

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1961

HOUSE OF ASSEMBLY

Tuesday 27th June, 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, (*Leader of the Opposition*); Hon. Dr. H. G. H. CUMMINS, C.B.E., C.M., M.D., (*Premier*); Hon. R. G. MAPP, (*Minister of Communications, Works and Housing*); Mr. T. O. BRYAN, (*Chairman of Committees*); Hon. F. E. MILLER, (*Minister of Social Services*); Mr. E. St.A. HOLDER, J.P.; Mr. C. E. TALMA; Mrs. E. E. BOURNE; Hon. D. D. GARNER, (*Minister of Agriculture, Lands and Fisheries*); Mr. C. B. SEARLES; Hon. L. St.A. THORNE, (*Minister of Education*); Mr. J. W. CORBIN and Mr. G. E. S. STRAUGHN, J.P.

Prayers were read.

MINUTES

Mr. SPEAKER: I have the honour to inform the House, that the Minutes of the Meeting which was held on 20th June, 1961, have been printed and circulated amongst hon. members and unless there be any objection, those Minutes will be taken as read and confirmed. (*After a pause*) There being no objection, those Minutes are now taken as read and confirmed.

PAPERS LAID

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to lay a Statement showing Gross Customs and Excise Receipts for two months ended 31st May, 1961.

Hon. D. D. GARNER: Mr. Speaker, I beg to lay the twenty-third annual Report and Statement of the Peasants' Loan Bank - 1st June, 1960 - 31st May, 1961.

GOVERNMENT NOTICES

Hon. R. G. MAPP: Mr. Speaker, I beg to give notice of a Resolution to approve the placing of a highway in the Southern District Council area under the control of the Director of Highways and Transport.

REPLIES LAID

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to state that the following Replies:-

Oral Reply to Question No. 51/1961; asked by the hon. junior member for Christ Church, regarding delay in the payment of Government Pensioners. Also,

Oral Reply to Question No. 5/1961; asked by the hon. junior member for St. John, regarding the purchasing power of the West Indian dollar in Barbados, are ready.

EXTENSION OF LEAVE

Hon. R. G. MAPP: Mr. Speaker, on behalf of the Hon. Minister of Trade, Industry and Labour, I am asking that his leave of absence be extended for a further period of two weeks.

There being no objection, the leave asked for was granted.

STATEMENT BY THE HONOURABLE PREMIER

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I am asking leave to make a statement regarding the West Indian Constitutional Conference.

There being no objection, leave was granted.

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

"A report of the West Indies Constitutional Conference, which took place in London from May 31st to June 16th, 1961, will be published as a White Paper in the United Kingdom and released simultaneously in the West Indies. As soon as the Report is released in the West Indies, Honourable Members will be supplied with copies of it and there will be an early opportunity for a full debate on the Report."

ORDERS OF THE DAY

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I am asking leave to take Orders Nos. 6 and 7 as the first and second Orders of the day respectively. These matters are urgent, in view of the fact that as you know, certain constitutional Bills have been passed and they cannot be proclaimed law until these other two Bills are also passed.

There being no objection, leave was granted.

12.25 p.m.

THE POLICE ACT, 1961.

Mr. SPEAKER: The first Order of the Day stands in the name of the Hon. Premier: to move the second reading of a Bill to amend and consolidate the Acts of this Island relating to the Police Force.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, Order No. 6 is a Police Bill. The present Bill passed in 1908 is in need of revision, and the proposed enactment of other legislation to implement the constitutional changes agreed on by the Secretary of State and the Government of Barbados has made this need even greater. As I said earlier, there were a number of Bills which were passed in order to give legislative effect to these constitutional changes which were agreed to by the Secretary of State for the Colonies and the Government of Barbados. The others have been passed and these two Bills are outstanding.

Part II of the Bill makes provision for the employment of the Force as a military unit. As we know, heretofore the Police Force was considered as part of the Local Forces until quite recently, and we are reminded of that when the Commissioner of Police was also the Head of the Regiment. That was severed and we now have two distinct bodies. The Staff Officer of the Local Forces, that is the Adjutant, is also required by Law to instruct members of the Police Force. That is so according to the Act and he does perform those duties; but in time of War or other emergencies the Police Force might be called upon to assume certain roles, that is, after proclamation made by the Governor, and the Governor cannot make that proclamation unless he has the support of and is instructed by the Cabinet; so he cannot call on the Police Force at will. If a state of emergency arises the Cabinet must consider it to be a state of emergency and then the Commissioner can call on the Police Force to undertake certain military duties.

Part III deals with the general duties of the Force, and Part IV makes provision for the enlistment, resignation and dismissal of members of the Force. Up to now, Sir, members of the Police Force are enlisted for three years with further extensions of three-year periods as long as they remain members of the Force; but with this amendment, they will more or less follow the Civil Service, and after the first year of probation will continue as permanent members of the Force, and then, according to the practice, they can be dismissed or resign, as the case may be.

Part V deals with matters of discipline and the punishment for criminal offences such as mutiny, assaulting a superior officer, ill-using prisoners, and it also empowers the Commissioner with the approval of the Governor to make regulations with regard to the discipline of Inspectors, subordinate police officers and constables. Consequent on that, the Commissioner cannot make and put into effect regulations until such regulations have been sanctioned by the Governor. It also makes provision for members of the Force to appeal to the Governor, from the Private up, in any case in which there is an alleged breach of discipline. He can appeal and appeal until he gets a hearing from the Governor, and in any case, if dismissal is indicated or has been decided on, he cannot be dismissed until the Governor has signified consent even though he does not appeal.

I say that for this reason: I know that there is a small section of the Force which feels that there is the new provision that the Commissioner can assign officers to deal with certain cases of breaches of discipline. That was not so heretofore; all cases of breaches of discipline were dealt with by the Commissioner, but this new Bill makes provision that the Commissioner can appoint the Deputy Commissioner and probably some other commissioned officer to deal with certain cases of discipline, and the officers trying such cases will have the power to impose a fine. As I said earlier, I know there is a small section of the Force which feels that that should not be so. The reason why I say there is a small section is this: it has been brought to my attention - and there is now a Police Association in being and the Police Association had a copy of this Bill which they had a right to; they considered the whole Bill and there was no disagreement, I am told, on anything; but I was approached by one or two members of the Force who feared or expressed fears in connection with this new power which has been given or might be given to certain other officers.

12.35 p.m.

I am assured that if and when those cases occur, they will be dealt with in the same way as if they were dealt with before a Magistrate's Court. Evidence will have to be taken and the offender, if he is not satisfied, has the right to appeal to the Commissioner; and if he is not satisfied with the decision of the Commissioner he has a further right to appeal to the Governor; so I think there is enough safeguard to make us feel that every protection will be given any such offender. More than that, that is the system which is followed generally throughout the West Indies. I am referring to trial by officers other than the Commissioner for minor breaches of discipline. I understand that even in St. Vincent - I am not sure of Montserrat - that new power is exercised; therefore, I repeat that there is enough safeguard in this Bill in dealing with cases of that sort to ensure that anyone who is accused of a breach of discipline knows that he has the right of appeal to the highest authority - which is, to the Governor.

Part VI, VII, VIII and IX deal respectively with the Harbour Police, Writ Servers, the Police Band and enlistment of Police for special occasions. Part X provides for the setting up of a Police Association to enable members of the Force below the rank of Superintendent to bring to the notice of the Commissioner and the Governor matters affecting their general welfare and efficiency.

As I have said just now, the Police Association is functioning and it is to enable members of the Police Force below the rank and file of Superintendent to bring to the notice not only of the Commissioner of the Police but of the Governor any matter affecting the general welfare and efficiency of the Force. This same Part X precludes members of the Police from becoming members of certain unauthorised associations as set out in Clause 52 of the Bill. By Clause 56, such an association shall not permit any member of the Force to receive any benefit from the Association, and no member of the Force may accept any such benefit. That is to say, the officers of the Force perform their duties *gratis* and there is no fee attached. That is done in the interest of the Force.

Part XI contains various miscellaneous matters such as provision for clothing and equipment, medical attendance, the Police Reward Fund, general expenses, protection of salary, articles in the possession of the Police, executing writs and warrants, and bail of a person arrested without warrant. All these provisions are substantially to the same effect as corresponding provisions contained in the Police Act, 1908.

Part XII deals with offences generally.

I overheard somebody saying that this Bill is something new and does not exist anywhere in the West Indies. I take this opportunity to say that this is not so because there is a comparison which shows that this Bill follows very closely the provision of a recent Bill which is now law in Jamaica. Therefore, Sir, when it is said that similar provision does not exist in the West Indies already, that is not true.

There is this final point and it is with regard to the Widows and Orphans Pension Fund. At the present, male members of the Police Force below the rank of Superintendent are not subject to the provisions of the Widows and Orphans Act because they are required to re-enlist every three years and are therefore exempted from the provisions of the above Act by section 2 (2) (e). Clause 88 therefore gives male members of the Force below the rank of Superintendent at the date of commencement of this Act, the right to elect to come under, or remain exempt from, the provisions of the Widows and Orphans Pensions Act, 1928.

That covers the provisions of this Bill and I beg to move that this Bill be now read a second time.

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

Mr. BRANCKER: Mr. Speaker, that there is need of a new Police Act I doubt anybody will attempt to gainsay. A little research shows that between the years 1944 and 1956 there were not less than thirteen amended Acts to the Police Act of 1908 - 2. However, Sir, there are certain features of this Act which appear somewhat disquieting and which I would just refer to briefly here and perhaps more fully if and when we go into Committee because I do not doubt that the second reading will secure a smooth passage.

I would just like to say this. The Hon. Premier said that this Bill was brought to the attention of the existing Police Association; yet it is my experience from being approached by numerous policemen in connection with this Bill that few, if any, of those who approach me - and there was a fairly considerable number - knew where to get a copy of this Bill other than coming to me or another member of the Parliament to get a copy and for us to explain what is in it. Whose fault it is, I do not know. Therefore, I say that we are in the position of considering a Bill which has not been brought to the knowledge of the majority of the members of that body which would be affected by it. What I would have thought would have been the best scheme to bring it to the attention of the members of the Force was that to every small station, that is to say the country stations and the rural stations, at least two copies of this Bill should have been sent, and in the case of the Central Station at least six or eight copies, in view of the large number of men who are there.

12.45 p.m.

I think it is correct to say - hon. members may have the same experience as myself - that except by applying to ourselves, the vast majority of the rank and file of the Police Force are entirely and blissfully unaware of the provisions of this Bill which affects them so vitally; and they should be in a position or entitled to have a full knowledge of this Bill so that they could give us their views and comments and, if necessary, their criticisms.

Looking at the Bill myself, there are one or two matters which have struck me. For instance, in the "Objects and Reasons", as the Hon. Premier has pointed out, in paragraph 2 we are referred to the provision in this Bill whereby the Police Force can be employed as a military unit but only after a proclamation has been made by the Governor. That, I take it, means the Governor as distinct from the Governor-in-Executive Committee. I am wondering, Mr. Speaker, what is envisaged in the event of such a proclamation made by the Governor, if, in that particular case, in respect of this matter, he acts or may act without the concurrence of, or without reference to, the Cabinet. Apart from that, if this Force is employed as a military unit, what would be the relation between the Police Force and the Barbados Regiment?

It is not usual, as far as I know, for there to be two forces operating as military units at the same time, particularly in a small territory such as Barbados. I am wondering, when the Governor has seen fit to make a proclamation that the Police Force is to be employed as a military unit, whether that would be placed in the hands of the Officer in charge of the Barbados Regiment or in the hands of the Commissioner of Police or in charge of both, or whether there will be some outsider who will be in charge of both. We cannot overlook the fact that, at the moment, an hon. and gallant member of this House, who is a member of a particular Party, is the Officer in charge of the Regiment. I do not suggest that we will have a state of affairs in this island which obtains in one other unit territory of this Federation where opposing political parties do not confine themselves to exchanges of points of view by means of the tongue and the spoken word. It would be a matter for thought to ask the Government as to under whom would the Police Force, when it is employed as a military unit, be serving? Would it continue to serve exclusively under the Commissioner of Police or under the Officer in charge of the Regiment or under some third party? That is a matter which deserves the consideration of the Government if it has not yet been threshed out, and, if it has been threshed out, then the Premier will be able to shed some light on that aspect of the matter.

I gather from the expression of opinion of those policemen who have discussed this Bill with me that they do not object to the change whereby, instead of having to re-enlist at the end of a three-year period if they are disposed to do so, the enlistment shall be, in the first instance, for a period of one year as is the normal condition obtaining in the Civil Service, and then it is confirmed that the Police Constable remains in the Force until he is dismissed. There seems to be much opinion in favour of that decision.

As to the Police Association and the restriction of the activities of the Force, there again we have reference to the Governor. It is the Commissioner of Police, with the approval of the Governor, who declares what is an unauthorised association and it is the Commissioner, with the approval of the Governor, who makes rules for the constitution and management of the Association and for any matter relating thereto. The difficulty with such an Association is that the rank and file do not feel free to express their views at any meeting of the Association unless they feel that their views would conform with the views of those in authority. I remember that a distinguished member of the Constabulary who is not at the moment in Barbados, who is a member of the Police Force of another Unit Territory, had attended a meeting of the Association which was functioning then, and he had expressed an opinion distinct from that of the Commissioner of Police, who is not the Commissioner of Police now. That distinguished member of the Constabulary was promptly transferred to another position in the Police Force whereby he suffered a considerable amount of loss from travelling and of certain perquisites which were worth him £100 a year simply resulting from a candid, honest and sincere expression of his point of view, which happened to differ from the point of view of a much less intelligent person who was the then Commissioner of Police. Although to have a Police Association is an ideal thing, it may well be that in the constitution of that Association there should be proper provision for policemen to select one, or preferably two persons who are not necessarily members of the Police Force to become members of that Association, who would be able to put forward certain points of view at the meetings of that Association, persons who would not have to care a rap about the Commissioner of Police and who would not, if they say something, be the subject of victimisation, to put it no more strongly than that. It is idle, Mr. Speaker, to think that victimisation does not still take place in Barbados. I suggest that matter for consideration in the establishment of an organisation to be called the Police Association. There are other aspects of the Bill which would be dealt with more appropriately in the special sections in which they are mentioned, and I will reserve my comments on those aspects until we arrive at that point.

Mr. STRAUGHN: Mr. Speaker, unlike the Hon. Leader of the Opposition, a member of the Police Force came to me for me to allow him to see a copy of my Bill and I was made aware of the fact that the Police Association was discussing this draft Bill. That member of the Force I believe, is an officer of the Association and, to the best of my recollection, he was able to tell me that they were discussing this Bill before I got a copy of it myself. Therefore, it does appear to me that the Police Association must have been given early notice of the drafting of this Bill.

12.55 p.m.

I do not know how thoroughly they discussed it, but the impression that was left with me strikes me as one of the typical problems we are going to have to face as we become more independent and self-sufficient. This member of the Force seems to fear that with the powers that are being put in the Bill into the hands of the Senior Officers, the Commissioner especially, there is to some extent the fear that this power might in some way be abused. It is always one of the difficulties we will have to face when one wants to make rules for an Organisation such as the Police Force. It is not an ordinary Club, it is not an ordinary Association, it is not a Trade Union in the same sense as other Trade Unions or other commercial bodies, and one has to go very carefully between the situation of a Unit which is in a way a semi-military unit and where one

would have to impose disciplinary measures in a way similar to those that might be imposed in an Army. You have to make some differences between that kind of discipline and any other kind of discipline you might have in another kind of Organisation.

I repeat, Sir, that I am not one who would like to suggest that there should not be strict discipline in an Organisation such as a Police Force especially in a self-governing territory; but again members of the Force must be able in a short time, I hope, to get rid of that fear which they seem to have and to have been having for a long time that the authority or power which is placed in senior individuals might in some way be abused. One would like to feel that as time goes on there will be that confidence in all the Officers of the Force expressed not only by Government and the public generally, but by members of the Force itself, and that there would not be this apprehension and some kind of fear which some members are expressing.

Sir, I notice that in Clause 53 in Part X of the Bill relative again to the Police Association, that no representation shall be made by the Police Association in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals. Again, Mr. Speaker, I could see the problem of drafting a Bill to satisfy an Organisation such as the Police Force where one must have a strict regard to disciplinary measures, and here you see where the Association which one might say is the safety valve or the means of expression of members of the Force has no say in questions of discipline. You will remember that it has been mentioned further on that a member of the Force who feels that he has been aggrieved by any disciplinary procedure might appeal to the Senior Officer, Commissioner or even to the Governor, but he is not going to have the moral support of his Association with him because the Association is in no way allowed by this draft of the Bill itself to make any representation on the questions of discipline.

I do not know all the aims and objects or the full constitution of the Police Association, but I notice that it is the Commissioner who would make rules for the constitution and management of the Police Association. I do not know if the Commissioner would be making these rules in consultation with officers of the Association or not, and it would appear that a lot depends on the personality and disposition of the Commissioner which one might have at a particular time. Indeed, a lot in this Bill and the exercise of it will depend on the disposition of the senior Officers whom one may have in the Force. I think this gets back to the root of the apprehension which a member of the Force did mention to me that he must wonder if this is the sort of power you should put in the hands of officers in the Force as we have it; but again I am one who would feel that if you must have an Organisation such as your Police Force run in a proper manner, you must have discipline inside. You must be able to exercise your authority of discipline inside the Force itself, but I would certainly like to feel that there is a little more possibility for the expression of feeling and opinion that may be given to the members of the Police Association in matters of discipline. At the moment it may appear that there is not that possibility at all, and I would take it that even though it might be drafted for the reason of preserving your discipline in the Force, I believe that the existence of a Police Association should be one of the means of expression which members of the Force should be able to use when they feel that their feelings on a particular matter have become so bottled up. You would want to feel that the Police Association is the place where you can express those feelings.

The fear which the Hon. Leader of the Opposition mentioned earlier that it has been his experience and that of other people that in an Association such as this members are hesitant to express their frank opinions lest there should be some victimisation because of so doing, I believe is a real and genuine fear. It is one of the problems of our development, I think, Mr. Speaker, and we would want to feel that members of an Organisation and members of an Association should be able to express their opinion as long

as they do not show any personal rancour in such expression on matters affecting their welfare and their Organisation without any fear of victimisation.

I say it is going to depend a lot on who the Officers of this Association happen to be and who the Commissioner at the time happens to be. Some months ago, a Sergeant of the Police Force was talking to me about some problem which he felt he had and had had for quite a long time. When he gave me his expression of opinion, I said I thought they had regular meetings of Sergeants ever so often, either every month or every two months at Police Headquarters. He said that they did have these meetings but he never thought of expressing these opinions at the Sergeants meetings. In a way, I could only tell him that if he did not express his opinion in the rightful place, I personally could not rectify in my way any problem that he would have had existing in his own organisational unit. I told him I could not rectify it from my position here unless one decides to raise the whole minor problem and bring it to the House of Assembly as if it were a problem of major importance.

1.05 p.m.

It just emphasizes in my mind the problem that members of the Police Force who like members of many organisations in this Island seem to have on matters like this. They have not brought themselves to expressing their minds and hearts freely and openly in their own organisations. That is a matter which goes deeper than that in this particular Bill for the Police Force. I think it reflects on the social structure of the community in itself. People, even when there are members of an organisation which gives them the opportunity of expressing their opinions for the well being of their organisation will prefer to withhold those views in the rightful place and then go and express their opinions in another place. That is one of the problems which we have to face and it is only showing itself when it comes to this Bill.

I would hope that in the not too distant future that there would be some possibility of the Police Association being so well established and so well thought of and one which would have so much faith put into it that its members will express their opinion even on matters which here in the Act they have not got the right to express their opinions on. I hope that in the way the Act is drafted, it is not in itself implying that there is not to be any expression of opinion on it. Members of the Police Force who have spoken to me on this matter seem to feel that a lot is going to depend on the personality of senior officers of the Force.

Mr. Speaker, I say that I would want to feel that we have a strong and firm organisation of the Police in this country. I recognise the difficulties of drafting a Bill which will have to satisfy all members and yet maintain the intrinsic discipline of the Force.

Sir, I wish the Hon. Premier would clear up a slight misapprehension which I have by which the Governor by proclamation would do something under this Act. The Hon. Premier assured us that the Governor would not be expected to make such proclamations without the advice of the Cabinet. This is not in the Bill itself but I would like re-assurance that you would not expect in this situation at any time the Governor to make a proclamation relative to the Police Force without the consultation and advice of the Cabinet. I would like that re-assurance from the Hon. Premier.

Hon. Dr. H. G. H. CUMMINS: To answer the last question first, in connection with the Emergency Powers Act of 1939, the power to declare an emergency is given to the Governor-in-Executive Committee. While what the hon. member wanted to be re-assured about is not in this Act, it is set out in the Emergency Powers Act of 1939.

