in a Department which are hard to break.

I suspect, Mr. Chairman, that not a small portion of the Minister's difficulties - and he has had many - have been due to the fact that this integration which lies between the Ministry and the Department did not exist. In short, there should be no such thing as a Department of Education; there should be a Ministry of Education covering all the offices of educational administration, and I wish

that the Minister had gone farther. I would like to see the post of Director of Education abolished altogether. This has nothing to do and indeed should have nothing to do with the present holder of the post, but for greater efficiency and for the closer integration of Ministry and Department which the Minister wants, the post of Director of Education is an anachronism.

9.30 p.m.

It belongs to the days when he was responsible for policy and was subordinate possibly only to the Chief Secretary and the Governor of the Colony. Those days are past. Policy should be made by the Minister in consultation with the Cabinet; therefore, the post of Director no longer satisfies or fulfils the requirements of the present day and age.

I would like to go further and say that if integration is to be more than a name the Minister has got to be more firmly linked with the work of his department. What I would like to see there is a system in the Ministry of Education in which the Minister through his Permanent Secretary occupies a firm grip on the three distinct aspects of our educational policy and the efficiency of it in this Island. In the first place, we should be well informed of all administrative matters of it such as salaries and conditions of work, promotion of teachers, and then in addition to that he should be able to keep a firm grip on the school building programme, the extension and repairs, and all those matters which have to do with the physical comfort and well-being of the children. I envisage that included in that would be, of course, a school meals' service and a school welfare service when they are established as they will be established by the next Government.

Hon. D. D. GARNER: You are going to lose your seat in St. Lucy; so you would not be here to do it.

Mr. TUDOR: I am willing to bet the hon. member as to who comes back here sitting as a member and who comes back sitting in the gallery.

I was saying that the third thing which I would like to draw to the attention of the Hon. Minister of Education is this. If the work of the Ministry of Education is to go on efficiently, the Minister must be able to note from day to day or week to week any changes which are necessary so far as the curriculum is concerned. As regards what is taught in the schools, especially in the secondary schools, therefore, there must be running through the department from the bottom to the top three distinct streams of work running back to the Minister from his Permanent Secretary.

I believe that the dual system between the Ministry and the Department can well be replaced in favour of a single integrated Ministry. That is very important because it is no good to say that constitutionally a Minister is responsible for policy if between the formulating of policy and the execution of it there are going to be bottlenecks and snags.

I want to tell the Minister that quite often we take different views on what the educational policy of the island should be. I have sympathy for him in this respect that very often during Question Time when he has brought in replies to Questions, I know that some of his replies have not been as effective or as informative as they can be merely because it takes too long for information to come to him. In so vital and important a matter as education, no Minister should be kept waiting for information more than a week at the outset. I can quite understand what happens. There is no real contact between the Minister of Education and the Governing Bodies of Secondary Schools. The only contact he may have is where the Director of Education is a member of the particular Governing Body and that only applies in two of the nine or ten cases; so the Minister often has to rely on second-hand information - and second-hand information which comes back too late.

There is a second aspect to this matter. This is what appears to be cavalier treatment by the Ministry of Education, though not particularly by the Minister. It is this trouble as regards Private Secondary Schools; but I believe that the trouble lies in the fact that the Minister does not

get the information coming to him as frequently and as copiously as it should be and problems of such vast importance need to be reviewed almost from day to day. If they cannot be reviewed as quickly as they should be, you cannot blame those who lead and control the Private Secondary Schools for saying that you are being callous and indifferent; the charge must be borne unless the Minister can show to the contrary that he is well aware of the problems and that he has got his finger on them and has drafted the solutions as quickly as he can.

Educational problems are not problems which can be kept in cold storage. Anything which goes wrong in schools today if not checked works havoc with your entire policy within a week, sometimes within a month or a year's time. If the Minister is really serious, as I believe he is, in streamlining the work of the Ministry of Education, let him not stop at the point at which we are met here now. It is not a matter of more commodious offices so that people who are now separated from one another may be nearer to one another because it is possible to have a Ministry housed in one building and the officers are far from one another in their direction. Direction must come from the Minister. He must know with much clarity just what he wants to see done in the entire Ministry, and the machinery for putting his policy into execution must be the machinery which he has devised. If he does not look at it this way, a more commodious office might help so far as bodily comfort is concerned but it would not help so far as efficiency.