With regard to the comments made by the two hon. members in connection with the Police Association, I do not know if the House has any authority to make a law to compel every policeman to talk. In all organisations, you have the spectacle of members not speaking in the place where they ought to be heard and probably some action taken as a result of their talk. I repeat, in the case where the hon. members said that policemen came to them asking to borrow copies of this Bill, that copies were sent to the whole

Police Association and I understand that the Bill was discussed by the association. No complaints or contrary views of any sort reached the Government. There is nothing else which I can answer as regards the comments made by the two hon. members.

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

On motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. D. D. GARNER, Mr. SPEAKER left the Chair and the House went in Committee on the Bill, Mr. BRYAN in the Chair.

Clauses 1, 2, 3 and 4 were called separately and passed.

Clause 5 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 5 stand part.

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

Mr. BRANCKER: It seems appropriate at this stage, Mr. Chairman, to refer to what I said in my second reading speech about the military service of the Police Force by proclamation as published in the *Official Gazette*. Has the Government considered and, if so, let us know the result of the instruction in the event of the military duties in the Island of the Police Force under whom shall it be? Shall it remain and function as a separate unit? Would it function under the Barbados Regiment or, would both of them function under some separate authority? I would like to know whether those questions have been considered by the Government and how the Government envisages this should actually work out. Knowing as we do that we have a separate establishment known as the Barbados Regiment which I presume will be primarily concerned with this duty but in the case of where additional help is necessary they will call on the Police Force and proclamation may be issued declaring them to be a military unit for the particular purposes which require immediate attention.
1.15 p.m.

Hon. Dr. H. G. H. CUMMINS: To answer the hon. member, I really did not expect an hon. member, after his long sojourn as a member of this House, to ask a question of that sort. I would expect a more junior person or a back-bencher to ask that question. I think that the hon. member should remember that the Governor is still Commander-in-Chief of this Island and on such occasions he will be the unifying force. It has just been drawn to my attention that sub-section (2) of Section 5 of this Bill makes provision for the Governor and certain other persons to act in certain other circumstances; but the point is that the Governor is the Commander-in-Chief of this Island and obviously he would be the person who is responsible for carrying out any such operations which he thinks necessary.

Mr. BRANCKER: As a matter of courtesy I thank the hon. member for his reply, but although we sometimes have as Governor and Commanders-in-Chief persons who have the courtesy title of Brigadier, we have had as Governors and Commanders-in-Chief, Lawyers, Civil Servants and other persons who have had no military responsibility whatsoever. My point is addressed to the actual leadership on the field of battle, shall I say, of the two bodies, the Barbados Regiment and the Police Force. We refer to the Commander-in-Chief in the island of Barbados and to a former dependency like Pelican Island; I know that; but I am speaking in relation to the actual command of the Police Force when it is functioning as a military unit on the battle field. I wonder if the Government has given the matter that consideration and if it has envisaged what will take place. Sir Charles R. M. O'Brien, who was a soldier, was famous for the length of his Minutes and Memoranda; he was noted for writing longer despatches and Memoranda than any lawyer or other officer who held the post of Governor in Barbados; but in respect of non-military men who happen to hold the office and bear the exalted title of Governor and Commander-in-Chief of Barbados, I am still at a loss to know what the position is. I somehow think that the Hon. Premier is equally, like me, at a

loss to know who will be in actual charge of these two bodies in the event of the Police Force being employed as a military unit. It may be that they can come each under its own leader and hope that things will not go too badly. That is the only thing I can see at this moment.

The question that Clause 5 stand part of the Bill was put and resolved in the affirmative without division.

Clauses 6 to 19 inclusive were called and passed.

Clause 20 was called

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 20 stand part of the Bill.

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

Mr. BRANCKER: Mr. Chairman, there are a couple of observations which I would like to make in connection with this Clause. As to the duty of all members of the Force to prevent and detect crime and other contraventions of the law, I want to say that contraventions of the law include excessive speed along the roads of this Island.
1.25 p.m.

It would be well for the Police to bear in mind in this Section, assuming we pass it, and, in particular, paragraph (a) that it is their duty to prevent other contraventions of the Law, and such include alleged instances of speeding. In other words, when he hears time and again in the Courts of this island that a Policeman saw a vehicle appearing to be exceeding the speed limit and instead of approaching him some distance away where he has the full opportunity to signal that vehicle to stop and they prevent that contravention of the law, in order to make a case he lets it pass him and then within fourteen days after the motorist is notified that he has contravened the law, That motorist might quite unconsciously, with his mind on his business or profession as the case may be, be quite unaware that he is at the moment exceeding the speed limit, and that contravention of the law could have been prevented by the policeman if he had in mind that it is his duty - or it shall be his duty - not only to detect crime, but to prevent other contraventions of the law.

I must concede, Mr. Chairman, that it would deprive me of a small portion of income, but I must say that there are numerous instances in which the correct procedure is obviously when the policeman has to go to Court and say he saw the vehicle coming from 200 yards off on a straight road and it is clear to him that it is exceeding the speed limit, for him just to stand up - do not put his life in jeopardy - and give a signal to the motorist to stop and tell him not to forget that the speed limit is 30 miles an hour and he appears to be exceeding it, "take this warning from me," rather than what happens now.

Mr. Chairman, one of the two ways in which they do their speed cases is that a police motor vehicle pursues the car which is alleged to be exceeding the speed limit. Let us say that the vehicle is alleged to be doing 40 miles an hour. The police vehicle pursues that car going at least 40 miles an hour for a certain distance and then it decides to overtake, and to overtake it must go 45 or 50 miles an hour; so you see the traffic hazard there that is obvious. It passes it out at a greater speed than the vehicle is going, goes in front of it, travels a distance in front of the vehicle and signals the driver behind to stop. This is a great traffic hazard, and then, Mr. Chairman, it does not stop there. After the police vehicle has speeded up to a really excessive speed in order to pass out the allegedly speeding vehicle, that police motorcycle or car is taken to Constant Road in the parish of St. George where it is tested at varying speeds. On a busy highway such as Constant Road, you will find that taking place at various times of the day according to the evidence given in the Police Court. I presume these tests actually take place; the vehicle is tested at 20, 30 or 40 miles an hour to see whether the speedometer of this police motorcycle or motor car is working correctly in order to get a conviction, because the driver of the police vehicle is saying that the car ahead of him was going at a certain speed because his car was driven

an even distance behind the offending car and his speedometer was saying 40, 50 or 60 miles an hour as the case may be, and when it was showing that speed after he had been travelling for a certain distance, he decided to increase his speed and pass out the motor vehicle which is then charged for travelling over a certain distance at 40, 50 or even 60 miles an hour as the case may be.

Mr. Chairman, one of these days we are going to have a serious accident as a result of these police motor vehicles passing out a vehicle which they allege to be breaking the speed limit because of necessity they must travel at a much greater speed in order to pass out and get ahead of the vehicle which they claim to be going considerably fast, maybe twice as much as 30 miles an hour. Let them bear in mind that if Section 20 (a) becomes enshrined in the laws of this colony, it is the duty of all members of the Force amongst other things to prevent contraventions of the law. That is a simple case in which a contravention of the law may be prevented.

Now, Mr. Chairman, the other aspect of this Section 20 which has struck me is paragraph (e) - "to keep order in and within the precincts and in the vicinity of all Courts of competent jurisdiction during all sittings of such Courts." It seems to be the belief of the Senior Officers in the Force, those who are responsible for allocating men at the beginning of every day to various posts, that it is not necessary, in the case of certain civil courts and even, on occasions, of the Supreme Court sitting in its civil division, to send a policeman or two in uniform so that order may be kept in and within the precincts and in the vicinity of all Courts of competent jurisdiction during all sittings of such Courts. Time and again there is so much noise going on outside the Supreme Court and the Magistrates' Court at other times sitting in civil jurisdiction that the business of the Court has to be stopped until the noise abates. It is true that there is in these Courts very often a policeman in plain clothes, or a Writ-server in plain clothes calling cases, but he is not free to keep order in and within the precincts and in the vicinity of the Courts; he is occupied with the cases, deciding which case must be called next and attending to the routine work of the Magistrate whose Court-crier he is for the time being.

It may be, Mr. Chairman, that there is an improper allocation of the men in the Force; it may be that there are not enough members of the Force to ensure that policemen will get sufficient off duty leave and also that there are sufficient men to retain order in the vicinity of the Courts of competent jurisdiction. It is a matter of common knowledge to all practitioners and many people sitting on the Bench of this Colony that there are times without number when there is no uniformed policeman around or in the Civil Court, the Magistrates' or even the Supreme Court, and that is not good enough. It is the duty of the members of the Force and it is not their fault that they are not there; it is the fault of the upper hierarchy who fail to make adequate distribution of the personnel in the various points where they should be properly stationed, and I hope, if we pass paragraph (e) in Section 20, that the Commissioner and his officers will remember or realise that it is their duty to see to it that there are uniformed men stationed to keep order in and within the precincts and in the vicinity of all Courts of competent jurisdiction while such Courts are sitting.

The question that Clause 20 stand part was put and resolved in the affirmative without division.

Clause 21 was called and passed.

1.35 p.m.

Clause 22 was called and passed.

Clause 23 was called.

It reads as follows:-

23. (1) It shall be the duty of the Force -

(a) to control and regulate the movement of persons and vessels in Carlisle Bay or in any port or harbour of the Island; and

(b) to control and regulate traffic on all highways and public places.

(2) Without prejudice to any other power conferred upon a member of the Force by this or any other enactment, it shall be lawful for any member of the Force to order any person in any public place to move on and keep on moving; and any person without lawful excuse failing to obey any such order shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding ten dollars and in default of payment thereof to imprisonment for a term not exceeding one month.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I am asking leave to make an amendment to Clause 23 (a)

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

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, after the word "regulate," I am asking that the following words be inserted: "in accordance with regulations made under section twenty-four of this Act." With that amendment, I beg to move that Clause 23 as amended stand part of the Bill.

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

Mr. BRANCKER: Mr. Chairman, at this short notice, one has to consider this section in the light of the amendment. I am wondering if the Hon. Premier has in mind the control, regulation and movement of speed boats, that the new menace which has sprung up and which has given to a certain group of individuals or certain individuals the excuse for encircling part of the sea in front of their premises with rope. The paragraph reads that it shall be the duty of the force to control and regulate in accordance with regulations made under Section 24 of this Act the movement of persons and vessels in Carlisle Bay or in any port or harbour of the Island. I wonder if it is contemplated that regulations would be made to deal with this potential instrument of destruction by virtue of the provisions of this Act so that these people would not be encircling with ropes, or whatever they do, any portion of God's sea.

The question that Clause 23 as amended stand part was put and resolved in the affirmative without division.

Clauses 24, 25, and 26 were called separately and passed.

Clause 27 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 27 stand part.

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

Mr. BRANCKER: Sub-section 1 reads as follows:-

"No Inspector, subordinate police officer or constable admitted to serve in the Force shall be at liberty to resign from or leave the Force until the expiration of the period of probation, unless he obtains the permission of the Governor to do so."

I will throw out the suggestion that if any member of the Police Force is seeking to resign, the Governor should not hesitate to grant such resignation. You do not want any man in any set-up to carry on with a job which he does not want to do and that is why I do not really like this phrase which says: "unless he obtains the permission of the Governor so to do." I would much prefer that you give liberty to such person as soon as he makes it plain that he desires to resign; otherwise you will be paying somebody to do a job which he does not want to do and it may cause him to do it badly so as to give you good reasons for firing him.

Hon. Dr. H. G. H. CUMMINS: In answer to the hon. member, I will just say that in any case whatsoever, whether it is resignation or dismissal, the assent of the Governor is given.

The question that Clause 27 stand part was put and resolved in the affirmative without division.

Clauses 28 to 34 inclusive were called separately and passed.

Clause 35 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 35 stand part.

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

Mr. BRANCKER: Paragraph 4 of this Clause speaks of the penalty which may be imposed by the Commissioner for confinement to barracks for any number of days not exceeding 28; punishment drill not exceeding 14 days. These penalties seem to me excessive and extreme. To confer on the Commissioner the power to order confinement to barracks for as long as 28 days in my view is most excessive punishment. I presume that it could not be for an offence as grave as that to merit dismissal or to merit reduction to a lower rank or a lower rate of pay or a fine not exceeding \$10. It comes just above a penalty for reprimand or severe reprimand.

1.45 p.m.

I certainly think, Mr. Chairman that that period, although I see it is the maximum - sometimes the maximum turns out to be the minimum - is excessive and I accordingly move the deletion of the words "twenty-eight" in order to substitute the word "seven" in lieu thereof. The Commissioner would thereby have power in a case of this kind to impose a penalty of confinement to barracks for any number of days 'not exceeding seven' instead of 'not exceeding twenty-eight'.

Mr. TALMA: Mr. Chairman, I beg to second that motion. I feel that the Commissioner of Police is being vested with too much power. I feel that in these days it is not right to vest this kind of power in any Commissioner of Police. I cannot agree with this provision. I feel that a reasonable period of time should be inserted in this Clause and a reasonable time would be in the vicinity of a week. A period of twenty-eight days is almost a month and in the month of February it is a month. The Commissioner should not be allowed to act in that manner because the officer in question would not be given the right to be heard in his own defence. The Commissioner alone would be Judge, Jury and everything else and the trial and hearing of a case would ultimately be conducted along lines whereby justice would not be meted out to the constable. We can picture constantly that before the Police Commissioner a constable is not granted the opportunity to be heard. He has to click his heels and salute and no opportunity is given to him to be heard in his own defence. We are vesting power in the Commissioner of Police which is normally vested in the Judiciary. If a Police Constable has committed any offence which would normally merit a penalty of this severe nature then it would be right for him to be put before a Police Magistrate.

I hope that the Government has seen the point which I am making. If the offence is so severe as to merit confinement in barracks for a period of twenty-eight days, that is tantamount to imprisonment and you may as well put the offender before a Police Magistrate - and grant him an impartial trial where he could be given a hearing. As the position is now, it would be a one-sided trial; the constable would not be heard in his own defence or be granted the opportunity to have his own Counsel. I think that this period should be reduced from a period of twenty-eight days to one of seven days. In the case of any other gazetted Police Officer the confinement to barracks, as set out in this Clause, is for any number of days not exceeding fourteen. I am really making another suggestion now; I am saying that any other gazetted officer should not have the power to confine any officer to barracks for any period of fourteen days. As to sub-clause (b) (1) where it is suggested that where the penalty which may be imposed by any other gazetted police Officer should be confinement to barracks for any number of days not exceeding fourteen, I am moving that that whole paragraph be deleted.

Mr. BRANCKER: I beg to second the motion for the deletion of that paragraph whereby any other gazetted police would have the power to order confinement to barracks for a period not exceeding fourteen days. In respect of these

powers and the way in which they are set out here in this Section, one must get the impression that they are set out in the order of severity. This Section starts out with dismissal and that is obviously the most severe penalty. The second item is one of reduction to a lower rank or to a lower rate of pay; the next item refers to a fine not exceeding \$10, which may be a fine of \$1, \$2, or \$3. The fourth item, which tends to be less severe than the third, may turn out to be more severe, that is to say, the deprivation of one's liberty, to be confined to barracks for any number of days not exceeding twenty-eight, which may well be regarded as being even a more severe punishment by certain policemen than a fine amounting to \$100. Item No. 4 which deals with the confinement to barracks may well be regarded, if it is passed without amendment, as being worse than Item No. 3 which is a fine not exceeding \$10.00. When we come to Item No. 5 we see that there is reprimand or severe reprimand. That shows that it is intended that these penalties are to be set out in the decreasing order of severity, but Item No. 4 cannot be regarded as being less severe than Item No. 3. Item No. 4 means that there can be confinement to barracks for a period of not less than 28 days, which, in the case of a leap year, would be more than a month. That is why we contend for the amendment and hope that Government is prepared to accept it after we have put the point of view which has appealed to us.

1.55 p.m.

Mr. WALCOTT: Mr. Chairman, I would like to say that I did not enter this matter because I do not believe when you have these organisations, Parliament should worry too much about them unless you know that something is going wrong. It is true the Premier did not explain these things. Some people are afraid to explain these things, but in a disciplined Force or Army, if you bring these people under these regulations you have to ask whether these things which you are putting in are new, and if they are new, you have to ask why you are putting them in. You are not now having a Police Force for the first time; you had it nearly 100 years and there is no question of asking what kind of discipline or code you should have. There must be a code for Police discipline all over the world; so you do not have to be original in Barbados by saying that you are going to have a code which nobody else has; it is a matter of seeing how these things are run and what are the penalties imposed, because I would say that if you have a Force like that, discipline must reside in the Head of the Department. In an army discipline is in the hands of the General, and in a Police Organisation in the hands of the Commissioner, and you have to give members the right to appeal to the Governor.

I take it that you have to assume that we do not have fools for Governors, and I hope the days for foolish Governors are over; but I would like to say that if you want something modelled, there should be a Board for hearing appeals; the Governor, somebody like the Chief Justice and some very high personality so that when it comes to severe penalties you can turn to the Board. I would say to the Leader of the Opposition personally that if you can suspend a man on twenty-eight days confinement to barracks in the Police Force, he should be dismissed. I would not give a man twenty-eight days in a Force, because that is equivalent to a gaol term, and any Commissioner who gives a man twenty-eight days' confinement should be dismissed himself. If a policeman does something that deserves twenty-eight days suspension, he should be dismissed. It is not the number of days I am worried about; it is the offence which the man has committed.

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

SUSPENSION OF SITTING

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

On Resumption:

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

The Bell was rung and a quorum was obtained.

QUESTION TIME

Question Time was called.

Mr. SPEAKER: Question No. 45 stands in the name of the hon. senior member for St. Joseph.

VOLUME OF SPEAKERS IN PRIMARY SCHOOLS

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

To enquire of the Minister of Education:

Is the Minister aware that the lack of control of the sound volume of the speakers presently installed in Primary Schools make it impossible for the pupils to appreciate this form of education?

2. Is the Minister aware that these speakers are seldom used by teachers for the purpose intended owing to this defect in the volume of sound control?

3. Is the Minister aware that the type of programme received through these speakers is regarded as unsuitable for local appreciation?

Hon. L. St.A. THORNE: Mr. Speaker, the Reply is as follows:-

1. I am aware that the majority of the Rediffusion speakers at present installed in Primary Schools have no volume control. However, this fact does not prevent a large number of pupils in these schools from appreciating this form of education.

2. I consider it inaccurate to say that the speakers are seldom used, although in some instances depending on the size and type of school and the nature of a particular programme there may be some inconvenience in the absence of volume control.

3. The programmes received include stories, talks on Biology, Geography, History and Music. The material is not unsuitable although owing to differences in accent, an additional strain of concentrating is sometimes thrown on the pupils. However, with a view to ensuring that pupils receive the maximum benefit with regard to content of programme and quality of reception from a Schools Broadcasting Service, the Ministry is at present engaged in establishing an Advisory Schools Broadcasting Committee. The purpose of this Committee will be to examine ways and means of further developing broadcasting for our schools, bearing these factors in mind.

Mr. SMITH: Mr. Speaker, as a supplementary, does the Minister not think that specialists from his Department should submit such equipment to trials and tests before the Department commits itself to the rental of such equipment?

Hon. L. St.A. THORNE: Mr. Speaker, several changes have taken place since the introduction of this type of medium for education.

2.35 p.m.
There is the possibility of getting some device which can be pinned on to those speakers so that they can be controlled.

Mr. SMITH: Mr. Speaker, this is another supplementary which I will ask the Hon. Minister. How soon will the Committee be able to initiate a Schools Broadcasting Service?

Hon. L. St.A. THORNE: That is rather difficult for me to say, but what I would be inclined to think is that they should be able to do so within another two or three months because it is a matter of drawing up suitable programmes, and so forth.

REPLY TO QUESTION NO. 5 POSTPONED

Mr. SPEAKER: The next is Question No. 5, asked by the hon. junior member for St. John who is not in his place.

Mr. BRANCKER: Consequently, I ask leave that that be allowed to stand over until the next meeting of this House.

There being no objection, leave was granted.

REPLY TO QUESTION NO. 51 POSTPONED

Mr. SPEAKER: The next is Question No. 51 asked by the hon. junior member for Christ Church who is not in his place.

Mr. TALMA: Sir, I would like to ask leave that the answers to this Question be held over until the hon. junior member for Christ Church is in his place.

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

PRIVATE MEMBERS' BUSINESS

Mr. SPEAKER: The first Order under Private Members' Business stands in the name of the hon. junior member for St. Michael: Second reading of a Bill to incorporate the General Assembly of the Church of God.

Mr. BRYAN: Mr. Speaker, I regret that I am unable to deal with Item No. 1 and Item No. 2, and I would like to give my reasons in order to avoid their removal from the position they occupy on the Order Paper. I have been informed by the Hon. Premier that the Cabinet has not had the chance to peruse these Bills and I have been asked to leave them over so that the Cabinet can peruse them at their next meeting on Thursday.

RESOLUTION re ESTABLISHMENT OF COMMITTEE OF PRIVILEGES

Mr. SPEAKER: Item No. 4 stands in the name of the hon. junior member for St. Joseph: To move the passing of the following Resolution: Resolution re establishment of a Committee of Privileges.

Mr. STRAUGHN: Mr. Speaker, for quite some time now I have been allowing this particular item to give way to other business and I do not think it is in the interest of this House to carry on that state of affairs very much longer. Indeed, Sir, the little bit of research which I have done on this matter would reveal that from the time that I was in this House - early in the Session of 1959 - I did hear Your Honour indicate to the House that it was to the best interest of this Honourable Chamber that we should have privileges firmly established. I remember Your Honour repeating that advice to this House early in the Session of 1960 and I also noticed that in March, 1960, there was some Select Committee set up to consider privileges of this House.

It is a matter of great regret that I noticed that this Committee did not manage to report to this House and I feel it is my duty that I should make this motion which is now here before us. This Resolution was given notice of since the 24th January this year. I will just read it so as to refresh the minds of the hon. members.

"WHEREAS the privileges of this Honourable House are neither firmly established nor clearly documented,

"AND WHEREAS it is desirable to have such privileges in a clear and concise form,

"BE IT RESOLVED that a Committee of privileges be appointed to thoroughly investigate and make recommendations upon this matter of the privileges of the House with a view to positive action being taken in respect thereof during the current Session if necessary, by way of legislation."

I would not like unnecessarily to prolong debate on this matter because I think that it is so unnecessary; but I do

not think one can avoid making comments on what I do regard as the seriousness of this situation. Here we are as members of the elected Chamber and representatives of the people of this territory, and here is a territory itself enjoying full internal self-government and we have the ironical situation that a country which is self-governing finds that its most important Chamber does not have its privileges firmly established or clearly documented. I understand that privileges which are not regularly used and which are not clearly documented after a time cease to exist. I, myself, am not fully conversant with the legal technicalities here involved, but as I understand it, I see the urgent necessity for a self-governing country to ensure that the privileges of its Legislative Chamber are at least regularly used and if they are not invoked to have them clearly documented and clearly established.

Sir, I feel that the absence of these privileges can have an unnecessarily embarrassing effect on the work which we do in this Chamber. I feel that the absence of these privileges will also give me or any person the chance of casting uncharitable aspirations on the work which we do. I would like to feel that we conduct our work in a self-respecting manner, but it so happens that when certain issues arise where this Chamber has to speak, not as a group of individuals of different parties, but where it has to speak and uphold the parliamentary procedures, the absence of these privileges does prove unduly embarrassing. In my short stay in this House, I have seen occasions where this House has had to say that we were at one behind an action which the Speaker had to take in the interest of the rights and privileges of this House and yet it was possible for people outside of the Chamber to feel that perhaps the House and the Speaker might have been acting far beyond our realms.

2.45 p.m.

There were some people who were casting these uncharitable aspersions. I will not spend any time in going into details as to the personalities or the organisations involved; but I want to say that there should be no opportunity for people at any time to cast uncharitable comments on the kind of work which this Chamber carries on, when we think in terms of the authority which this Chamber has. We carry the full brunt of legislation which we pass and it must be understood that even although we are not a law-interpreting body - we leave that to the people in the Law Courts - nevertheless we are the law-making body in this colony and it is an ironic situation that while the members of the Judiciary and the people who are in high positions in the Courts, find themselves in a way protected from any comment which can be made about the work which they are doing, the people who themselves make the law can find themselves subjected to such unnecessary and uncharitable comment.

I do not only want to think that we should have our privileges established purely for the sake of protecting or ascertaining our right to correct or cause to be corrected any inaccurate reports that may take place in the Press or over the radio. This is something which we should have in our own right; but I do not think that our privileges would serve only a purpose such as that, namely, that we make sure that the media of miscommunication or its representatives have to be sure that when they enter this Chamber they do so on the sufferance of Your Honour and that they should be accurate and in no way misleading. This is something which we have to do in order to protect the people of this country, but I do not think that we should limit ourselves there. When we have established our privileges and have them clearly documented, when we give a lift to individual members of this Chamber, they will feel and know that they are carrying out their duties in a manner which, in itself, has some dignity about it. I would not cast the semblance of reflection on hon. members at this juncture that they do not know how to conduct their business, but it is essential that every organisation or every unit which has to do with important business actually sets some kind of standard by which they want their business to be conducted. Take any recognised institution; the medical profession, for instance, has certain standards by which every one of the members conducts its business. Similarly we want to establish our standards in this House, standards which are

not only limited to the Standing Orders by which we are governed in our day-to-day activities, but that we can show to the world and convince ourselves that the work which we are carrying out is work of such a nature that it must carry an undying and deserving respect of persons in all walks of life.

Sir, I am trying to keep this debate on a plane which will be above personalities. We can spend a long time on the press and political platforms handling personalities, but I do not want to dwell on personalities. However, I think I have to make one comment which it is necessary for anyone who is making this motion to make. That comment is in respect of a certain article which appeared sometime previously in the *Barbados Advocate* relative to an action by the Hon. Leader of the House. It will be remembered that a question of privilege arose sometime ago, and when that question of privilege arose it was decided that the matter should be referred to a Committee of Privileges for consideration. I took the opportunity at that time to say that I hope this Committee of Privileges would so get down to its work that we would have some Report relative to the Privileges of the House. The Hon. Leader of the House mentioned that he had, on his last visit to London, discussed this matter of privileges with one of the Clerks at the Table of the House of Commons and that this Clerk had given him certain copies of the legislation which obtains in Ghana, Kenya and some other Legislatures which might be studied by this Committee of Privileges. It was not only uncharitable and unkind, but it was a complete insult to this House as to the Report which the *Barbados Advocate* gave to those innocent and informative remarks of the Honourable Leader of the House. The *Advocate* mentioned that the Hon. Leader of the House, calling him by his name, had actually come back to Barbados with the idea of muzzling the Press and was going to introduce legislation which is practised in Ghana by which the freedom of the Press is restricted. They gave the most contradictory comments on that situation at that time in the Press and I believe that it could have done this country no good at all. I think that it was a downright insult to this House that such a thing should have taken place. The records of this House itself would show that at that time the Hon. Leader of the House was not talking about muzzling the Press or restricting freedom of speech or of the Press. Indeed the proprietors of the Press seem to have gone further, because the Premier was in the United Kingdom and they got their London Correspondent to interview the Premier in London asking him about muzzling the Press. I do not know how embarrassed the Premier must have been, but the answer he gave was telling enough because he said he was quite sure that there would never be anything like that taking place in Barbados. The latent and innate sense which we have in this country would not allow any Government to think about restricting the freedom of the Press. That is the type of picture which was built up and painted of the Hon. Leader of the House on that occasion; he was depicted as this Minister from Ghana who would be muzzling the freedom of the Press in Barbados.

2.55 p.m.

Now I said, Sir, that I would not have wanted myself to spend much time on organisations which might find themselves so delinquent or in any way guilty of these misdemeanours in giving these kinds of inaccurate reports of our proceedings. I had to mention that because I thought it was a little more than an inaccurate report. As I said earlier on, I considered it a downright insult to the dignity of this Honourable Chamber to have something not only so misquoted or inaccurately reported, but to have attached the kind of comments that depicted any member of this House to be the kind of person who would want to restrict freedom of speech and freedom of the Press.

I am quite certain, Sir, that the day that ever appears to be happening in Barbados, you would not be Speaker of the House at that time, nobody in this Chamber, as I know the Chamber is now constituted, would ever want to be a member of the House at a time like that when we can restrict freedom of speech, muzzle the Press and say there should be no freedom of the Press. I say that also because we are so democratic and so freedom-loving that we would give the

privilege to the Press of reporting accurately any of our debates and also making comments as is their wont and their right, and in any case we expect a heavier responsibility also devolves upon them that they must be accurate and must not cast remarks which are derogatory and malicious in the extreme, especially when they try to single out a member of the House in casting these remarks.

I do not think anybody questions the right of the Press or any member of the public from commenting and giving a divergent view or point of view from what would be expressed in this Chamber; but I think we are to be sure that everything said is passed on accurately and that comments are fair comments. I think the emphasis there should be on fair comments. We do not want to deny fair comments of the Press in any form, and I think I have to make that particularly clear.

I do not think I need to spend much time on the other situation which I remember very clearly in which, as I said, Your Honour acted with the full consent and support of this House, and again the same newspaper was involved. I think that matter was eventually settled and I am quite certain that it must have proven to all concerned and I hope to that institution that it is completely within the jurisdiction of His Honour the Speaker to take any such action that he considers would protect the privileges and the rights of this Honourable Chamber. I am certain that Your Honour acted in that manner and the Chamber and the public of Barbados at large are quite grateful to you for it.

If I should now summarise, Mr. Speaker, how I really feel about a Resolution of this sort, I would not like to feel that we got into a debate on a level that would not be the kind of level we should be maintaining in debating a matter of privileges of this House. I have avoided as much as possible any comment of any individual action because I do not want to reduce it to a debate of personalities as such; but I am quite certain that members of this Honourable Chamber would agree that we expect a clear documentation of our privileges to ensure that the standard of debate in the House would be maintained on a high level. I think if we do not ourselves set these standards for the general public in debating our business in this Chamber, we might find on occasions that we tend to deviate from the standards we should like to feel we should have set, and we might tend at times to lower the standard of debate in this Chamber just because we are not binding ourselves to the rights and privileges which are there expressed. If we should express these rights and privileges and have them clearly documented, if necessary, by way of legislation, - and it is probable we will have to do it by way of legislation if the privileges which we expect we have inherited might have lapsed by now - we would have ourselves so to maintain that standard which our privileges themselves give to us, so that it would be impossible for any debate in this Chamber to drop below the required standard.

I have therefore much pleasure, Sir, in moving the passing of this Resolution that we should take some positive action to see that the privileges of this Honourable House are firmly established and firmly documented, and if necessary we should do so by way of legislation.

I beg to move that this Resolution do now pass.

Mr. SEARLES: I beg to second that.

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

Mr. SPEAKER: I have the honour to appoint the following members to serve on such a Committee:-

The Hon. Leader of the House, the hon. senior member for St. Michael; the Hon. Leader of the Opposition, the junior member for St. Lucy; the hon. senior member for St. Peter; the hon. senior member for Christ Church; the hon. junior member for St. Joseph; the hon. senior member for St. George and the hon. junior member for Christ Church. 3.05 p.m.

ORDER NO. 5 POSTPONED

Mr. SPEAKER: The next Order of the Day under Private Members' Business stands in the name of the hon.

junior member for St. Lucy: To resume debate on the following Resolution: Resolution re single member constituencies and the appointment of a Commission with respect thereto.

Mr. BRANCKER: Mr. Speaker, in view of the absence of the hon. member who was speaking when that debate was last adjourned, I do not seek to proceed with this particular item now.

Mr. SPEAKER called Items Nos. 6, 7 and 8 but there was no response.

RESOLUTION re APPOINTMENT OF STANDING COUNSEL TO SPEAKER

Mr. SPEAKER: The next Order stands in the name of the hon. junior member for St. Lucy: To move the passing of the following Resolution:- Resolution re appointment of Standing Counsel to His Honour the Speaker.

Mr. BRANCKER: Mr. Speaker, as regards this item, I am quite willing to proceed with it. The motion reads as follows:-

"BE IT RESOLVED that this House approve of and sanction the creation and establishment of the post of Standing Counsel to His Honour the Speaker of this Chamber."

In moving formally the passing of this Resolution, I will remind hon. members that some time during the last session such a Resolution received the approval of this Chamber and the matter was referred to a Select Committee. Before that Committee reported - I am not suggesting that it was unduly long in its labours - the Legislature was dissolved and the matter therefore was left in the position which requires its re-introduction in this Chamber.

Now, Mr. Speaker, you are no doubt the best judge as to whether or not as an individual there is the necessity for the appointing of Standing Counsel to yourself. But even if you find that you have no use of such a vital assistance as Standing Counsel to yourself with your background, there are others who may fill the position which you now occupy. You know that tradition has been broken in this Chamber that 'once a Speaker, always a Speaker.' Some strange things have happened in this Chamber and they may well happen again; therefore, no matter how well equipped Your Honour may be for performing these duties, it may well be that this assistance may be needed as it is in the Mother of Parliaments where it has been found necessary to have it in the case of His Honour the Speaker of the House of Commons.

It will be recalled - and some hon. members may refresh their memories - in Sir Erskine May's Treatise of the Laws and Practices of Parliament which deals with this subject, it is stated that the Speaker's Standing Counsel is appointed by Mr. Speaker and he was originally appointed to assist Mr. Speaker generally in any legal question coming before him and to discharge certain other duties.

It is a matter, Sir, for this Chamber to decide if it accepts the principle of the necessity of the desirability of having Standing Counsel to Mr. Speaker and to decide whether such Counsel should be whole time or part time. It may well be that he should be a part-time officer. What comes before us now for us to approve, if we do approve, is to sanction the establishment of this office in this Chamber for our Speaker.

I submit, Sir, that it is most desirable, if not absolutely necessary. The time comes every now and then when there is a legal question in respect of which Mr. Speaker needs assistance and I say this with the experience of my twenty-four years in this Chamber. As a result of reference having to be made on an occasion to the Senior Crown Law Officer of this country, we have been told by the Senior Crown Law Officer that he is giving advice simply as a favour or an act of grace and not from the terms of his appointment as Attorney General, because he is under no obligation or under any duty to give legal advice to His Honour the Speaker.

It is immaterial how many legal practitioners there may be in this Chamber, because in any case, they may belong to one Party or another, and it is well known that a lawyer who is engaged on either side of a dispute is not in any position to give unbiassed and impartial advice. That is why, whether as a part-time or as a whole-time officer, I submit that it is essential to have Standing Counsel to Mr. Speaker, particularly in view of party politics which has come to stay. There should be available to His Honour the Speaker a Standing Counsel whom he will have the right to call upon to assist him in resolving any legal or constitutional or any other difficulty which may arise in respect of his office. It should not be for Mr. Speaker to have to send to the Attorney General or the Solicitor General to beg him kindly to give Mr. Speaker the information. It is beneath the dignity of the Speaker to place him in such an invidious position.

It may even be said that even though the law may require it that both the Clerks of the House are legally trained men and both of them are Solicitors - each of them is eminent in his position and very capable - yet, Sir, it is a fallacy very common in this country for people to turn to Solicitors for information. We know that in some of these matters people refer to their Solicitors and each side charges and receives what to most Barristers are extravagant fees and they do settle the matter themselves. 3.15 p.m.

This is the sort of thing which would not happen in the United Kingdom. Inasmuch as both solicitors on each side realise that they have given wrong advice, they come to some sort of agreement or compromise whereby the client gets advice not of the same standard which he would get if he referred the matter to Counsel, but pays a good deal more for it than if he had done so. At the moment, sitting at the Clerk's table in this House are two experienced, qualified and able professional men, but Mr. Speaker, it is no part of the duty of any solicitor to give any opinion; it is the duty of a solicitor to write out a case for the opinion of Counsel. Any attempt by a solicitor to give an opinion has always been strongly deprecated by the legal profession in the United Kingdom. The fact that we have at the moment these two members of the junior branch of the legal profession available should not have any effect at all upon the course of this debate. It is for hon. members to say whether they will refer this matter to an all-Party Select Committee of this House to report within a certain short specific date, say, of fourteen days, or whether they will decide to recommend that while they approve the establishment of such a post, they would qualify it by making it a part-time post.

It may be felt that for this Chamber which meets once a week except when we are discussing the Budget, a whole-time Standing Counsel would not have an excessive amount of work to do although, if he is available, matters which would normally be referred to Standing Counsel would be referred to him. I do not think that in these circumstances we would do wrong; in many instances we have followed the example of the Mother of Parliaments and I do not think we would be wrong in following that example. I therefore formally beg to move that this House approve in principle of the creation and establishment of this post of Standing Counsel to His Honour the Speaker, leaving it to this Chamber to say whether it would be qualified as a part-time post. I beg to move the passing of this Resolution.

Mr. TALMA: I beg to second the motion which has been so ably moved by my colleague. In these days of constitutional advancement where the island has been granted a full measure of internal self-Government, having regard to the multifarious types of legislation which come before this Chamber and the various interpretations which can be placed upon them, I feel that a part-time Standing Counsel for His Honour the Speaker would be very useful and helpful in spite of the fact that this Chamber is already well served by the Clerk and the Deputy Clerk, both of whom are qualified Solicitors of many years' standing. I feel that the Counsel who is engaged as Standing Counsel to His Honour the Speaker should be a person of at least five years' standing at the Bar with the necessary experience and background, and an honorarium could be agreed

to. Your Honour and the subsequent Speakers of this House will be given the necessary advice whenever intricate pieces of legislation have to be dealt with and interpretations are being wrongly placed on them by certain sections of this Chamber.

Hon. R. G. MAPP: Mr. Speaker, I was waiting to see if any other hon. member would have anything to add to the debate. The hon. Mover of the passing of this Resolution has rather damned it because, with all of his advocacy, I have really heard nothing which has been adduced to make us depart from what is at present the practice, and enable us to give our blessing to what he is suggesting. It is true that circumstances may be altered in this House which might, at some future time, make us look a little differently at a proposition of this sort; but I do not see anything at this particular time which would warrant the House to vote for a Resolution of this sort. As you know, Mr. Speaker, one of the reasons why we have appointed as Clerk to this House a person with legal experience, is because of the fact that he should be in a position to offer whoever occupies the Chair as Speaker of this House the benefit of his legal experience and training, and the value which he will be in interpreting the various regulations and Statutory Orders which may apply to this House of Assembly and to its proper conduct.

As I have said, we have always got around the lack of a person in this position of Standing Counsel to His Honour the Speaker by the expedient of having as Clerk of this House a legally-trained person. So far, that has been the practice, and so far it has worked. It is true that we have not always agreed with certain advice and indeed I am not saying anything with respect to the present holder of the post of Clerk of this House. I have been in this House for some time and other hon. members have been in here for a longer period than I. We have differed as to the advice tendered and that is something which obtains in any Parliament today. Experts differ, and it is seldom throughout the world that you do not find people differing from opinions which have been given by other people, no matter how expert those opinions may be. Nevertheless the practice which obtains today has worked well. 3.25 p.m.

I think I am speaking for the Party and the Government when I say I can see no reason why at this particular time when the Session is drawing to a close we should worry with a Resolution of this sort. I am sorry the hon. member did not consult with the Government about this, because I would have thought that he should bring this earlier in the Session, and as it is so late he would not worry with it on this occasion.

It may have value in certain circumstances, but (1) it is late in the Session, (2) things have gone pretty well up to now, and (3) we see no reason why we should further expend sums of money on adding to certain posts in this House, and we do not in the present circumstances deem it necessary. I am not going to speak very long, and for those reasons I think we will vote against this Resolution. I think it is badly timed. In view, Sir, of the approach of members opposite and the fact that the Introducer was not pressing very much, I do not think it is necessary for us to say more.

Mr. CRAWFORD: Sir, I am wondering if implied in the remarks of the Minister of Communications and Works is the belief that this is not a pressing problem now, but one never knows how soon it might become one; and in view of previous history in this respect that anything might happen, apparently members on the opposite side of the Table do not want to go on record as being opposed to this matter in principle but merely want to shelve it for the time being. I think therefore that a motion to refer the matter to a Select Committee for further consideration might meet with approval on both sides of the House. It seems to me, Sir, that assuming that the hon. member spoke for the Government, they are not opposed to the matter in principle; they merely take it as an ill-timed Resolution and would prefer to see it not disposed of finally but perhaps shelved for further discussion.

This matter has been on the Order Paper for some time, and indeed it is by no means the first time that the Hon. Leader of the Opposition has introduced it. I think, Sir, that a motion for referring it to Select Committee if accepted might be a solution to the problem and would be the best means of disposing of it at this stage.

I therefore beg to move that the matter be referred for the consideration of a Select Committee.

Mr. SPEAKER: That motion can only be made if the first motion is disposed of, because that in itself is not a dilatory motion; it is a substantive motion. The principle must first be passed on a substantive motion and then on another motion it may be referred to a Select Committee.

Mr. CRAWFORD: Having signified that intention as perhaps the intention of members opposite, they need not vote against the original motion since it is our intention, if it does pass, to ask that the matter be referred to Select Committee.

The question that the Resolution do now pass was put and resolved in the negative, the House dividing as follows:—

AYES: Mr. WALCOTT; Mr. CORBIN; Mr. TUDOR; Mr. TALMA; Mr. CRAWFORD and Mr. BRANCKER — 6.

NOES: Mr. BRYAN; Hon. Dr. H. G. H. CUMMINS; Hon. D. D. GARNER; Hon. R. G. MAPP; Hon. L. StA. THORNE; Mr. HOLDER; Mrs. BOURNE; Mr. SEARLES and Mr. STRAUGHN — 9.

Orders Nos. 10 to 20 inclusive under Private Members' Business were called.

3.35 p.m.