Sir, while I give my support in the proposals embodied in this Resolution because I think there are long overdue, I still ask the Hon. Minister to look after those problems which if solved would keep the Minister more firmly in touch with the work and so help to see that educational matters are enforced in a more efficient manner.

The question that the Resolution do now pass was put and resolved in the affirmative without division.
9.40 p.m.

Hon. M. E. COX: I beg to move, Mr. Chairman, that you do now report the passing of one Resolution in Committee.

Hon. D. D. GARNER: I beg to second that.
The question was put and resolved in the affirmative without division.

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

On motions of Hon. L. S. A. THORNE, seconded by Hon. D. D. GARNER in each case, the Resolution passed in Committee was read a first and second time and agreed to.

MESSAGE FROM THE OTHER PLACE

Mr. SPEAKER: I have the honour to inform the House that I have received the following Message from the Other Place.

THE LEGISLATIVE COUNCIL TO THE HONOURABLE THE HOUSE OF ASSEMBLY

The Legislative Council have the honour to return to the Honourable House of Assembly the Bill to provide for the establishment of a Marketing Corporation charged with the duty of improving the growing and marketing of produce, for matters incidental thereto or connected therewith, which has been passed with an amendment which is shown written on the Bill.

I should like to inform hon. members that the amendment to this Bill is in line six of Clause 5 (1) on page 4 where the word "of" is used instead of the word "to" in respect of the affixing of seal and authentication of documents.

LEGISLATIVE COUNCIL'S AMENDMENT

TO THE CORPORATION BILL

BARBADOS MARKETING

Hon. M. E. COX: Mr. Speaker, I beg to move that this amendment be dealt with forthwith. As Your Honour has indicated, the amendment is merely the changing of the word "to" to the word "of" in line six of Clause 5 (1) of the Bill.

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

The question that this amendment be dealt with forthwith was put and resolved in the affirmative without division.

Hon. M. E. COX: I beg to move that this amendment be now read a first time.

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

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

On motions of Hon. M. E. COX, seconded by Hon. D. D. GARNER in each case, the amendment was read a second time and agreed to.

RESOLUTION re AGRICULTURAL CREDIT BANK "PENSIONABLE OFFICES ORDER"

Hon. M. E. COX: Mr. Speaker, I am asking leave that Order No. 9 be taken as the next Order of the Day.

Mr. BRANCKER: Mr. Speaker, the hon. member has not given us any reason why he is making this request. I want to be sure that he does not intend to deal with Order No. 6, which is a Resolution to approve the programme of development expenditure contained in the Development Plan, 1960-65 either tonight or tomorrow morning. I understand that we will be here until tomorrow morning. I have only received my copy of this Development Plan this morning and some hon. members have not yet received their copies. In respect of this Development Plan, I should like to say that this copy is the exact copy of that which was laid on the Table of this House in July and not the copy of some different document with annotations from the Financial Secretary's Office, such as we were told was in the Government Printer's hand.

Mr. SPEAKER: I understand that this is an exact copy of what was laid on the Table of the House.

Mr. BRANCKER: If there were any inaccuracies in that Plan, I am wondering if another copy of this Plan will be laid, which will be an exact copy of the one which is in the hand of the Government Printer.
9.50 p.m.

Mr. SPEAKER: That inquiry will have to be made other than by me.

Mr. GODDARD: Mr. Speaker, further to what the hon. member has said about the Five-Year Development Plan, I have not seen it yet.....

Hon. M. E. COX: Is the hon. member objecting to leave being granted to deal with this item?

Mr. SPEAKER: Is the hon. member making a formal objection to leave being granted?

Mr. BRANCKER: Mr. Speaker, we are not objecting to Order No. 9 being done; we wanted to know why the hon. member is suggesting that Order No. 9 be done now, and also seeking the assurance that there would be no attempt either tonight or tomorrow morning, because I understand we are going to be here all night, to deal with Order No. 6 because we received copies of the Development Plan only on Saturday and have not have time to study it.