RESOLUTION *re* ALLEVIATION OF UNEMPLOYMENT

Mr. SPEAKER: The next item stands in the name of the hon. senior member for St. Peter: To move the passing of a Resolution *re* short time and long term measures for the alleviation of unemployment.

Mr. WALCOTT: Mr. Speaker, the text of the Resolution is as follows:—

WHEREAS the construction and operation of the new Bridgetown Harbour has increased the numbers of unemployed workers;

AND WHEREAS there is no immediate work programme to provide alternative employment of displaced workers;

BE IT RESOLVED that the House of Assembly request the Government to take urgent and positive action to provide employment as a short time and long term measure for the unemployed;

BE IT FURTHER RESOLVED that the short time action should take the form of some slum clearance in the City of Bridgetown and increased expenditure on tenantry roads and public works throughout the Island;

AND BE IT FURTHER RESOLVED that the long term action should be the establishment of a National Committee representing all elements in the community with wide terms of reference to study a programme for industrial and economic expansion with a view to creating greater employment opportunities for the community.

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

Mr. Deputy Speaker, I do not know myself how many members of this House know what the situation is in Barbados with respect to the number of people unemployed as a direct result of the construction of the Deep Water Harbour and I do not know if people are aware that nothing has been planned to meet this emergency. As I have said in this House before, in the Barbados Workers Union we have over

1,300 people on our books as port workers, notwithstanding the fact that you can add easily another 200 to that number of people from the factories; therefore, the number of people affected will not be less than 1,500, and 1,500 working class people in Barbados represent not less than 6,000 souls.

Sir, during my speech I am going to reveal to this House some of the employment problems with which we are faced. Some of the problems with which we are faced are slum problems and the reason why I have asked for slum clearance as employment of a short term nature is because the majority of these displaced people live in the densely populated areas of St. Michael where the slum areas are persistent and aggravating.

The Government has agreed to give displacement allowance to these people; therefore, there would be people who are going to be displaced who are not entitled to any money but nevertheless would be unemployed without any unemployment benefits. In the big United States of America, President Kennedy in his State of the Union speech had to draw to the attention of the United States nation that the question of unemployment is not anything which settles itself.

Unfortunately, members of this Government have been making speeches to the effect that unemployment is not anything which they can do anything about and that it is something caused as a result of the coming into operation of the Deep Water Harbour which in effect means that it has to settle itself. I do not subscribe to that view. I want to say that this is an urgent problem. Only this morning not less than twenty people came to me.

Hon. R. G. MAPP: Mr. Deputy Speaker, I rise on a point of order. The hon. member has just made a general sweeping statement when he said: "members of the Government". Would he say what members of the Government he has heard say that nothing can be done for the unemployed?

Mr. WALCOTT: Since the hon. member has risen, I will tell him this. Not less than ten days before he left this Island for the United Kingdom I was speaking to him on the question of putting someone on this Harbour Advisory Board and I said to him that my view on matters like this as a result of the coming into operation of the Deep Water Harbour would be doing something for the unemployed. His reply to me was, "what can you do about it?"

Hon. R. G. MAPP: Mr. Deputy Speaker, the hon. member is taking something which I talked to him about in private out of the context and twisting it to suit his purpose. The next time I speak to him I will have to get something to record what he says. The hon. member came to me. I am going to lay low the statement and show how mischievous he is. I have to challenge him on the statement which he made. He asked me about keeping meetings in Queen's Park.

Mr. DEPUTY SPEAKER: The Hon. Minister must not go to Queen's Park.

Hon. R. G. MAPP: The hon. member has made a serious statement.

Mr. DEPUTY SPEAKER: You replied to him and now you are talking about meetings in Queen's Park.

Hon. R. G. MAPP: This is what I told him. He himself said that all he mentioned was that some Planning Committee should be set up on the question of the unemployed. We were talking about what could be done about it. As to my saying to him "what can be done about it", would I say that in front of the hon. member who has been so consistently carrying on a programme against us on platforms?

Mr. WALCOTT: Sir, I know that the Chair allows members on that side of the House to use a lot of statements which are unparliamentary and does not ask that those statements be withdrawn. I have absolutely no apology to make for what I say, but when the hon. member speaks about showing you how mischievous he is, I am not going to rise

on a point of order. I had not even yet begun to develop my arguments and the hon. member rose on a point of order and challenged me to be specific. He is only one member of the Government. Do you think that I am going to finish with him alone? He said that I came to him, I want him to understand that I do not go to Ministers; I do not have any favours to ask of Ministers. For seven years — and this is the eighth year — I have been in this Chamber without their help. I do not have to go to them. The Hon. Minister says that he will have to get a recording machine when I am speaking to him. He does not need any recording machine. All he needs to do is not to send and call me again, to see him. I am no lackey; I am a working man. His Permanent Secretary asked me to come and see them.

3.45 p.m.

When the hon. member goes on to say that he is making a statement, he can make any statement which he likes; but relative to the Deep Water Harbour we were not going to do what the hon. member or the Government wants done in so far as the selection on Boards is concerned. If the hon. member wants me to make a statement I will say "Yes, he said so". If the hon. member could say that I asked them any favour, you would know what would happen in this island; he would be the first person to blare out with it. I worked hard for a low wage in order that they would run a newspaper out of my sweat and blood. Do you think that \$50 a month could pay for that? When it comes to favours there is no question of favours on my side. I have not had any discussion about the hon. member; I spoke on the basis of the Port. As far as I can see, this matter should have been kept outside of politics and not made a political football. The first people to hold a meeting in Queen's Park were the members of the Government and they threw the whole Deep Water Harbour into a political morass. However, I believe that I can take care of myself.

In the speech which was recorded by the Hon. Premier when he was laying the last block at the Deep Water Harbour, he said that he had heard that the construction of this Harbour was going to put people out of work, which means that in so far as a plan is concerned, the Government had not made any plan in connection with the consequences of the construction of the Deep Water Harbour. There is no statement made by the Government in so far as the consequential measures which are to be taken are concerned other than the displacement measures, and it was a matter of a thousand people being displaced. Mr. Deputy Speaker, the Hon. Minister of Communications, Works and Housing should be the last person to make any mention about Queen's Park, because in connection with a work programme, the Committee which went into the matter of the construction of the Deep Water Harbour made as one of its recommendations that as to the rehabilitation of these workers, priority should be given to that matter. It was reported to me that it was the hon. member who said at a meeting in Queen's Park dealing with the question of the Deep Water Harbour that if the people of Barbados were to be aggrieved about the construction of the Deep Water Harbour, they should blame me because I was Chairman of the Committee.

Mr. Deputy Speaker, you know that I have nothing of which to be ashamed because on the third of January this year I said in the Lower Green that the Barbados Workers' Union agreed with the construction of the Deep Water Harbour because, in a changing world like ours, you cannot stem the tide of progress; and if it is necessary for you to construct a Deep Water Harbour in order to meet the changing question of trade then you have to construct this Harbour. I will go further; I told the workers this: "You are not going to carry any old pots and pans to the Deep Water Harbour; you have to get down there that machinery which we have resisted for years. You have to agree to the utilisation of forklift trucks." You cannot force me; I am living in this community as an independent politician; therefore you must know that I am not afraid of people. My political opinion started on the basis of convictions, not on the basis of fright. I told the workers whom I represent that they could not go down to the Deep Water Harbour with little wheelbarrows; they have to go down there with fork-lift trucks but we would want more money for the workers; therefore the wages would have to be made in closer reality to the work.

The Deep Water Harbour was a national agreement. What I say is that in the same way that you set up a National Committee — and I may say here that some of my friends in this House do not agree with the setting up of a National Committee. I disagree with the hon. senior member for St. Philip who said that this is not the time to join forces with the Government to get them out of their difficulties. That is a matter of opinion.

Mr. CRAWFORD: On a point of order, I said that this was not the time to tell the Government what to do. Let them demonstrate their incompetence by saying that they do not know what to do, and when the public realise how bankrupt they are, then that would be a different thing entirely.

Mr. WALCOTT: Mr. Deputy Speaker, even with that view I do not agree. I can show the Government's incompetence by saying what they should do. (Mr. BARROW: You do not have a Party to run the Government). You do not know; a Party is nothing you have to form for ten years before an election. A man does not have to wait for ten years to say that he will run a party in an Election.

Mr. DEPUTY SPEAKER: Let the hon. member address the Chair.

Mr. WALCOTT: You do not have to register anything; you only have to get votes. Any thirteen members have to be elected in order to decide that you are the Party which will run the Government. If you want to change the composition of this House, all you have to do is to win the election and the Governor has to call for the person who can command a majority in the House.

Mr. CRAWFORD: On a point of order. Are we to take it then that there is the possibility that there will be another Party contesting the Elections?

Mr. DEPUTY SPEAKER: That is not a point of order.

Mr. WALCOTT: The prognostication for an Election always seems to be a State secret. Therefore there are a lot of State secrets other than the date of the Election. 3.55 p.m.

I do not agree even with the narrow view, because as a Barbadian and as a man in public life, I am interested in the community as a whole. Even my own political glory will be secondary, because I prefer to live in a prosperous community even if I am not a member of the House of Assembly than to live in a poverty-stricken community and be a member of the House of Assembly. I feel we have reached a state in our thinking, and I think it is something that should boost the Government if they want to do it.

A VOICE: You are a West Indian now.

Mr. WALCOTT: I am not a West Indian; I am a Barbadian because we have not got Independence yet.

Mr. DEPUTY SPEAKER: The hon. member should address the Chair.

Mr. WALCOTT: Mr. Deputy Speaker, you cannot be so nervous. We are in Parliament and you must have that flexibility of mind to understand that in Parliament any aside to which you make mention is part of good Parliamentary conduct. After all, we are not in a dry atmosphere.

Mr. DEPUTY SPEAKER: But you are making a speech.

Mr. WALCOTT: I am feeling well, and therefore when you are well you can take an aside with a certain amount of grace and humour.

Mr. DEPUTY SPEAKER: Even in replying to the aside is breaking the Rules of the House.

Mr. WALCOTT: If all the laws of the land were enforced, everybody would be in gaol. We are not dealing with the rigidity of the Rules now; we are debating this

serious matter and I hope you will ignore asides just as I ignore them with a light bit of humour.

This is a very serious matter, and it is so serious from the nation's point of view that I do not take the narrow view, if I may use the word "narrow" without implying anything improper, which the hon. senior member for St. Philip has taken in so far as this national issue is concerned. The hon. senior member for St. Philip was a member of the National Committee that went into the Deep Water Harbour. He has therefore given his views by being a signatory to the Report on this important question of rehabilitation of these people. He has appended his name to that, so he is in agreement that he realised that.....(Mr. CRAWFORD: I submitted a minority Report too.) The minority Report does not detract from this aspect with which I am dealing. This part of it is as a consequence of the construction of the Deep Water Harbour, and you must give priority to rehabilitation of displaced workers. I want to say this to the Government: you should never wait; and this is where the Government has been failing us each time. There must be this continual prodding and prodding. Why did it not occur to you that it required some thinking about a thousand people in the context of your economy to be displaced, which adds to an already heavy unemployment market as something that you should plan for?

Now I read in a newspaper that the idea was that these people are going to do agricultural work. That is not the point. You are not now thinking in a narrow sense of broadening the scope for employment; you must be thinking on a wide sense of what you are going to do for these people. As I said earlier, in the same manner as you had a National Committee for the Deep Water Harbour, what is wrong with your thinking in advance of the completion of the construction of the Harbour of setting up a Committee to go into this matter? For five years the Deep Water Harbour was going on, but the Government has stated nothing about its policy in dealing with these displaced people. You knew there were going to be men displaced since 1956. They are not entitled to any displacement allowance. We are not quarrelling about that because the agreement when they went to the Port in 1956 was that they were working in something in which changes were going to take place; so there is no point in going on to preach that this is something that is going to be demolished, and then when it is demolished you make a claim for some compensation when you knew they were going to demolish the Port.

We are not now pleading for money for these men. I am pleading for money for none of these people; I am pleading for employment which will produce money. There is no point in telling us that there is no work; and when the hon. member says that if he says something I would distort what he says, I want the Minister and the House to understand that I am a man of integrity. I have never yet been accused of anything dishonest in any way; so when you say that if you say something to me confidentially I would divulge the confidences, that does not apply to me. I did not know that the hon. member would have been the first to rise when I made that statement about Government, because it is plain that the Government has no policy as a works programme for the rehabilitation of the displaced workers. Not one word has ever been spoken about it.

Mr. Chairman, the Hon. Premier, the Prime Minister and every one of them made major speeches at the opening of the Deep Water Harbour, but not one word was said about the proposed intention of the Government *vis-à-vis* employment for these people. Everyone said as a vague decision that this thing would settle itself. I want to say that as a democracy it is our business if a Government is failing to do things to draw it to the attention of the people. Tomorrow morning I can show you a demonstration bigger than anything you have had in Barbados to show the extent of unemployment and also to show that something has to be done. This is an urgent matter; this is not a political parish-pump I am pumping; this is nothing I pray for; this is nothing that somebody wished for and wants to use it as a means of becoming popular. This is

a question in which you have to see than men and women are being faced now with a problem in which you have to find employment for them; so let us get on with the job and do it as quickly as we possibly can.

Honourable members of the Government do not seem to live here. It is true that since May they have been out of Barbados more often than in it, and therefore they are not aware of what is going on. I will invite them to come over to the Union any morning where they will see what the problem is. A young man of 36 years of age came to me and informed me that he has five children from three women. Do not worry to smile, because out of every ten men that work in the Port, six of them will have four or five or seven or eight children from two or three women. That is a Barbadian facility. Why is that? Owing to the economic position of the women in Barbados, their economic position is low and weak, and as she is at the lowest ebb of the economic scale, more use can be made of her. 4.05 p.m.

It is nothing uncommon. That is why you have to understand the pattern of your own Barbadian life. A man has five children from three wives. This is a classic case. When I asked a young man the other day "Do you reside with your mother", he told me "no", that he was renting a house and living alone paying \$3.00 a week for rent. He said that he owed six weeks' rent. Now, as Your Honour knows, these people do not rent by the month. A man who rents by the month can owe two months' rent which is eight weeks, but the man who rents by the week cannot owe eight weeks' rent. The landlord would levy on him. Why does that man live in that way? It is because he is a casual worker. He lives a life which is based on casual employment, and because the work is casual, his home life is casual also. Those are problems which you have to face and they are based on the type of economy which we have at present, and the upbringing of some of our people in this community. If you frequent the Courts you will know, or if not the Barristers in here can tell you, of the large number of cases of bastardy. That same young man told me that he had five children from three women and that one of them had him in Court for the support of a child and he was sort of facing jail if something was not being done to help him.

I say that only to show that part of the problem is being dealt with by having this Displacement Fund, but there are sections of workers who want something to do. Do you think that this is a section of workers which can be absorbed into the community quite easily? How can you very well say that there is no problem? These people are in the main unskilled men with no education to command jobs. The only jobs which they can command are of an unskilled nature. These are men who started work in their early years, when they were between 12 years and 15 years. They went on the waterfront and worked, and although they have been working for a long number of years, they are comparatively still young men because their working life started off at a very early age. It is not uncommon to find a man on the waterfront who has been working there for 25 years and he is not 40 years yet. If you give him displacement money on the basis which you have here, you will see that it will only be on the basis of 70 weeks. You can very well see that you cannot work on the hypothesis that the maximum life of these displaced people is a matter of two years. You have to work on the hypothesis that some of them have another 25 years of life before them. In the U.S.A. when a man retires at the age of 65 they have to think of a life span of such people which is to last for another 12 years. Therefore, Mr. Deputy Speaker, you will see the urgency of the demand for a work programme is unprecedented in my view.

At no stage in the history of Barbados - I will say of the whole world - has there been any economic development or any project which has had the consequences on the manpower that this project of the Deep Water Harbour has had on the Barbados manpower. I will explain what I mean. Barbados is in the main a community which manufactures and exports sugar. This metamorphosis which has taken place in this island dealt with the changing of the Harbour in Carlisle Bay in your having a Deep Water Harbour, and simultaneously with your having a Deep Water Harbour you

have bulk shipment. At no other stage of the development of any other country was bulk installation brought into being with another project such as a Deep Water Harbour. It did not happen in Nigeria, Haifa or Israel. In no part of the world, whether it be for grain, flour or sugar, have they been called upon to undertake a bulk loading process at the same time as they were undertaking a Deep Water Harbour, and it must be borne in mind that this is the only seaport which we have; therefore, it means that such a situation like this would cause a complete change in your manpower because you have a complete change in the handling of your sugar.

Let me tell this House that from the beginning of this year when you started bulk shipment of sugar, you brought your labour force for doing that from 1,500 to a force of 500. And that is what is going to happen entirely from the 3rd July next. Of course, as I have said, it was happening from the beginning of this year. Early this year, 270 produce porters became redundant one morning. There was no question of a gradual change. But we are not quibbling about that. What I say is that it is the responsibility of the Government - not my responsibility - to see after the welfare of the community as a whole and everything which impinges on the community revolves on the Government.

Sir, why did this thing catch up with you? What are you waiting on for it to reveal? As I have said just now, these 270 produce porters have not driven a stroke of work since January this year, not since the last shipping of the crop. Sir, I am not blowing my own trumpet but in politics you must do so at times. The Government takes credit for everything it does. It has taken the credit for handing out this displacement allowance. If I did not have the vision which I had 12 years ago, these produce porters who have received \$1/4 million since they have been unemployed would have been in a more precarious situation. I take credit for that but I will also say that I think it is my duty to sit down and think about what can be done for workers. By my thinking, it happened that what I thought about and put in action relieved these produce porters, and this community is the better by that \$1/4 million because if it had not been expended or given to these workers, these people would have been forced to rely on public assistance and, as you know, public assistance would not have given them \$250,000.

Therefore, Mr. Deputy Speaker, you will see that I am not asking the Government to do what they believe I should do or what the workers should do. I am asking the Government to do what they should do and that is to provide employment opportunities for the jobless.

4.15 p.m.

We have drawn to the attention of Government the fact that the bulk installation was put down at a cost of nearly \$2 million and the employers have not made any contribution to it. That bulk installation has been put down out of the Price Stabilization Fund and that \$2 million could give about \$200,000 per annum as interest. I am not afraid of asking at this stage what contribution are you going to make in view of the fact that this is an interest-free capitalisation. You are paying a pepper-corn rent and why can't you receive a royalty which would produce a sum of money in order to help some of these funds? The Provident Fund is a welfare fund for the people in the sugar industry as a result of the bulk installation which has meant something for the sugar industry as a whole, and you will be making a contribution to these funds.

We have it before us that many of these people live in the slums of Bridgetown. I am not asking you to provide work for the sake of work, or like King Canute to push back the sea, or like Admiral Horthy, to have an Admiral without a fleet; we are asking you to look back to your Public Works programme and spend more money on Public Works and build more roads. You can carry out a road programme in my own constituency, and I am not being parochial in this sense because I do not think that the people of St. Peter would expect me to be parochial on an issue like this. The people of St. Peter would vote for me without my saying something specifically for St. Peter. There is a road in Indian Ground where the buses would have to reverse up the hill, if they should meet with anything. Let the Government go up there and do something in Roebuck Street in

that parish. I have ideas which do not cost any money. I give them to the Government free. The hon. senior member for St. Philip and the hon. junior member for St. John say that they are not going to do like me; they say that they are running a party and they will keep their ideas until when they are in a position where they can run the Government. On the other hand, I say that to whomever is running the Government I will give ideas. Someday when I am running the Government I will not need their ideas; I will just consult with them, (*Laughter*) but whether it is on the right or on the left, whoever is running the Government, I can give them some ideas. However, you can have an expenditure on the roads. It is my duty to read and understand what is required. It is no use telling me about an economist; you do not have to be an economist to know that when you stimulate spending in your community you create an atmosphere for more spending by other sectors in the community. If you build a road in an area where there is no road and that road is a means of communication, then people will erect their homes in that area. If you build a road in an area, a man who has money will build a house, the carpenter and the electrician are put to work and the taxable income of the area becomes greater because houses are being built there. The only monstrosity which we find is that more people are building houses and the taxation is going up. If you have a thousand people doing something in an area and then ten thousand people do something in the same area you will have higher productivity.

Mr. Deputy Speaker, it is an insult to think that right here in Nelson Street in the heart of your City space is taken up by slum conditions which are abominable. If you were to knock down these buildings here, you could see Nelson Street, Nelson Street and the slums are nearer to us in this House of Assembly than the Deep Water Harbour is. It takes longer to go to one of the transit sheds at the Deep Water Harbour from this House of Assembly than it takes to go to the slums in Nelson Street. Something which was in existence from the time when I was a boy has been allowed to continue; the pace is faster and the number of children who have grown up under these conditions is shocking.

At this stage Mr. SPEAKER resumed the Chair.

Mr. T. W. MILLER entered the House and took his seat.

Mr. WALCOTT: Mr. Speaker, I do not think that any one would suggest that providing increased expenditure to meet this emergency is something which should not be undertaken. It is an urgent matter; I know about it. In addition to that, there is the other problem of unemployment which has only aggravated the general unemployment situation. Therefore, I am of the considered opinion, that this matter is extremely urgent. On the long-term basis we have to think in terms of further industrial and economic expansion. It is true that the members of the government were in the United Kingdom, but I would like to ask if the Government is aware that one of their members on a public platform at that meeting which they held, said that when it comes to industrial expenditure, that is moonshine and asked "What can you do about it?" That was what was said from the Labour Party's platform. Dr. Williams says that we cannot have freedom of movement. I want to say that one of the things which stand against the Barbadian in the outside world is that we are too lethargic, decadent and suffering from an overdose of inertia; therefore we have unemployment and we are doing nothing about it.

4.25 p.m.

This idea of having unemployment and doing nothing about it on a positive basis makes people believe that you want to dump your unemployed people on them, and they are closing their doors. It is because we cannot get down to the problem and bring all the forces in Barbados to bear on these important problems.

Hon. R. G. MAPP: On a point of order, I would like to say, Sir, that in all our talks and impressions we have never got the impression that the Barbadian suffers from any inertia or laziness. It is very obvious that one of the factors that weigh very heavily in Trinidad is that the Trinidadian fears the reputation we have for being hard-

working. It has been pointed out to us that there are over 40,000 unemployed Trinidadians, and they fear that Barbadians being industrious would get work in Trinidad before them. You cannot say therefore that Barbadians suffer from inertia and laziness.

Mr. WALCOTT: Mr. Speaker, they are famous for doing those things before your very eyes. What is the hon. member saying? I am not saying that the Barbadian worker suffers from inertia or he is lazy. I said that the impression got from outside is that Barbados is not doing enough in so far as unemployment is concerned and that we want to dump our people on somebody. The fact is that the Barbados Government has done nothing positive to make people outside feel that we are taking care of our problem at home on an industrial basis, and we are making them believe that we are looking about for avenues outside and giving passages for people to go out, rather than doing something here to keep them at home, and therefore they are closing their doors against us. (Hon. R. G. MAPP: Where did you get that from?) I got it from the fact that you have done nothing about unemployment of these displaced workers. You have shown that you can send Barbadians outside; but when it comes to Barbadians inside, what is the last programme you have shown as an employment programme which you have undertaken to provide employment? Built a hospital out of Labour Welfare Funds?

HOUSE REVERTS TO GOVERNMENT BUSINESS

Mr. SPEAKER: It now being 4.30 p.m. o'clock, this House now reverts to Government Business.

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

HOUSE RESUMES COMMITTEE ON POLICE ACT, 1961

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

Mr. WALCOTT: Mr. Chairman, I was making the point that in so far as the method of discipline that you are going to use is concerned, hon. members were a bit worried about the Clause in which the Commissioner can confine an officer to barracks for any number of days not exceeding twenty-eight days. Hon. members were afraid and wanted the word "twenty-eight days" removed. I was saying in a broad way that if the Police Association is to function in a general way, I should like to leave such matters to their Association to regulate, and I believe by process of discussion they should be able to determine if twenty-eight days as a maximum is too much. There have to be codes for this sort of thing all over the world in the Army, Air Force, Police and Navy. The hon. junior member for St. John was an Air Force man, and I believe in the Air Force you cannot take up a plane and because you are in the air decide instead of going to Germany you will go to Switzerland and land there, and then come back and tell the fellows you had just been having a look at the Geneva Lake or something like that. You have to keep these things within their bounds for obvious reasons, because it is a Security Organisation with which you are dealing.

Mr. Chairman, there is information the Police would have which nobody else would have, and to have confidence in a Police Force it is essential that it should function with efficiency, above suspicion and without any aspect of corruption. I am not worried about the twenty-eight days as I said earlier, because I believe that if a man requires twenty-eight days confinement, he requires dismissal. I believe the Hon. Leader of the Opposition is one of those extremely lenient people. I am a disciplinarian and when it comes to this I do not pretend I am as lenient as the Leader of the Opposition. I believe that if a man commits an offence that deserves 28 days confinement to barracks, it is an offence which really requires dismissal. If I were a Commissioner of Police I would not confine a man to barracks for twenty-eight days; I would give him his freedom for ever. I would tell him that barracks would be too long for him for 28 days, so he can go home for ever; so he would have freedom of movement and not confinement.

I know that there are instances in which a man will commit an offence that may deserve dismissal; he may have

seven or eight children, two of whom may be at school though one may be soon leaving, and his wife goes and puts down a dose of tears before the Commissioner; so the Commissioner may decide as the next disciplinary action to put up the man for 28 days. There are instances in which you would give the maximum confinement, but I doubt very much whether they would be used. I would say to the Hon. Leader of the Opposition that if there is a Police Association and these people are working, I am a bit touchy on these disciplinary bodies and would not like to interfere with them unless something gross has taken place against the very canons of justice. That is to say, they should be given the right to have some sort of representation.

The Hon. Premier should be able to tell us what methods they use in disciplining people, and when a man is disciplined by the Commissioner what opportunity he has of putting his case, not from the point of view of a Lawyer or Counsel putting his case, because in these internal things where somebody may come in late or sleep on duty, you do not need a Lawyer to plea a case like that. If a person comes on duty late, that is work discipline, and you cannot reduce work discipline to the Courts; but you want to give a man an opportunity as his other colleagues have. I do not know if there is a sort of semi-Court Martial system in which you go before the Commissioner and are allowed to bring people and you are given a fair and impartial hearing by the Commissioner. The Commissioner is not normally involved in charges that are brought before him nor are the senior officers involved; so the persons should be impartial in dealing with the charges and we have to work on the assumption that these people would give a man a proper hearing.

4.35 p.m.
When it comes to the final act of dismissal, you would like to know what is being done. It is stated that the policeman or the person can appeal to the Governor and the Governor's decision is final. Again, I take it that you do not want that to be just formality. If the man has a case which he should take to the Governor, I take it that any gross error of judgement would be looked into at that level. I do not know what is in the Police Records; I do not know if the Barbados Police Force is noted for bad cases of dismissal. I have not heard of any bad cases of dismissals; therefore, as long as a policeman would have the scope of defending himself and having representation, I would say, do not allow us to play too much in it because we are dealing with a very important and delicate part of one of our most important institutions. I am a defender of a man's rights and I do not like to see any of his rights taken from him; but I do not see anything wrong in giving a man 28 days confinement to barracks. Of course, if a man committed an offence, I would not give him 28 days confinement to barracks; I would be more inclined to dismiss him but you leave it to those who are more lenient. You must be disciplined.

Mr. STRAUGHN: Mr. Chairman, the one thing that intrigued me with the amendments which hon. members of the Opposition made was that they intended to reduce the time of confinement to barracks, yet they said nothing of the punishment drill which is prescribed in the same paragraph. It mentions here you might be confined to barracks not exceeding 28 days or undergo punishment drill not exceeding 14 days. It looks to me that the punishment drill of 14 days is the equivalent in degree of punishment to confinement to barracks for 28 days; but the Hon. Leader of the Opposition and his colleagues have reduced the time for confinement to barracks but allowed the days for punishment to remain as they are. I am not an expert on these matters but I am wondering if they thought of reducing one, why they should not think of reducing the other.

To get to the penalties of this section itself, I do not share the views of hon. members for amending this section because this section only says that there are the penalties which may be imposed and I do not imagine that these penalties will be imposed to the extreme. I think there will have to be some reason and some investigation before any Commissioner or junior officer decides to impose a penalty which is set out here and I do not think any penalty will be imposed without any kind of hearing.

In another part of the Bill, it does show that you must bring a case against a particular Police Officer or con-

stable before you can think of imposing a penalty. The hon. senior member for St. Peter warned that we should not go too much into the terms of the Bill because the Force has a Police Association. I commented on that in my second reading speech but it is to be noted that the Police Association does not make representations for individuals in these plenary cases. I am myself wondering when we come to section 5C if we will not accept the view as regards the Police Association if even they did not make representation, at least they should be able to make comments on this matter.

Coming back to section 35, I see the section says that these are the penalties which may be imposed, but it does not say how the penalties would be imposed; so I do not think that hon. members in the Opposition should try to press their amendments any further.

Mr. BRANCKER: Mr. Chairman, the hon. senior member for St. Peter in his comments on this controversial section mentioned that the Police Association might be affected or something to that effect in dealing with cases where Policemen had been unfairly or severely dealt with in connection with confinement to barracks for 28 days. I know that that hon. member prepares his work almost as thoroughly as members of the Opposition. When it comes to section 53, sub-section (2), he will see that the Police Association will have nothing to do with a case of that kind. That section says that no representation shall be made by the Police Association in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals. Those are the operative words. When we come to deal with that section, I will have comments to make and an amendment to make. That is far too wide to dream of passing in its present position.

Dealing specifically with section 35 which as you know deals with penalties imposed under regulations, I would like to point out that I have seen so far no stipulation in this Bill that the regulations shall be laid on the Table of the Houses of Parliament. I would like the Hon. Premier who is in charge of this Bill to shed any light, if he can, in connection with these regulations which are mentioned throughout this Bill. Later on, under section 86, you will see that that section gives the Commissioner power with the approval of the Governor-in-Executive Committee to make regulations for the good order and government of the Force. I would like to hear from the Hon. Premier if he has any idea in connection with such regulations of their being laid on the Table of the House, whether his legal advisers have told him that that is covered in this Bill, I would like him to point out whether it is covered in this Bill, and if it is not covered, why it has not been covered. When a Commissioner, a Board or a body is given the power to make regulations, those regulations are required to be laid on the Tables of both Houses of Parliament. I have not come across any such provision in this Bill and I would like the Hon. Premier to shed some light on that matter.

Mr. WALCOTT: Dealing with this section which deals with the punishment imposed, the hon. member will see that section 38 deals with the right of appeal. It says that a man has the right to appeal against any decision made against him. What I am more worried about is the principle, and that is why I say that I would like the Hon. Premier to tell us what happens in case there is an appeal. I think they have the old time idea of saying that the Governor does not want to see the man and I am wondering if it goes up just as a matter of formality. I think when it comes to dismissal that the Governor is not too big to call the man up; and even if you say that you see no reason why you should change the decision, yet if the man dresses himself up and goes to Government House, at least it gives him the feeling of a chance, that there is a last hope.

4.45 p.m.

Suppose there is an officer who is down at Belleplaine and the Superintendent puts him before the Commissioner of Police! The Commissioner should go down or the man should be called up and the Commissioner should hear his appeal. A man should be able to appeal not only in writing but by explanation. It is true that a policeman should be able to state his appeal, but, at the same time, a policeman is not a lawyer. My idea is that in rare cases you might not

change, but I would like to know from the Hon. Premier whether he knows how these things are carried out. I quite agree with the hon. member that you cannot have regulations like these. These are the regulations governing the service of a man who is employed by the Crown. I do not interfere with these delicate matters; these things are dealt with in a disciplinary way and you want to have a disciplined Force which will work in an impartial manner; but I think that an explanation should be given.

Mr. Chairman, I am in agreement with the plea that the policemen should be defended by counsel; that is a plea which the barristers have been making for years. I am not opposed to that idea because you may regard that as a right in some quarters, but it is purely a matter of what the situation is elsewhere. I do not know what the position is in England, but I understand that in some parts of the world a man is given the right, in cases involving dismissal, of having the greatest opportunity for his defence. I would say that the matter of dismissal is the last act; and if you can give a man the opportunity of defending himself, then he should be given that opportunity which is his final opportunity.

Mr. BRANCKER: Mr. Chairman, my experience is that these appeals from the Commissioner of Police to the Governor are a waste of time. Automatically, the Governor thinks that it is his duty to confirm the decision of the Commissioner. An appeal is provided for in this Section. Sub-Section (2) reads as follows:-

"Any member of the Force who is dissatisfied with the decision of the Commissioner may, within seven days after the decision has been communicated to him, and if such decision relates to the dismissal or reduction in rank or pay of such member, appeal to the Governor whose decision shall be final."

That does not refer to the case of confinement to barracks which the Commissioner has power to impose. In the case of a particular kind, it does not matter because an appeal from the Commissioner to the Governor is no appeal at all. Time and time again the Police appeal to the Commissioner in order to be able to be represented and to have their cases put with the force and ability with which Counsel will be able to put it and they are invariably denied that ordinary, normal opportunity. That opportunity is not denied other people in the Public Service. In the case of enquiry into the conduct of public servants, they can appear with what is known as a friend. You make a lawyer your friend by transferring a small honorarium from yourself to him; and in the vast majority of cases; we would not charge them anything for appearing for them in such circumstances.

Mr. BARROW: Mr. Chairman, I must take exception to this particular Clause of this Bill. I want to say that there is a common belief in this country that if you are in any kind of Government or quasi-Government employ, you are working for the Ministers of the Government as if you were a private servant of theirs. Apparently, that disease has spread to the employees of this House of Assembly as well. When we come to Section 35 of this Bill I must take exception to it for several reasons. This Section is closely bound up with Section 34 because it says this:

"The penalties which may be imposed under any regulations made pursuant to the provision of section thirty-four of this Act shall be:-"

- (a) by the Commissioner -
 - (i) Dismissal;
 - (ii) reduction to a lower rank or lower rate of pay;
 - (iii) a fine not exceeding ten dollars;
 - (iv) confinement to barracks for any number of days not exceeding twenty-eight; punishment drill not exceeding fourteen days;
 - (v) reprimand or severe reprimand; and
- (b) by any other gazetted police officer -
 - (i) confinement to barracks for any number of days not exceeding fourteen;

- (ii) punishment drill not exceeding seven days;
- (iii) a fine not exceeding five dollars; and
- (iv) a reprimand or severe reprimand."

I would like to say at the beginning that, in Barbados particularly, intelligence, education, a formal academic and military training and all of those qualifications have nothing to do with the appointment to the office of Commissioner of Police. That is abundantly clear. We have had numbers of people occupying - and I am not reflecting on the present holder of the office - these positions, but certain well-qualified Barbadians have had to go outside of Barbados in order to get recognition. You are placing in the hands of persons who may be less intelligent, less disciplined and purely a favourite of one of these so-called impartial Service Commissions - and I may say that there is not one of them which is without corruption. There may be, on the other hand, an independent person on a Commission here and there. I can supply an instance where an appointment has been made by the Premier to the Public Service despite the fact that you have a Public Service Commission.

In this Section the Commissioner of Police is given these powers for dismissal. In the course of my business I have come across cases in which, without going into the merits of them, the Commissioner has held enquiries on disciplinary charges and some of these charges are charges which are unknown to the common law of England or the Commonwealth. There is a charge of prevarication, let us say, but the prevarication may be that you went to sleep at 10.25 o'clock and they bring somebody to prove that you went to sleep at 10.30 o'clock. Right outside in the Public Buildings yard now there is such a person who said that when he looked at the clock it was ten minutes to twelve and somebody said that the clock at Woolworth was reading ten minutes after twelve. I want that to go on record, 4.55 p.m.

Fortunately, in that case, the Governor of the Colony could not subscribe to that kind of ignorance and stupidity, and he reversed the decision of the Commissioner of Police.

What I am pointing out is this, Mr. Chairman: you are giving this power to the Commissioner of Police whose method of appointment itself does not guarantee that he is a person with any judicial or military training in the highest traditions, let us say, of the services in England or the judicial set-up in the Colonies. You may be promoted because you are a favourite, because of the colour of your skin or for a variety of reasons, and find yourself as Commissioner of Police. You may be the least among the apostles; you may come straight out of a bakery and find yourself pitchforked to the position of Commissioner of Police. That is as true as John 3:16 because it has happened right here in Barbados; or you can come from somewhere like Kenya where they have a different standard of civic rights to those prevailing or which are deemed to be prevailing in a colony like Barbados where it is not a question of contract between a person and his employer, but you only have a status in a community of greater and lesser degrees of subordination, and you may find yourself in a place like Barbados straight from South Africa, let us say, - I know that word is like a red rag to some people - as Commissioner of Police. You can have any member of the Force called up before you on a charge which you yourself have framed.

Now, when I say "framed", I do not mean framed up, but a charge which you have invented, a charge which nobody with any kind of commonsense would regard as having anything to do with the Police Force; it may be an offence, for instance, to read the Debates of the House of Assembly. The Commissioner of Police has that power to make that kind of charge. Now what I am saying is this: we all agree that a Commissioner or any person in charge of a body of men, whether it be a Volunteer Force, like the hon. senior member for St. George, or whether it be the Commissioner of Police or the Comptroller of Customs or the Admiral in the Land Ship, must have some kind of rules and regulations by which there should be a behaviour pattern to which everyone should attempt to conform, and when you join or subscribe to joining that particular group - they do not conscript you into the Police Force - you should know when you go in what the rules are and they quote the rules by

which you have to abide and the code of conduct to which you are supposed to conform.

In Sections 34 and 35 in contradistinction to later sections in the Police Act which we are now considering, there is no obligation on the part of the Commissioner of Police to lay these regulations on the Table of the House. There is no period of public inspection - and when I say "public" I mean by the representatives of the people - of those regulations to see whether those regulations are oppressive. The policemen themselves may not even know about the regulations until the Governor has approved of them, and between the Governor and the Commissioner of Police they can make any kind of regulations; so if you are being tried on any of the charges for which they can dismiss you, as they are now saying, you can have no representation.

I want it to go on the record that a postman has a right to be represented by Counsel in a Departmental inquiry. I have done a Departmental inquiry in the Lobby of this House with the Manager of the Savings Bank as Commissioner and other Lawyers have also represented postmen at such enquiries. No policeman is entitled to be represented by Counsel, no matter how serious the charge presented against him is. Let me say that with all this independence we are talking about I am not looking for any work; my main trouble is that I do not have enough time to do the things in this island that I would like to do; so I want to make that abundantly clear. No one of the legal members of my Party inside or outside the House are canvassing for work from policemen, because policemen do not really get enough to pay us. Any work we do for them is usually done purely on a professional basis, but professional with a high ingredient of voluntary, gratuitous service, because we regard a policeman as a sort of colleague sometimes. We only fight policemen in Court; we are there to see that the law is upheld, but the difference between us and policemen is that we are there to see that Magistrates and Commissioners do not break the law while the policemen is there to see that the citizens do not break the law. We regard policemen therefore as colleagues of ours, and we come to their aid in a way which you may know about, Mr. Chairman.

When I talk on this, Mr. Chairman, there is therefore no policeman who can pay me enough money to get him away from something if I do not want to do it. I have in my hands the "Official Proceedings under the Colonial Regulations against an Officer for Offences" by Sir Alison Russell, K.C.M.G., K.C. These are opinions of Sir Alison Russell. This book which I have here is published by the Stationery Office in London under the auspices and certainly with the approval of Her Majesty's Secretary of State as a guide to Civil Servants and to Heads of Departments on the procedure which should be adopted when charges against Officers are being investigated. This is what Alison Russell says, Mr. Chairman; these notes deal with all Colonial Office circulars in reference to these matters up to 31st March, 1948:

"Where there is a local law which provides the necessary machinery for dealing with offences against discipline in the case of any members of the Government Service, proceedings should be taken under those provisions, and not under the Colonial Regulations, which are intended for application in cases not covered by any local law.

There are other offences not of a criminal nature, against official discipline which are dealt with by official inquiry in a manner hereinafter described.

When an offence committed by an officer is clearly criminal in its nature, it should be referred to a criminal court for trial: when it is an offence against official discipline only, it should be dealt with by official inquiry."

Now that is a clear principle which has always been observed throughout the Colonial Empire except by the present Commissioner of Police. We have had cases in which, for instance, a Police Officer has been charged before the Commissioner of Police and denied the right of being represented in a charge which stated that his dismissal was contemplated, and it was a criminal charge for matters which he had stated in Court before a Magistrate.

5.05 p.m.

These things are noteworthy and they should go down on the record. Let me give you without calling any names an instance. I will only call sufficient names to satisfy the members of the Government what I am talking of.

Mr. Chairman, I ask leave that you report progress and ask for leave to sit again.

Mr. BRANCKER: I beg to second that.

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

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

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, as you have noticed, the Chairman of Committees has left the House and I understand he will be away for some time. I, therefore, beg to move that the hon. junior member for St. James be appointed Chairman of Committees during the absence of the Chairman of Committees.

Mr. T. W. MILLER: I beg to second that.

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

Mr. SPEAKER: The House was in Committee.

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

Mr. CHAIRMAN: The hon. junior member for St. John was speaking on the last occasion.

Mr. BARROW: Mr. Chairman.....

Hon. Dr. H. G. H. CUMMINS: I rise on a point of order. I would like to see the book from which the hon. junior member for St. John was reading. I understand it is by Alison Russell.