Mr. SPEAKER: That assurance would not be given by me except by a single objection.

Hon. M. E. COX: I can only say that that can only come after this has been disposed of. If objection is raised then the question is put.

Mr. SPEAKER: No question is put if objection is raised. Any single objector means the matter cannot be proceeded with.

Hon. M. E. COX: In that case I have no intention of starting such an important item as the Five-Year Plan tonight.

Mr. BRANCKER: Well, Mr. Speaker, I am grateful for that assurance, because I think the hon. member did ask earlier today that that Order be exempted from the Provisions of the Standing Orders.

Mr. SPEAKER: There being no objection to Order No. 9 being proceeded with, leave was granted the Hon. Minister.

THE AGRICULTURAL CREDIT BANK (PENSIONABLE OFFICES) ORDER, 1961

Mr. SPEAKER: Order No 9 stands in the name of the Hon. Premier to move the passing of a Resolution to approve the Order entitled "The Agricultural Credit Bank (Pensionable Offices) Order, 1961.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I think hon. members are quite acquainted with the fact that certain changes were made in the Agricultural Credit Bank Act, the name has been changed and new offices have been created. This Resolution seeks to make these offices pensionable. In the Schedule to the Order you will see set out the posts which are to be pensionable. They are: Manager, Accountant, Senior Clerk, Inspector, Secretary, Long Grade Clerk, Stenographer and Messenger.

I beg to move that this Resolution do now pass.

Hon. L. StA. THORNE: I beg to second that.

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

THE DIPLOMATIC IMMUNITIES (REPRESENTATIVES OF OVERSEAS COUNTRIES ACT, 1961.

Mr. SPEAKER: Order No. 11 stands in the name of the Hon. Premier: to move the second reading of a Bill to provide certain immunities and privileges to be enjoyed by representatives in the West Indies of Overseas countries.

Hon. Dr. H. G. H. CUMMINS: This Bill, Sir, is to make provision for certain diplomatic privileges and immunities consequent on the Independence of the West Indies. We know that it is the intention of the Federal Government to have representation in certain other countries.

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

Hon. L. StA. THORNE: I beg to second that.

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

On the motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. L. StA. THORNE, Mr. SPEAKER left

the Chair and the House went into Committee on the Bill, Mr. BRYAN being in the Chair.

Clauses 1 to 3 were called and passed.

On the motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX, 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. D. D. GARNER, the Bill was read a third time and passed.

THE DEPARTMENT OF HIGHWAYS AND TRANSPORT (AMENDMENT) ACT, 1961

Mr. SPEAKER: Order No. 12 stands in the name of the Hon. Premier: to move the second reading of a Bill to amend the Department of Highways and Transport Act, 1945.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this is a Bill to amend the Highways and Transport Act, 1945. I think it will be remembered, Sir, that previous to the introduction of the Local Government Act, in several of the parishes of the island the Parochial Treasurers were paid a commission for receiving the taxes levied in connection with the rates. That was the case with the exception of St. Michael where as you will remember the Parochial Treasurer was paid a salary, and there were officers who collected the Vestry Funds.

10.00
You will remember on several occasions - and you can see it in the debates and in the files - that the City Council has been asking for some consideration in view of the fact that their officers are now required to collect the taxes and then they are paid to the Transport Board.

I am asking leave, Sir, that this Bill be postponed.

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

THE ADJOURNMENT

The Order Paper having been fixed,

Hon. M. E. COX: Mr. SPEAKER: I beg to move that this House do now adjourn until Tuesday, 29th August, 1961 at 12 o'clock noon.

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

Mr. BRANCKER: Mr. Speaker, may I say that it is high time that the Government Printery supply copies of the Standing Orders of this House to hon. members and I ask Your Honour to use your influence to ensure that it is done. It is scandalous that these copies which we were waiting for from the Printery for so many years are not yet available to this Chamber.

Mr. SPEAKER: I will promise the House at the request of the hon. member that I will see to it as regards the delay. At present, I do not think the delay can be laid on the shoulders of the Government Printer.

Mr. BRANCKER: I thank Your Honour for that information.

The question that the House do now adjourn until Tuesday next, the 29th August, 1961 at 12 o'clock noon was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

10.08 p.m.