Mr. BARROW: Sir, first of all, I think a word of welcome to the Chairman should be in order. I was saying before progress was reported that I know of an instance of which a case was being tried by a Magistrate of District "A", Mr. E. H. A. Bishop in which a Policeman gave evidence. I would not like to refer to the name of the parties and I will also say that I was not interested in the case; but what happened subsequently caused me to be deeply shocked. As a result of the evidence which the Policeman gave, the Magistrate dismissed the case. After the trial the Commissioner of Police charged the Policeman with prevarication because the Police had lost the case - and I say "because" advisedly. The Policeman may not be very far from the precincts of this House right now. Bear in mind that Policeman had given evidence on oath. If he said anything in Court which was untruthful, the Magistrate obviously believed his evidence and therefore dismissed the case. The Policeman therefore made himself liable to a charge of perjury, and as the Hon. Premier will see from Alison Russell which I have just handed to him, if a Policeman has committed a criminal offence, obviously, it is a dangerous thing; but to allow a Police Commissioner to usurp and to arrogate to himself these functions of a Magistrate is a more dangerous thing. The duty of the Commissioner of Police if a Policeman commits a criminal offence is to have that man charged in the ordinary Law Courts.

Sir, I do not think you were in this House when the question of extra-territorial rights for the Naval Facility came up. You will notice that down at Harrison's, St. Lucy, we have the U.S. Naval Facility, and the hon. and learned senior member for Christ Church and myself, and as far as I can remember, the then hon. junior member for the City, were most vociferous in our demands that if any of the personnel from the Naval Base there committed an offence that he should be amenable to the Courts of this Island. So much is that base American territory that if you go there to buy a postal stamp, you get a U.S. postage stamp to put on a letter and it is posted out of Barbados to the U.S.A. with that stamp on it. That goes on all over the world because they have extra-territorial rights and diplomatic immunity.

I am trying to demonstrate that even although certain things operate by international law, the Naval Facility has now got to surrender its personnel over to the Barbados judicial authorities if an offence is committed of a criminal nature down there; therefore, it is absolutely absurd to say that the Commissioner of Police has the right to usurp the rights of a Magistrate.

Let us now turn to the book by Alison Russell which is the clearest authority on that. I regret that I have to refer to the holder of the office of Commissioner of Police from time to time or at any time, but I am not going to refer to the year when this thing happened. The Commissioner of Police has done this on more than one occasion. As I have said, the Policeman had given evidence in a Court of Law, and if he had done anything wrong, he certainly would be guilty of perjury - what they call the abominable offence of perjury. It is against even the Tenth Commandment. However, here was the position in which an officer of the Police Force had given evidence which the Magistrate believed. The Commissioner of Police had the Officer brought up before him and charged him under a section of the Police Regulations - regulations which the Commissioner himself had invented and without any legal training at all.

This is what the Commissioner said in the foreword of the book:-

"In compiling these Rules, Regulations and General Orders, I have obtained some of the subject matter from the Rules, Regulations and General Orders of the Metropolitan Police Force. In the Section dealing with Crime some of the definitions, etc., have also been taken from Archibald's Criminal Pleadings, Evidence and Practice, Moriarty's Police Law, Stone's Justices Manual, Kenny's Outline of Criminal Law and Harris' Criminal Law." 5.15 p.m.

He invented the charges. When I say that he invented them, he provided what could be a charge and what could not be an offence. He tried the case. The man was refused representation by Counsel, although he was told that dismissal was contemplated. If you contemplate the dismissal of any member of the Colonial Service, under the Colonial Regulations you have to give him the opportunity of being defended by Counsel. I should like to say that taking away a man's job is next to hanging him. Postmen have the right of being represented by Counsel on charges not even involving dismissal. I have taken part in enquiries where postmen were involved. Policemen have not got the right to be represented by Counsel. A policeman begins to ask a question, the Commissioner of Police is not a trained lawyer and the Superintendent tells him that he cannot allow that kind of question because he is trying to embarrass Inspector So-and-So. I have 500 policemen who testify that that is what may, can and does happen. You have to stand rigidly to attention. A man who is charged with breaking and entering the Public Buildings can sit down and lap his feet at the Court of Grand Sessions; he can wear whatever clothes he likes, he can look around and wave his hands to his friends as long as he does not make any noise. On the other hand, a policeman may be on trial for a day. He has to stand rigidly to attention; he is not allowed to take notes so that he can cross-examine a witness adequately. When the witnesses have finished giving evidence, one of the officers will say: "If you want to ask him a question you can ask him," but the policeman has not been able to take a note for three hours so that he can ask a proper question. That is British law applied in a very special sense in Barbados.

If you ask a question involving anybody, you will be charged with insubordination. Mr. Chairman, if you want me to get rough on this matter, I will get rough on it. Imagine a man going home and finding a police officer at his home and the man can be charged for being in his own home. (Laughter) Ask any Minister of the Government if that could happen in Barbados. It can happen right in your constituency, Mr. Chairman. (ASIDES) The hon. senior member for St. Lucy says that he doubts that that can happen. What I am driving at is this: if you do not make these people bring these regulations inside this House, you might find them drafting any kind of foolishness. We are supposed to be moving towards independence; the Governor is not de-

fending anything which the Commissioner of Police does. There are only two people who are involved in this judicial matter - the Governor and the Commissioner of Police. The Regulations are not laid on the Table of the House and that is what I am objecting to. The Regulations are not laid on the Table of the House under Section 34. You will see that other regulations are laid on the Table of the House.

Mr. Chairman, let us examine the case a little further. These Regulations are not laid on the Table of the House. A man comes up on a charge, he is not given the right to be represented by Counsel and the same officer who has made the Regulations which have not been scrutinised or amended in any way and may not have been seen by the member of the Police Force, the Commissioner, decides to recommend the dismissal of that man! Let us go back to the case in point. The police officer gives evidence in Court, he is not charged with perjury, they do not notify the Attorney General that the policeman has committed perjury and allow a case to come before the Magistrate to be tried. I am not inventing anything; a man was charged before the Commissioner of Police with prevarication and the prevarication is that when he looked at the clock it was reading so-and-so. Nobody could say that the clock was not reading so-and-so, but they said that the clock at Woolworth was reading a different time. Mr. Chairman, have you ever heard any such stupidity? I can bring that evidence in this House. The Commissioner of Police recommended the dismissal of that officer because the Commissioner had no legal training in the first place, and therefore he started off with a bias; the Police had lost a case because the policeman had spoken up like a man in the case of a person whom he did not even know. That person was under arrest and they say that the clock at Woolworth was reading a certain time so that the policeman would be telling lies.

The case went to the Governor and the Governor put his blue pencil right through it. Fortunately, we had that kind of Governor in office. I am asking the Government to pay a little more attention to the provisions in the Police Act which look innocent at times. You are giving powers to the Commissioner of Police to dismiss a man on charges which neither this House nor the Other Place has seen and on charges in which the Commissioner of Police himself has a vested interest. I think that before a policeman is dismissed the Police Service Commission should have a say in his dismissal. If a policeman is convicted before a Police Magistrate, I am quite satisfied with that because any Civil Servant who commits any grave offence other than parking his motor car or anything like that can be properly tried; but there is a special class of criminal offence which will bring the Police Force into disrepute. Obviously, a policeman cannot go around breaking and entering and expect to get away with it. You must be dismissed, you cannot expect to get away with that and expect to remain in the Force. 5.25 p.m.

If you ride your bicycle without a lamp, you do not expect dismissal over that; but as the thing now stands, the Commissioner can decide that that is striking at the heart of discipline in the Force and dismiss you even for that. We say that on serious charges policemen should be tried by an impartial body like the supposedly Police Commission, and the Commissioner of Police should not be given the power to recommend a person's dismissal, because that is as good as giving him the power to dismiss.

Now King's Regulations relating to the discipline in the Army, Navy and Royal Air Force are not passed by any Air Marshal sitting down and saying that he is passing King's Regulations. They have to go before the Air Council, the War Office or the Admiralty, and only when they are approved by the Admiralty, Air Council or War Office with all the best legal talent - the Judge Advocate General and everybody like that scrutinizing them - are these regulations effected. They deal with discipline in the Army, Navy and Air Force and they have the force of law by Imperial Statute.

When you come to a Police Force, this business about giving a Police Officer military rank is a lot of nonsense. A Policeman is fundamentally a civilian in uniform and he is there to assist the public in every possible way. Even when he arrests a man, he is assisting the public because he is

protecting the general public from the people who show eccentric patterns of behaviour which do not conform to the accepted course. That is all it is and that is the standard that is made out in the Metropolitan Police Force in England. He is a friend of the public. You have this business of investing them and calling them Colonel and Major; you take a Corporal from somewhere and bring him here and call him a Colonel. Now is the time when you have a new Police Act that you should civilianise the whole thing.

I am saying, Mr. Chairman, that Section 35 gives you what normally would not be expected in military establishments, because in no military establishment would the Commanding Officer have the power to recommend the dismissal of any member of that Corps or body. I have served on several Court-martials, fortunately never in the prisoner's stand. Now how is a Court Martial comprised? Where an Officer, non-commissioned Officer or other rank is being charged, let us say, in Cyprus or Germany, they fly out a Judge Advocate General or Deputy Judge Advocate General and about three lawyers in uniform - officers in the particular Force, Navy, Army or Air Force as the case may be - and they sit as the Court Martial. To have the Commanding Officer is pure, unadulterated nonsense. A Court Martial comprised of one person, the Commanding Officer, the person bringing the charge, makes him judge, witness and jury in his own case; and that is what happens here in Barbados. A Court Martial is comprised of legally trained people, and even if you look in the new Federal Laws you will see there is provision for Courts Martial which is nothing like these foolish Regulations we have here before us.

In a Court Martial you have some of the best retired Judges sometimes coming and sitting as members, once they were members of the particular service, and then you have a Judge Advocate General who reviews every single sentence. The Judge Advocate General is somebody that is certainly the equal of the Lord Chief Justice of England both in ability and in status. Where is the Judge Advocate General in Barbados? The Premier? We do not have any Judge Advocate General and you are going to give the Commissioner of Police power to try a man standing for three or four hours without the right to take down things as he would in a criminal trial. An accused in a Civil Court can sit down and call for pencil and paper, but a Policeman has to stand rigidly to attention and his job is at stake; all the people there are superior Officers and if he starts to open his mouth, they say "shut up and wait until you are asked to speak!"

There is only one Court Martial that was a travesty as happens in Barbados. I remember a Private, just by way of relating the incident, being marched in and stiffly brought to attention one morning in the Grenadier Guards for a Court Martial in which I was sitting, and when they asked him whether he was guilty or not guilty, the tradition in the Courts is that whenever you are speaking to an Officer, you have to ask him for permission to speak; so when they asked the Private whether he was guilty or not guilty, he had to say "I thank you, Sir, for leave to speak", and then they said "carry on, Scragg". He said "not guilty, Sir." They gave the evidence and it appeared there was a feud between the Sergeant major and poor Scragg, and insubordination was the charge. When the Colonel who is the cousin of the Earl Marshal of England - the Officer who was bringing the case - asked him whether he had anything to say, he started to say that the Sergeant Major was picking on him all the time; so the Colonel could not understand what he was saying and asked the Sergeant Major what he said. The Sergeant Major told the Colonel that he said he would like three months' confinement to barracks. The Sergeant Major did not say that he was telling the Officer that the Sergeant Major was always picking on him and asked "what is that, Scragg?" The Sergeant Major said that he said he would be satisfied with three months' confinement to barracks.

When he was finished the Colonel said "O.K., I will give you three months' confinements to barracks." The Private had to say "I thank you for leave to speak again" and when he was told to carry on, he said "thank you for your punishment" and was marched out. He had to ask for leave to speak; that was in the Second Battalion of the

Grenadier Guards. That is the kind of travesty that you can get in this set-up. A man goes in there and has to stand at attention all the time, and when he starts to ask a question the Superintendent or somebody tells him that he is trying to embarrass somebody and does not allow him to ask that question. We do not want that kind of thing going on in Barbados. In times of emergency, charges like insubordination are very important, but you get insubordination in the Police Force in Barbados on the most petty things.

I believe in discipline, and I believe a lot of us do not have enough discipline, because other people who have greater discipline than us are able to achieve more than we can achieve. I am one of those people who would not criticise the present militia set-up in the West Indies because it provides the only opportunity for young people to get a sense of discipline; but apart from that, I think it is a big waste of the taxpayers' money. I was a Volunteer, but I think the whole Volunteer Force without reflecting on the Colonel of the Regiment is a waste of taxpayers' money, and the only reason we do not ask for it to be taken off the Estimates is because it gives the only opportunity for young men of any class to get together on Thursday afternoons and gives them a sense of discipline.

I am all for discipline in the Police Force, in private life and in everything. Discipline is a good thing; there is no doubt about that; but when you substitute now in the place of enlightened leadership the kind of dictatorial attitude towards your subordinates and you are given the power not really of life and death, but certainly of ruining a man's career by dismissing him according to the kind of evidence on which he can be dismissed, and then you yourself having created the evidence are put in a position to sit and be judge and jury and then recommend his dismissal - the Officer administering the Government of this island merely in some cases rubber-stamps except in the most glaring and obvious cases, what the Commissioner recommended - then you are slipping very rapidly from democracy into a totalitarian state.

5.35 p.m.

When a man joins the Police Force, he should be told what is allowable and what is not allowable, and having joined with that code before him, he should conform to that code; but you should not make it possible for him to join the Force expecting certain conditions of service and to wake up tomorrow morning after having been graduated to find that the conditions of service are different and that he has to clean an officer's shoes, feed his fowls and buy his fish because he has no means to challenge that, and if he goes to a member of the Legislature to tell him about it he may even find himself on a disciplinary charge for telling somebody that he has to clean somebody's shoes. That is why we have to see what checks and balances we are leaving in the hands of the Commissioner of Police. Why should a Policeman enjoy conditions of service which are inferior to other civil servants? When I say other civil servants, I am not saying legalistically that a policeman is a civil servant, but he is paid out of the Treasury for doing his job and I do not see any reason why a policeman should be treated differently from a civil servant.

Sir, I have made my points on Section 35. My principal strictures against Section 35 is because it vests too much power in the Commissioner of Police. It is a question of principle, not of identity of person. Under Section 34, the Commissioner of Police is being given power to make regulations which are not laid on the Table of the House. I am perfectly aware that under Section 12 of the 1908 Police Act we had a similar provision as that in Section 34 of this Bill, but up to comparatively recent times whenever a charge was brought against a policeman which might involve his dismissal the policeman was invariably on the recommendation of the Attorney General given the right to be represented. It was not particularly a matter of right; it was more a matter of grace. As I have said, I am aware that the Police Act of 1908 gives the Commissioner power to make regulations, but what we find remarkable is that the regulations now in force were made by somebody who at that time was not a Commissioner at all and people are brought up and punished by that person who made the regulations when he was not authorised to do so.

There is no way that this procedure can be impeached by the Act itself. All that a member of this House can do - and that is once in every 52 years - is to ventilate these grievances which are suffered by members of the Police Force. I do not think because a person is a policeman that one should start off with the assumption that you will have timbrels, manacles and other devices to keep these people strictly disciplined. You need administrative provisions which can be dealt with by Regulations, Standing Orders Station Orders or things like that; but when it comes to serious matters like dismissal, I say that the House of Assembly should not interfere in the actual punishment or anything like that. But what I do say that the House of Assembly should do is to provide some machinery comprised of an impartial body of persons such as the Police Service Commission who would examine not only the conduct of the accused but the conduct of the prosecution as well. It is all prosecution in a police case. They are all prosecutors. Every witness is a prosecutor. The Commissioner is a prosecutor. The Superintendent in waiting is a kind of Solicitor because he is advising the Commissioner what to do just as a sergeant in a court martial case would do. When it comes to a case where somebody did not have his blanket arranged in line as it should be and that person is charged for it, that is something different. Who wants to interfere in a position like that? However, I say that Section 35 should never include the provision which gives the Commissioner of Police power to dismiss a man on a charge which the Commissioner himself may have manufactured. When I say "manufactured", I do not mean "invited for the trial". When you do that kind of thing of giving powers of appointment and dismissal to a single individual, it means that all our efforts to try to get appointments and dismissals of public officers decided purely on a question of merit would be destroyed if we allow you to pass a Clause like this. For that reason, I do not find myself in the position to support Clause 35. From the remarks I have made, I would implore the Hon. Leader of the Opposition to ask that clause 34 be recommitted and after that, that further consideration of these two clauses be postponed.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, all this argument started around Paragraph 4 of Section 35 as regards the word "twenty-eight". Let us refer to the present Police Act in which the Commissioner of Police has the same authority as is now given by this new section. Under that Act the Commissioner has discretionary powers, and as regards confinement to barracks he could make it three months. Under this Bill, it cannot be for more than 28 days. You can very well see that the authority he was given before was in his discretion but this Bill seeks to make it specific.

5.45 p.m.

This Bill is for the object of making it specific; therefore this is an improvement on the present Bill.

With regard to the point made about the Regulation, I have never yet heard that departmental regulations are laid on the Table of this House. From the time that I have been in this House and a member of the Executive Committee, I know that all departmental regulations are made by the Head of the Department and submitted to the Governor. The present Act says that regulations are to be made by the Commissioner and submitted to the Governor; the Bill which is now before us says that they are to be made by the Commissioner and submitted to the Governor-in-Executive Committee. I submit that this Bill is an improvement on the existing Act. I think it was the hon. junior member for St. Lucy who said that an appeal to the Governor is a waste of time and, in fact, he insinuated that the Governor automatically confirms the decision of the Commissioner of Police. Well, Sir, I am in a position to say that that is not true. I am in a position to say that when these appeals reach the Governor, he goes through them very carefully and when a point of law is involved he consults the Attorney General. The Governor does not off-hand read the evidence and just ratify the decisions made by the Commissioner of Police; in any case, as I said earlier, all the evidence is taken in writing. I am informed that the procedure is somewhat similar to that of the Magistrate's Court. Evidence is taken in writing and read back and in the case of an appeal from a lower officer to the Commissioner, there again anything which is done in writing and that officer also has

the right to appeal to the Governor. The case is very carefully reviewed and the Attorney General is consulted. I know that sometimes persons other than the Attorney General are asked for their opinion.

The hon. junior member for St. John has just read a book on procedure in disciplinary matters which applies to the Civil Servants in England and probably Colonial Civil Servants.

Mr. BARROW: On a point of order. It does not apply to the Civil Servants in England alone.

Hon. Dr. H. G. H. CUMMINS: It does not say what is done in the case of the Police. I do not see anything referring to the Police. I passed the book to one or two of my colleagues on my left.....

Mr. BARROW: On a point of order. Mr. Chairman, I cannot account for the deficiency of understanding on the part of the members of the Government. I gave the Premier a copy of "Notes and Forms on Official Proceedings Under the Colonial Regulations Against an Officer for Offences" by Sir Alison Russell, K.C.M.G., K.C. Very few lawyers know about this; it is really the Civil Servants who know about it. I pointed out that if this is what a Civil Servant enjoys, then the policemen should not be placed in a more unfavourable position. The Premier is acting as if I said that these are Colonial Police Regulations. The Premier has not heard of Alison Russell, and yet he is in charge of an Establishment!

Hon. Dr. H. G. H. CUMMINS: On a point of order. That book which I saw and which I passed on to one or two of my colleagues on my left does not refer to the Police. (Mr. BARROW: He has not got the point.) I can read, but I see nothing which refers to Colonial Police or any other Police. The hon. member knows that in the case of policemen they are not dealt with in a manner similar to that of Civil Servants.

Mr. BARROW: On a point of order. Can the hon. member give me three reasons why they should not be dealt with in that way? Well, I will ask him for one reason why a policeman should be worse off than a Civil Servant, when it comes to his status and his job.

Hon. Dr. H. G. H. CUMMINS: For the very good reason that a policeman nowhere is a Civil Servant.

Mr. BARROW: On a point of order. The Premier does not know about policemen in Barbados, much less anywhere else.

Hon. Dr. H. G. H. CUMMINS: I will repeat, and the hon. member knows it, that nowhere are policemen considered as Civil Servants; they are dealt with differently, not only in Barbados but in the West Indies generally, and, as far as I know, in Great Britain and probably in other places. Nowhere have I read or heard that policemen are treated in matters of discipline in the same way as Civil Servants are treated.
5.55 p.m.

I said just now, Sir, that throughout the West Indies, Jamaica, Trinidad and the other islands, police are dealt with in a different way; there is a different procedure from that of Civil Servants and even here in Barbados that has always been so. This Bill before us as I said earlier, was copied mainly from Jamaica and in one or two cases Trinidad is quoted. They have a Police Service Commission which will deal with the Act as passed with regard to promotion, dismissal and everything else concerning policemen. Our Bill is quoted from theirs.

Mr. BARROW: On a point of order, the Hon. Premier says that nowhere in the world do they have dissimilar matters from what is done in the present Bill, and now he is telling us that he has a Bill modelled on Jamaica in which dismissal will be dealt with by the Police Service Commission. Is that not what I have been asking for the whole afternoon? And he and the other hyenas are saying.... (Mr. STRAUGHN: I object to the use of such words.) You

cannot object; you are Chairman of the Northern Council. When they object I will withdraw.

Mr. CHAIRMAN: The hon. member must realise that I cannot permit such language.

Mr. BARROW: Anyhow, the position is this: the Premier said just now that nowhere in the world would you find it dissimilar, and now he says that they are modelling a Bill in which dismissal, which is the same thing in Section 35, will not be by the Commissioner of Police. Is that not what I was talking about. It shows that the Premier does not understand what he is talking about, far less what I am trying to teach him.

Hon. Dr. H. G. H. CUMMINS: I quoted that further to prove that Police are dealt with in a way quite different from a Civil Servant for disciplinary purposes. If they were dealt with in the same way, there would be no need to bring in a Police Service Commission Bill when we have a Public Service Commission. There is a Public Service Commission Bill which talks of matters concerning the Public Service, and if it were considered that Police should be dealt with in the same manner as Civil Servants, there would be no need for a separate Bill.

With regard to the question of Police being given the privilege to employ lawyers, we made that same point, and information by way of books with regard to procedure in Police cases from other parts were shown to us. Nowhere, in Great Britain, in the Caribbean or in any Colonial Police Service was a Police given the right to employ Counsel.

Mr. BARROW: On a point of explanation, I had the good grace to show the Hon. Premier my authorities. Will he tell me the name of the books he got this information from, that nowhere in the British Empire is a policeman given the right to be represented by Counsel in a charge involving dismissal? I would like to know because he asked what I was reading from and he and everybody read Alison Russell.

Hon. Dr. H. G. H. CUMMINS: So, Sir, that is the position. The position is that it is not done anywhere in the Caribbean. Those are the main points made with reference to this particular section.

Mr. CRAWFORD: Before you put the question, Mr. Chairman, the Hon. Premier said that there have been instances in which the Governor has rescinded the decision of the Police Commissioner. I want to ask him if he believes that except in the most exceptional and most glaring cases of injustice the Governor would interfere with the decision of the Commissioner of Police in a case of this sort. He would not do it; otherwise you could not easily maintain discipline in the Force. If the Police Commissioner went on record as recommending a Policeman for dismissal or for a very serious disciplinary punishment, do you think that the Governor is going to rescind that, except as I said in a glaring case of injustice or miscarriage of justice?

There are two things I have in mind specially. Under the recent constitutional amendments in this country, the Police Force is now under the control of, let us say, the Home Secretary - a Minister anyhow. This means, Mr. Chairman, that any policeman may find his living threatened purely on political grounds. He may have offended the Party in power in some way or other. As a matter of fact, Mr. Chairman, an instance was brought to our attention the other day in which a Policeman who used to be on guard at the Ministerial Building in Bay Street found himself transferred from there quite suddenly purely because he refused to carry out some little request on behalf of the Minister.
6.05 p.m.

One of the present Ministers sitting there called on the policeman to run some little errand for him and the policeman said that he had to go away on some urgent business and because of that he found himself transferred somewhere else. If a Minister is so petty and so stupid as to exert what little power he has to have some policeman transferred, you can very well see what it is. But more than that. There is no reason why we should not give these peo-

ple the maximum protection we can. Let me remind you that as part of the military force of this country, the Police Force is responsible in all circumstances for the maintenance of law and order. But that is no reason why, when their livelihood is threatened by dismissal from the Force, we should not allow competent persons to defend them against the charge laid against them. There can be no valid argument against why a policeman should not have Counsel; therefore, why not in the regulations provide that the man should have Counsel? The only reason for not insisting that he should be entitled to defend himself with trained Counsel is if you can give valid reasons why he should not be. It cannot be argued that Counsel can influence the proceedings to the extent of having a miscarriage of justice. The most Counsel can do is to present the case for his client forcibly; therefore, why should you prevent that?

Why should a man be denied the right to enjoy, like any other public servant in a case like that, the right to have himself defended by Counsel? The fact that the Premier himself has confessed that he himself is of the opinion that these people should enjoy the right to have a Counsel to defend them reinforces my contention that there is no reason why they should not have Counsel. All that is needed is for them to be courageous enough as to regard a policeman as a human being just as anybody else. He is not some animal, nor is he by virtue of his calling any less entitled to the right enjoyed by any human being; therefore, since normally his conditions of service are restricted and confined in the manner which they are and since his general employment is circumscribed as they are, at least when it comes to the point of being threatened with no livelihood at all, he should be given the opportunity to defend himself by Counsel.

Mr. Chairman, you know how difficult it would be after a policeman is dismissed from the Force to find suitable employment. There is always some stigma attached to him. They seem to think that he is a most untrustworthy character, and he must be an unsuitable person for employment if he had to be dismissed from the Police Force. Therefore, it is because the standards of discipline are so high for continuation as a policeman that the resultant stigma is attached to dismissal as it is. The people say that you are dishonest, you are an unreliable person, and because of that they chased you out of the Force, and on account of that, a man who is dismissed from the Police Force cannot find employment except as a night watchman, a job which nobody wants.

Sir, I feel along with hon. members on my left and right that Section 35 should be referred for further consideration so as to make that amendment. Even if to some extent we are breaking new ground in the matter of the treatment accorded to policemen, let us break it secure in the knowledge that we are simply meting out justice to a section of the public service which deserves the best and proper treatment at our hands.

Mr. TUDOR: Mr. Chairman, I beg to move that further consideration of Section 35 be postponed. And in making this motion, I am not only bearing in mind the contribution which my colleagues have made to this debate, but the certain point of view which I have been most impressed with is that of the speech of the Hon. Premier, particularly, as regards one aspect of it. In reply to my colleague, the hon. junior member for St. John, the Hon. Premier was careful to point out when pressed as to why policemen are not to be allowed the privilege of being assisted by Counsel in charges with respect to their dismissal, that books and authorities were shown to him which satisfied him that nowhere else was it done.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I rise on a point of order. I did not say books satisfied me; I did not use those words at all. What I did say was that I saw the authorities and from them I gained the information. Those were the words which I used.
6.15 p.m.

Mr. TUDOR: The hon. member is saying that he saw the authorities and from there he got the information, but that was not what we heard ten minutes ago. He pointed out

that not only was he told but he read that and was satisfied (Hon. Dr. H. G. H. CUMMINS: I did not use the word "satisfied") Well, he is dissatisfied with what he read. However, that is not the point. Even if it were true that nowhere else in this world is a policeman allowed the benefit of Counsel preparing his defence on charges of that nature, that should not stop Barbados from being a pioneer as in other fields in which they claimed to be pioneers. Just as this is the first Government to pay leave passages to Civil Servants going to England, did they not have to be pushed to do it? It would be nice for them to be able to strike a blow for democratic procedure in this island which, inferentially, is not done in Canada, Great Britain, Ceylon, Ghana, Sierra Leone or even in South Africa.

How nice it would be, Mr. Chairman, for them to do something for the first time and not for the second time? It is not a matter for congratulation but rather for reproach that they should admit that they saw the wisdom of giving a policeman this privilege but refused to grant it because authority was shown to them for not doing it. When they were pressed to name one authority, they brushed it aside and simply said: "That is the position". Whatever private opinion we may have of the hon. member's capabilities, we do not think that he is capable of reading a book and not being able to say that he cannot understand what he has read. I understand that the hon. member is not claiming that he has read the book or authority; but whatever it is, the ability to read is well within his grasp. It does not speak well for the hon. member's colleagues because he has involved them in this matter. We have been made to understand that whatever influenced them not to insert this particular provision in this Act, was approved by them, and therefore the fact that this privilege is denied the policemen, must be laid at the responsibility of the entire Cabinet. They have to be satisfied first that if anywhere else in the world there was such a privilege granted to policemen, then they would be in favour of it. It is a bad thing for self-Government, if a Government which is moving into further constitutional advancement admits that it cannot take courage into its own hands to do what it admits is manifestly right. They admit that it is a right thing to do, because no one else in the whole world does it or if they have not been shown the authority which does it then they have not got the courage to do it.

There is a third reason why I want to move the postponement of this Section. I am convinced that hon. members opposite are really at a disadvantage in debating a matter of this kind. Perhaps hon. members on both sides of the House are at a disadvantage because it is not often that a Bill of this nature comes before us requiring specialised knowledge. I have not spoken on this Bill because the implications are vast, but I only rose because of the speech made by the Hon. Premier and to make the point that I am making now. It may surprise hon. members to know that the Police Establishments in the United Kingdom are not all controlled by a central authority, not any of them, as a matter of fact, except the Metropolitan Police. Outside the metropolitan area, every police establishment is under the control of a local Government authority and administered by a joint committee of the Borough Council. The persons responsible for the dismissal of policemen in England, apart from the Metropolitan Police, are the Watch Committees of the several and individual local Government Committees. Therefore, the highest and most serious form of punishment is linked at its source to democratic procedure. If another system is to be copied it would do the Government Departments and its advisers well to study it. No Lord Lieutenant has the power which you are giving to the Commissioner of Police in this Island. The Lord Lieutenant of York has to administer bigger areas than the entire size of the West Indies, if all the territories were contiguous, and with all of that power and authority he does not have the authority to dismiss anybody; but in this little island you want to concentrate on one authority to dismiss a man, and at the same time deny him his right.

Hon. Dr. H. G. H. CUMMINS: On a point of order. I referred the hon. junior member for St. John to the Police Service Commission which will have the authority of dismissal.

Mr. BARROW: On a point of order. I understand the hon. member to say that nowhere in the world does this happen; now he says that he is bringing in this Bill. I notice that since he has been to London and has been bowled out for nought, he considers that Jamaica is no part of the world. Why does he frame a Bill on the model of Jamaica then? What supreme ignorance! Sometimes we, on this side, are very embarrassed by the exhibitions of the Hon. Premier. It is a matter for the humiliation of Barbados that this is the standard of public administration.

Mr. TUDOR: That is exactly where we have been confused in this House. The only useful purpose which could be served by the Premier now is to intervene in this debate and say once and for all what the position is.
6.25 p.m.

It is true he is bringing in a Bill, this Clause and the purpose of that Bill cannot meet on all-fours. They are in conflict with one another, and that is all the more reason for postponing perhaps the rest of the Bill. What exactly is the position? You are going to have two Bills dealing with precisely the same thing, but contradicting one another in their Clauses; at least that is what we understand on this side of the hon. member. That is why I believe a further case has been made out by everything he has said so far for the postponement of this Clause, which I now beg to move.

Mr. BARROW: It is not usual, Mr. Chairman, for members to discuss another Bill which may be coming to this Legislature. There is no compulsion for the Government to bring down this Bill which may be passed subsequently to the one we are now discussing. The whole point in my getting up and making these statements is that I knew what the position was in the making, and I was pointing out in a different way to the Premier what the hon. senior member for St. Lucy has clearly stated in A, B, C, that is, that Clause 35 would be in conflict with any Bill which removes from the Commissioner the power to dismiss a person. Since he has referred to the Bill, I will show what the Jamaica Bill says. It is Clause 12 of the Bill which is not under discussion now, but notice of which was given on 30th March. It shows that he does not study the legislation he has before him. He introduced a Bill on 30th March, but it has not been debated yet and it is modelled on the Jamaica Bill; but he allowed the member for St. Thomas to advise him that nowhere in the world is it done. This is what Clause 12 says:

"Subject to the provisions of this Act, power to make appointments to the offices in the Police Force to which this section applies (including appointments on promotion and transfer), and power...."

Hon. R. G. MAPP: On a point of order. Let the hon. member sit and not go on like a parrot. Sit down and don't behave like a child.

Mr. CHAIRMAN: The Hon. Minister has risen on a point of order.

Hon. R. G. MAPP: Mr. Chairman, on a point of order, I do not have to advise anybody on this Bill. I have not even opened my mouth so far as this Bill is concerned; so I do not know what the hon. member is saying.

Mr. BARROW: Look at what the House of Assembly is coming to!

Mr. CHAIRMAN: You need not refer to that. Are you seconding the motion?

Mr. BARROW: I will not tell you what Freddie Miller told me. Anyhow, Sir, let us return to the matter before us. I really flattered the hon. senior member for St. Thomas by suggesting that he could advise anybody. Clause 12 of the Bill which he introduced on the 30th March says this:

"Subject to the provisions of this Act, power to make appointments to the offices in the Police Force to which this section applies (including appointments on promotion and transfer), and power to dismiss and to exercise disciplinary control over persons holding or acting in such offices, is hereby vested in the Governor acting on the recommendations of the Commission."

Yet the Premier allowed himself to be inveigled by another Minister into a position where he said nowhere in the world is this done, and they have modelled this from the Jamaica legislation.

I beg to second the motion made by the hon. senior member for St. Lucy.

What I am merely pointing out is that clearly the provisions of Clause 35 will be in conflict with Clause 12 of the new Police Service Commission Bill, and though the Premier says he believes he can read, it is a pity he does not read the Bills he introduces or know the source of these Bills before he comes to the House and makes rash statements like the one he made.

The question that further consideration of Clause 35 be postponed was put and resolved in the negative, the Committee dividing as follows:—

AYES: Mr. WALCOTT; Mr. TUDOR; Mr. TALMA; Mr. BARROW; Mr. CRAWFORD and Mr. BRANCKER - 6

NOES: Hon. F. E. MILLER; Hon. H. G. H. CUMMINS; Hon. D. D. GARNER; Hon. R. G. MAPP; Hon. L. St. A. THORNE; Mr. SMITH; Mr. HOLDER; Mrs. BOURNE and Mr. STRAUGHN - 9

6.35 p.m.

The question that the word "twenty-eight" proposed to be deleted stand part was put and resolved in the affirmative without division.

The question that sub-clause (a) of Clause 35 proposed to be deleted stand part was put and resolved in the affirmative without division.

Mr. CHAIRMAN: The question now is that Clause 35 stand part.

Mr. CRAWFORD: Mr. Chairman, before you put the question, let us not waste time with stupidity. I am speaking on Clause 35. Clause 35 gives the Commissioner power to dismiss. If you turn to the Police Service Commission Bill, you will see that that Bill says quite plainly that only the Police Service Commission can recommend dismissal. How can you give the Commissioner power in this Bill to dismiss and then give the Police Service Commission in the next Bill the same power?

Hon. Dr. H. G. H. CUMMINS: Suppose that may be for some reason, I do not know what that reason may be. Let us say that this House decided not to pass the next Bill.

Mr. CRAWFORD: Do not be ridiculous.

Hon. Dr. H. G. H. CUMMINS: How can that be ridiculous? Suppose you do not agree to set up a Police Service Commission, I can probably amend it.

Mr. WALCOTT: Mr. Chairman, I do not think those gentlemen on the other side have done as much home work as the hon. senior member for St. Philip because the Hon. Premier now is magnifying nonsense. We have already passed the Public Service Commission Bill. The Objects and Reasons state that one of the constitutional changes agreed on between the Secretary of State and the Government of Barbados was the establishment of Service Commissions with executive powers to deal with the appointment, dismissal and discipline of members of the Public Service.

Now, this Bill was passed. In the Objects and Reasons you stated that you had two other Bills of a similar nature and that means that you had the Judicial and Legal Service Bill and the Bill for the Police Force. May be, the Commissioner of Police does not want the question of dismissal to go in the Police Service Commission Bill like all the other Bills and because of that you are passing a Bill which gives the Commissioner the power which the Police Service Commission should have.

The Hon. Premier has said: suppose you do not pass the Police Service Commission Bill. But that is not the point because you have passed the other Bills. You have passed the Public Service Commission Bill and the Bill to amend the Supreme Court of Judicature Act already. You have passed a Bill here which has the same kind of Clause which talks of how people are to be dismissed.

All I am saying is that a Head of Department cannot dismiss anybody and all this Bill means is that you are giving the Commissioner the power to appoint and to dismiss. In Clause 12 of the Public Service Commission Bill, you state:-

"Subject to the provisions of this Act, power to dismiss and to exercise disciplinary control over persons holding or acting in any public office is hereby vested in the Governor acting on the recommendation of the Commission."

You have passed that already and you have said that you are going to pass two more Bills like that. What is being pointed out to you in truth and in fact is that you are going to deal with the Police Public Service Commission Bill, probably after this one and that Bill gives the Police Service Commission powers to dismiss; therefore, there is no point any longer in telling the Commissioner of Police that he has power to dismiss, because the power to dismiss is now being vested in the Police Service Commission.

Hon. Dr. H. G. H. CUMMINS: The Commissioner of Police will recommend to the Commission that so-and-so be dismissed.

Mr. WALCOTT: This is the procedure the Postmaster would carry out. He is going to recommend your dismissal. If he catches a Postman carrying away money, he is going to recommend dismissal. Of course, you do not have to write in the Act the right to dismiss, as long as it lies in your power. It is just like a man working at the Waterworks Department. If the man forgets to deliver the pipe where it is to be delivered and he delivers it at the home of himself forgetting where it belongs, he can be dismissed.

Hon. R. G. MAPP: Mr. Chairman, I rise on a point of order. My name has been mentioned, but just to save certain debate, if hon. members read the Police Service Commission carefully, they will see something different to what we are arguing. If hon. members refer to Section 12 of that Bill, they will see that what is provided in that section is something quite different from what we are arguing.

Mr. STRAUGHN: I did not want to rise on a point of order. I wanted the hon. senior member for St. Peter to finish first. I, myself, was going to rise on a point of order on the point which the Hon. Minister mentioned, because I believe it was wrong for hon. members to make reference to it before we get to deal with it, I think this is a clear case to point out and it is that hon. members who are making the most noise do not do any home work. The hon. junior member for St. John read Section 12 of the Police Service Commission Bill which is to be discussed by us and he said that subject to the provisions of this Act etc., you get appointments and dismissals vested in the Governor. He stopped there. If he went on to the next sub-section, he would have seen that this section applies to all officers of the Police Force who are higher in rank than the office of Inspector. In other words, the Public Service Commission Bill has nothing in common with what we are discussing and if he was not so myopic, he would never have said what he said just now. The Police Service Commission is going to act on those persons who are higher in rank than Inspector. 6.45 p.m.

However, the ordinary police constable about which we are talking is what is covered in the Bill with which we are now dealing. If you want to argue that the police constable should have certain representatives, well then keep the argument there, but do not go to the Police Commission Bill. In the hon. member's own myopic point of view he says that they are referring to this Bill.

Mr. BARROW: On a point of order, Mr. Chairman, I do not argue law with laymen and who is the hon. member to talk about a myopic point of view? We have a situation in the

Northern District Council where he feels that he can dismiss the Legal Adviser to the Council.

Mr. CHAIRMAN: That is not a point of order. That has absolutely nothing to do with this matter.

Mr. STRAUGHN rose to continue to speak.

Mr. BARROW: I have not yet finished my point of order.

Mr. STRAUGHN: The Chairman says that it is not a point of order.

Mr. CHAIRMAN: I ask the hon. junior member for St. John to take his seat.

Mr. BARROW: The hon. member had taken his seat.

Mr. STRAUGHN: I rose again because the Chairman said that what the hon. member was saying was not a point of order.

Mr. BARROW: Has the hon. member finished?

Mr. CHAIRMAN: The hon. junior member for St. John can proceed.

Mr. BARROW: The hon. member's stricture against me is that I did not read the next Section. This is the position. We are denying the liberty of the Commissioner of Police having any power at all to dismiss any member of the Police Force. We are demonstrating that there is a Bill which foists....

Mr. CHAIRMAN: The hon. member is making a second speech.

Mr. BARROW: Mr. Chairman, I can make several speeches in Committee. Does the hon. member want to repeat himself? Well, let him proceed.

Mr. STRAUGHN: Mr. Chairman, you ruled that the hon. member was not raising any point of order. The hon. member realises that he has made a *faux pas*.

Mr. BARROW: The hon. member is like a hen trying to lay an egg all over the world. With that kind of supercilious ignorance, well, the hon. member is not a lawyer and he cannot argue law. His grandfather wanted him to be a lawyer but he is not a lawyer yet.

Mr. STRAUGHN: Mr. Chairman, this is a matter of English Language and I can teach better English than he. The whole question is that the Police Service Commission Bill does not cover the point with which we are dealing. I am sorry that the Hon. Premier referred to that Bill, but when the Committee keeps on debating the claims of the Police Service Commission Bill, that has absolutely nothing to do with what is now before us. I know that if the hon. member had the Police Service Commission Bill before him, he could speak more forcibly about elaborating nonsense. All the amendments which those hon. members have put forward have been rejected and Section 35 is now being dealt with. You cannot talk about the Police Service Commission Bill now that we are dealing with Section 35 of this Bill. I implore you, Mr. Chairman, to ask hon. members not to make any further reference to the Police Service Commission Bill in order to justify their interpretations.

Mr. WALCOTT: Mr. Chairman, the hon. member is right when he says that the Police Service Commission Bill deals with gazetted officers, but the Premier was the first person who made reference to the Police Service Commission Bill. That makes the point about dismissal by the Public Service Commission. What I wanted to know, and I thought that the Hon. Premier would have told us, is this: what is there in the contention that when it comes to dismissal, if you give the same privilege for dismissal - the provision in Public Service Commission Bill is that you are not allowing one person to dismiss any person in the Force; it was only a matter of giving the Public Service Commission this power; but whether it is the Public Service Commission or the Governor, in the final analysis

each Body will be the same. Where you have the Commissioner of Police recommending the dismissal of a police constable, it will take a lot of argument to the contrary to get the Commission to say that they are not going to dismiss him. I say that the Premier should agree that when it comes to the question of dismissal there are a lot of cast-iron cases which will go through because no lawyer can save you. This is like the case of an arbitrator; an arbitrator does not state any reason, he states the award. You should try to make people feel at ease and I would suggest that the same Public Service Commission Bill should have some Clause dealing with the appointment of these people. From the point of view of postponement we should find out about this stricture of the Police Commissioner dismissing a policeman and he has no right of appeal.

Mr. BARROW: Mr. Chairman, I do not think that Barbados could afford the luxury of two people being deficient in understanding in a legislative Chamber, but after hearing the views of the hon. junior member for Joseph, it appears to me abundantly clear that there are two people who are completely innocent of any understanding of the principles which we are trying to establish here right now.

6.55 p.m.

When the hon. member exposes his ignorance by getting up and saying I did not read the Clause in a Bill to which the Premier referred which he said did not exist in any part of the world....

Hon. Dr. H. G. H. CUMMINS: On a point of order, I want to correct the hon. member. The hon. member in his first speech did refer to the Police Service Commission, and I did not go into the details of it.

Mr. BARROW: Now the other member established that he has no right in a Labour Government at all of any kind or description by pointing out that we have a Police Service Commission and it is only for Officers, other ranks outside. That is his privilege; so I am not criticising him for anything he has mentioned.

Mr. STRAUGHN: On a point of order, I told the hon. member just now that it is a matter of reading and understanding English. The Police Service Commission Bill to which he refers talks about the Inspectorate; it is not to say that any member of the House happened to do that. The other point which I would like to make is that on the Order Paper itself you will notice Item 6 and 7, and at the bottom of Item 7 you will see that notice of these Bills was given the same time. In other words, the hon. senior member should have known even in his earlier remarks that the Police Service Commission Bill was coming down at the same time as the one we are now discussing. He should know that if he can read his Order Paper.

Mr. BARROW: He thinks he is now in the Northern District Council. Here is a Labour member saying that is only for Officers. We are talking about the principle of dismissal not being vested in the Commissioner of Police, but should be in the Police Service Commission. If it is good enough for Officers, it should be good enough for the other ranks, if that is the point he is trying to make. Do I have to read all the Bills with which we are not currently dealing? I am the person who pointed out that they were given notice of on the 30th March.

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

SUSPENSION OF SITTING

Mr. SPEAKER: It now being 7.00 p.m. o'clock, this Sitting now stands suspended until 7.45 p.m. o'clock. 7.00 p.m.

On resumption:

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

The bell was rung and a quorum was obtained.

Mr. SPEAKER: On the Suspension, the House was in Committee.

HOUSE RESUMES COMMITTEE ON POLICE ACT, 1961.

Mr. CHAIRMAN: The Question is that Clause 35 stand part.

Mr. TALMA: Mr. Chairman, before you put the question, there has been quite a great deal of controversy in so far as this Clause is concerned.

Mr. CHAIRMAN: Is the hon. member speaking on Clause 35?

Mr. TALMA: Yes.

Mr. CHAIRMAN: May I draw to the attention of the Committee that when progress was reported there were two amendments? One was by the hon. junior member for St. Lucy seconded by the hon. senior member for Christ Church, and the second was by the hon. senior member for Christ Church seconded by the hon. junior member for St. Lucy. There was a subsequent motion that further consideration be postponed. The two amendments were put and lost and the motion for further consideration being postponed was also put and lost. The substantive question should have been put right away without further debate. I am afraid I cannot allow any further debate on Clause 35 because the question should have been put then.

Mr. TALMA: Mr. Chairman, with all due deference I am submitting that there was a debate on the question of dismissal being vested in one case in the Commissioner of Police in so far as the rank and file of the Police Force was concerned, and in the other Bill which refers to the Public Service Commission, that same power is vested in the Police Service Commission. On that point it is a question of clearing up the multifarious misunderstandings in this Bill and assisting the Committee in.....

Mr. CHAIRMAN: That is against the usual procedure. I was not in the Chair and it must have been an oversight on somebody's part. Both amendments were put and lost, and the motion for further consideration being postponed was put and lost, and right then the question that Clause 35 stand part should have been put. If further consideration is needed of Clause 35, I am afraid you will have to commit it to the House, but two wrongs do not make a right and I cannot allow you to go ahead arguing on Clause 35 under those conditions. 7.50 p.m.

Mr. TALMA: I am about to make another point.

Mr. CHAIRMAN: The amendment has been put and when the motion was put and lost that further consideration be postponed, the question should have been put then that Clause 35 stand part. Of course, you have the right to ask that the Clause be recommitted in the House.

Mr. TALMA: It was no fault of mine that the question was not put.

Mr. CHAIRMAN: I am not attempting to blame you. You can ask for a re-committal of this and it would be granted; but two wrongs do not make a right.

Mr. TALMA: If you will permit me, Mr. Chairman, I will attempt to explain to this Committee what appears to be a grave misunderstanding in connection with these two Bills.

Mr. CHAIRMAN: That is also out of order. The hon. senior member for Christ Church can appreciate what I am saying. I said that after the question that further consideration of the clause be postponed was put, the question that Clause 35 stand part should have been put then. If another point was to be made, I am sure he would have been granted the opportunity.

Mr. TALMA: But, Mr. Chairman, you were not in the House then.

Mr. CHAIRMAN: But I want to see things go right.

Mr. TALMA: Sir, I would like merely for your information to state emphatically what was being discussed when the suspension took place.

Mr. CHAIRMAN: When the Chairman reported progress, the Committee was discussing Clause 35. All of this I have said already. There were two amendments before the House. Both amendments were put and the motion for further consideration of Clause 35 was put and all three were lost. When the motion for further consideration was lost, automatically follows the question that Clause 35 stand part. That is what should have been put.

Mr. TALMA: The motion for postponement was put first and then the two motions, the one made by the Hon. Leader of the Opposition and my amendment deleting sub-clause (b) (1) was then put.

Mr. CHAIRMAN: That is what I said. The three motions were put and lost.

Mr. TALMA: But I am telling you that the question for postponement was put first.

Mr. CHAIRMAN: I am not asking which was put first. I will put it this way. After the last question was put, the question that Clause 35 stand part should have been put. I will put the question now.

The question is that Clause 35 stand part. Hon. members in favour will please say "Aye" and those against will please say "No".

The question was decided in the affirmative, the Committee dividing as follows:-

AYES: Hon^{bles} Dr. H. G. H. CUMMINS, F. E. MILLER, D. D. GARNER, L. StA. THORNE, Messrs. HOLDER, SEARLES, T. W. MILLER, STRAUGHN and SMITH - 9.

NOES: Messrs. WALCOTT, TALMA, and BRANCKER - 3.

Clause 36 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 36 stand part.

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

Mr. TALMA: Mr. Chairman, Clause 36 deals with confirmation of dismissal by the Governor. I am saying that it is subsidiary to Clause 34. This Clause deals with regulations for the subordinate staff of the Police Force; in other words, there are regulations dealing with the rank and file and that is the big distinction. The regulations dealing with the rank and file are set up under Clause 34 which has been passed and Clause 36 is dealing with the sentences of dismissal to be confirmed by the Governor in certain cases. It reads as follows:-

"Notwithstanding that an appeal is not made against a sentence of dismissal imposed by the Commissioner, such sentence shall not be carried out without the confirmation thereof in writing by the Governor."

I am merely pointing out that these regulations.....

Mr. CHAIRMAN: What regulations are you talking about?

Mr. TALMA: I am telling you that Clause 34 is the governing clause and Clause 36 deals with the sentence of dismissal to be confirmed by the Governor in certain cases. If you give me the opportunity, probably the whole Committee would be a bit wiser in a minute or two. The Hon. Premier was on good grounds when he passed it. One deals with regulations to control the subordinates in the Police Force - in other words, the policemen from Inspector down. The Police Service Commission Bill deals with those from Inspectors up. These two Bills are therefore necessary. There was the argument that the two Bills will clash, but no such thing can take place. Clause 12 of the

Police Service Commission Bill deals with those from Inspectors up. However, what we are opposed to is that you set up a Police Service Commission for Officers and Superintendents and those above the rank of Inspector - in other words, their terms of appointment, dismissal and things of that sort are governed by the Police Service Commission, whereas the terms of appointment, dismissal and things of that sort of policemen from Inspector down are dealt with by one person - the Commissioner. The point is why should it be so.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I rise on a point of order. That is not so. No dismissal can take place without the confirmation of the Governor. 8.00 p.m.

Mr. TALMA: That is the whole point. Why make a distinction?

Hon. Dr. H. G. H. CUMMINS: That is not strictly correct. The hon. member has just read that no dismissal can take place without confirmation by the Governor. Therefore the matter has to pass two persons.

Mr. TALMA: The Hon. Minister would know that the Governor is just a rubber stamp.

Hon. Dr. H. G. H. CUMMINS: On a point of order, I have already said that there is no such thing. The hon. junior member for St. John quoted one case in which he knew that the Governor had upset the decision or recommendation made by the Commissioner of Police. And I know of others. Therefore it is not true to say that the Governor is just a rubber stamp.

Mr. TALMA: Mr. Chairman, everyone knows that when an appeal like that goes to the Governor, the file is referred back to the Commissioner of Police for his comments and explanations.

Hon. Dr. H. G. H. CUMMINS: On a point of order. It goes up with every bit of evidence; every observation or comment made by the Commissioner goes up to the Governor. It has not got to be sent back.

Mr. TALMA: Well, that makes the position stronger. If it is a dismissal there is no appeal.

Hon. Dr. H. G. H. CUMMINS: It is quite obvious that the hon. member does not want to hear the truth; he wants to hear the newspaper "Truth" but not the true facts as I know them.

Mr. TALMA: I have been in this House long enough to know something. In this matter, the file will go up to the Governor and the Commissioner will have the opportunity of stating the case as clearly as possible. In case the Governor needs any further explanation, he refers the matter back to the Commissioner. If the Commissioner has left out any point, he has the opportunity of making the case stronger. Why not make the appeal to the Police Service Commission? If you are setting up a Police Service Commission, then you should deal with that question. I feel that in relation to all questions of dismissal, reduction in rank and all other disciplinary measures they should be vested in the Police Service Commission and not in the Governor. You are setting up a Commission and you do not allow the Commission to deal with this matter of appeal. I feel that the word "Governor" in this sub-section (2) should be deleted and the words "Police Service Commission" be substituted therefor. I am suggesting that amendment for the reasons which I have given.

Mr. WALCOTT: Mr. Chairman, what I would like to ask the Hon. Premier is this: there is a little inequality in this matter. You treat a gazetted Police Officer like a member of the Civil Service, and if he is going to be dismissed you say that the Public Service Commission must make a recommendation to the Governor. The Governor notifies this person that a recommendation has been made as to his dismissal and that person can have the matter sent to the Privy Council. Three or four peo-

ple sit in judgment on these people which means that they get the benefit of collective wisdom. In addition to that, they have the benefit of another source of collective wisdom.

Hon. Dr. H. G. H. CUMMINS: On a point of order, Mr. Chairman, a police constable has the same advantage to appeal to the Privy Council. That point has already been dealt with. The question was asked by the hon. senior member for St. Lucy and it was said then that everybody has the same right of appeal to the Privy Council with this new set-up as he had before.

Mr. WALCOTT: I want to be quite clear about what I am saying. We do not want to put anything in the Act and then say that it has a different meaning.

Hon. Dr. H. G. H. CUMMINS: I would be glad if the hon. member would point that out to me.

Mr. WALCOTT: I will look for it. Section 38 says this: "Any member of the Force who is dissatisfied with the decision of the Commissioner, may, within seven days, after the decision has been communicated to him, and if such decision relates to the dismissal or reduction in rank or pay of such member, appeal to the Governor whose decision shall be final."

Hon. Dr. H. G. H. CUMMINS: Where is that?

Mr. WALCOTT: That is Section 38, sub-section (2) on page 24 of this Bill. It is not that I object to the Governor or the Commissioner having the right to dismiss a man, but what seems to me to be a peculiarity in the whole structure is this: In the Civil Service you give a messenger who is an established officer the same right and facility as a Permanent Secretary who is also an established officer by having his case dealt with in the same manner. In this new Bill a policeman is a Civil Servant, because in this Bill you say that instead of treating him in the way in which you treated him before whereby every three years he will come up for enrolment, you say that after he has been enlisted he shall be deemed to be a policeman for ever. What I say is this: if you have a structural arrangement which provides one branch of the Service with some advantage, well, I cannot see that the procedure for the dismissal of a non-commissioned man should be any different from the dismissal of a gazetted man. You have two sets of procedure and I do not know if this would interfere with the discipline. What is wrong with giving a police sergeant who has his matter.... 8.10 p.m.

Hon. Dr. H. G. H. CUMMINS: On a point of order, this is something I did not expect. I think the Hon. Minister of Social Services will remember that in my talks in London this matter was brought up, but I will take it up again, because my impression is that everybody would have to come under this. I make that promise to this Committee on that point.

The question that Clause 36 stand part was put and resolved in the affirmative without division.

Clause 37 was called.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I am asking leave to delete Clause 37 and to substitute a new Clause 37, copies of which were circulated today. It reads as follows:-

"37. Subject to regulations made under section thirty-four, where any charge or complaint is made against any member of the Force below the rank of Superintendent for any misconduct or any contravention of the provisions of this Act or of the regulations, being a contravention not punishable by way of court proceedings, any of the following gazetted police officers, namely, the Commissioner, Deputy Commissioner or any Superintendent of Police is hereby authorised to enquire into the matter and shall have the same powers in respect to securing and compelling the attendance of witnesses and their examination and otherwise as are conferred upon a Magistrate under any Act

for the time being in force regulating procedure before Magistrates in the exercise of summary jurisdiction."

I think that speaks for itself, and, as I said, it will give any gazetted officer the right to make certain inquiries in cases of contraventions of certain regulations, and these investigations should be conducted as if they were conducted by a Police Magistrate.

Mr. CHAIRMAN: The Hon. Premier is asking leave to delete Section 37 and to substitute a new Section 37, copies of which were circulated today, and unless there be any objection, leave will be granted.

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

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I beg to move that the new Clause 37 stand part.

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

Mr. BRANCKER: Mr. Chairman, this brings us back to the question of these regulations and the point which I made earlier. It will be recalled that I submitted that Regulations such as these should have provision made for them to be laid on the Table of the Houses of Parliament.

It will be remembered that the Premier said that these are merely Departmental Regulations, presumably rules of the Department or something like that, and as such, do not qualify to be laid on the Table of Parliament. My submission, Mr. Chairman, is that if you are giving such powers as involves dismissal or taking away a job to a Commissioner, it is essential that such regulations be laid for approval, in view of their extreme importance not only to the individual who would be affected by the dismissal but to the Force as a whole, on the Table of Parliament for Parliament to be entitled to express its opinion on them.

Whether or not it is the opinion of the Crown Law Officers who advise and as a matter of form or routine the Government is expected to take the advice, I cannot agree that these Regulations should be regarded as mere routine, trivial or insignificant matters. Matters affecting a person's losing his job, the subsequent disgrace which follows dismissal, his reduction to a lower rank, reduction to a lower rate of pay, to be fined or confined to barracks and locked up for 28 days in Police barracks, I submit, Mr. Chairman, are such things which should of necessity be required by law to be laid on the Table of the Houses of Parliament who is the final arbiter of whether they should be regulations or not and what the regulations should be. We are now in a democratic society deciding on whether we should pass an Act and the various Sections of the Act; we are deciding whether the Act we pass should give power to pass Regulations; we are deciding to pass Section 37 of this Act, and we have decided that the Commissioner may from time to time make Regulations; and in as much as the Regulations which he is being empowered to make are so far reaching and so important, there can be no justification at all for not requiring such regulations to be laid on the Table of Both Houses of Parliament, and not just be kept as a private matter between the Commissioner as an ordinary disciplinary matter and the members of the Force, for Parliament to have an opportunity to express its opinion on them by ratification or failure to vote them.

It should be realised, Mr. Chairman, that we are not here members of the Police Force; but because we are not in this status of life, the Police Force is a most necessary body in this community and it is essential that those people who constitute the Force should be able to live and work under reasonable conditions; and no man could work happily if he knows that Regulations which give the Commissioner power even to dismiss him do not have to be laid on the Table of the Houses of Parliament for the approval of Parliament, the representatives of the people. I cannot agree with the point of view expressed by the Hon. Premier that it is purely departmental, and as such, despite the severity of the penalty and the consequence in some cases,

it is not regarded as necessary to lay them on the Table of Parliament for the approbation or disapprobation of the representatives of the people. It is not fair to the members of the Force.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I maintain my stand on this matter because I think the hon. member who has just sat down and any hon. member will agree that in the interest of discipline you cannot have these Regulations here to be torn apart by every member of this House. What would discipline be if the 24 members each had a point of view expressed here? It would certainly invalidate the powers of the Commissioner or whoever is responsible for making the regulations. Again I repeat: this Bill with all that is contained in it was submitted to the Police Association, and if they felt strongly about any of these sections or anything contained in this Bill, they would have made their voices heard by writing or otherwise and voiced their dissention.
8.20 p.m.

As I have said earlier, my information is that they had it and went through it and they did not raise any controversial point. They approved of it. If it were that the Association did not approve of it and made any adverse comment, well then notice would have been taken; but in the absence of that, I maintain that they know what they want and they know what is good for them, and the House should not try to insert into this Bill things which the Police themselves had not asked to be inserted.

Mr. TALMA: Mr. Chairman, listening to the Hon. Premier, you would think that all is well and good: but when you consider who controls that Association and when you consider that the regulations are set up for the rank and file of the Police Force — the ordinary constables — I wonder how many of them have a controlling influence in the Police Association of which the Hon. Premier speaks so glibly. All of the power is vested in the Commissioner and the Deputy Commissioner. How many constables have seen this Bill? I doubt if three of them have seen it. How many deputy subordinate Police Officers have seen this Bill? A Bill like this, of course, would be referred to the Police Department and the Commissioner, the Deputy Commissioner and one or two at the top will see it. What do you take us for? Children!

Mr. Chairman, Section 34 is the controlling section. It deals with the making of regulations for the discipline of subordinate Police Officers and constables. The Hon. Premier is telling us that these same people have had the opportunity of examining the Bill. I am not willing to accept that. The ones in the high hierarchy have seen it, but the rank and file do not know what the Bill is all about.

Opposition is being held out against Members of Parliament knowing what the regulations are all about. We should know what there are all about in order to assist. We do not want to intervene in the running of the Force, but why should we not know what the regulations governing the Police Force are like? Why should that be a secret in this year of grace? There should not be secrets of that

nature. If there are regulations laid down for the promotion and life and death of the average policeman, Members of Parliament should see those regulations. They should be laid on the Table of this House. The policeman would not know what the offences are if he does not know what the regulations are. We would not know what they are if we have not seen a copy and therefore, we would not be *au fait* with them. What is wrong with members of the House being conversant with the regulations of the Police Force?

Mr. Chairman, if you want to carry on the old regime, the old Conservative system of doing things in that you charge a man for breach of the regulations when he does not know what they are all about, if you want to perpetuate that bad system, well, pass this Bill. If, on the other hand, you have self-government and you want to give the average policeman a square deal and you want to treat him as a human being and give him some of the benefits which we have come in for through self-government, see that the regulations are brought here and do not try to hoodwink this Committee in thinking that everything is all well. The rank and file do not know anything of these regulations, but you want to push this down our throats. I can never agree to this and I think it is very unfair to the average Police Constable on whom the whole Force depends. They are the ones, and not the few Inspectors or Superintendents, as some would think, on whom the whole Force depends. They should be given ample protection, and the right of appeal, and every assistance which would be meted out to the ones in the higher brackets who come under the next Bill, the Police Service Commission Bill. These policemen of the rank and file will be tried for offences of which they are not aware and the regulations will be unknown to them.

Mr. CHAIRMAN: The question is that Clause 36.....

Mr. WALCOTT: Mr. Chairman, I do not think your move can be regarded as anything right.

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

Mr. SPEAKER: It is 8.30 o'clock. Is the Bill which is under consideration controversial?

Mr. BRANCKER: Yes, emphatically so.

THE ADJOURNMENT

The Order Paper having been fixed,

8.30 p.m.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that this House do now adjourn until Tuesday next, 4th July, 1961, at 12 o'clock noon.

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

The question that this House do now adjourn until Tuesday next, 4th July, 1961 at 12 o'clock noon, was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.
8.32 p.m.