

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1962

HOUSE OF ASSEMBLY

Tuesday, 17th December, 1963.

Pursuant to the adjournment, the House of Assembly met at 12 o'clock (noon) today.

PRESENT

His Honour J. E. T. BRANCKER, Q.C., (*Speaker*); Mr. L. F. SMITH, J.P.; Mr. E. D. MOTTLEY, C.B.E., (*Leader of the Opposition*); Mr. F. ST.A. HOLDER, J.P.; Hon. C. E. TALMA, (*Minister of Agriculture, Lands and Fisheries*); Mr. J. W. CORBIN; Hon. G. G. FERGUSON, (*Minister of Communications, Works and Housing*); Mr. R. ST. C. WEEKES, J.P.; Mr. W. R. LOWE; Mr. G. V. BATSON, (*Chairman of Committees*); Mr. J. B. YEARWOOD and Hon. A. DaC. EDWARDS, (*Minister of Social Services*).

Prayers were read.

Hon. W. A. CRAWFORD, Messrs. LYNCH and COWARD entered the House and took their seats.

MINUTES

Mr. SPEAKER: I regret to have to inform the hon. members that the Minutes of the previous meeting are not yet ready for confirmation.

Mr. BOXHILL entered the House and took his seat, 12.25 p.m.

Mr. SPEAKER: I have the honour to inform the House that I have received from His Excellency the Governor Message No. 11/1963 and it reads as follows:-

HIS EXCELLENCY THE GOVERNOR
TO

HIS HONOUR THE SPEAKER OF THE HOUSE
OF ASSEMBLY

His Excellency the Governor has the honour to refer to Message No. 9/1963 containing certain constitutional changes proposed by the Government and to forward as an Appendix hereto the report of the Inter-Party Conference dated 13th November.

The report has been referred to the Secretary of State for the Colonies who is in agreement with reservation (i) set out in paragraph 3 of the report.

As regards reservation (ii) made by the Legislative Council delegation the Secretary of State considers that Clause E (1) (j) of Appendix I to Message No. 9/1963 is

the logical counterpart to Clause B(2) and (b) in that Appendix and should therefore be included.

A new Order-in-Council is now being drafted in the Colonial Office to give effect to the proposed changes and consequential amendments and it is hoped that this will be made in time for the opening of a new session of the Legislature in early or mid-February.

I have also to mention for the information of hon. members that a registered letter addressed to His Honour the Speaker at the House of Assembly, Public Buildings was received by me. The contents of that registered communication is headed "Barbados", and it says "Your Humble Petitioners shew". That is how it begins, Hon. members, I know, do not have to be reminded, but it would be worthwhile for it to have wide publicity that a petition in accordance with Standing Order No. 10 of this House may only be presented to the House by a member who shall affix his name at the beginning thereof, and further that no petition shall be presented to the House unless it shall have been endorsed by the Clerk as being in accordance with Standing Order No. 10, Rule 6 (a), (b), (c) and (d). As this document, which purports to have been signed by certain persons allegedly in the sugar industry, does not comply with any of the Standing Orders which are in force, I merely hand it to the Clerk for his custody, but for no other purpose or reason whatsoever.

PAPERS LAID

Hon. W. A. CRAWFORD: On behalf of the Hon. Premier, I am commanded to lay the following:-

Report of the Standing Insurance Committee and Statement of Accounts of the General Insurance Fund for the year 1st April 1961 to 31st March, 1962.

Barbados Statistical Service Selected monthly Indicators, September, 1963.

GOVERNMENT NOTICES

Hon. C. E. TALMA: Mr. Speaker, I beg to give notice of the following:-

Resolution to place the sum of \$30,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimates, 1963-64, Part II - Capital, as shown in the Supplementary Estimate 1963-64 No. 35, which forms the Schedule to the Resolution.

Hon. W. A. CRAWFORD: On behalf of the Hon. Premier, I beg to give notice of the following:-

Resolution to place the sum of \$10,500 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1963-64, Part I - Current, as shown in the Supplementary Estimate 1963-64 No. 36 which forms the Schedule to the Resolution.

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

Resolution to place the sum of \$2,268 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1963-64, Part I - Current, as shown in the Supplementary Estimate 1963-64 No. 37, which forms the Schedule to the Resolution.

Hon. A. DaC. EDWARDS: Mr. Speaker, I beg to give notice of the following:-

Resolution to place the sum of \$14,030 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1963-64, Part I - Current, as shown in the Supplementary Estimate 1963-64 No. 38, which forms the Schedule to the Resolution.

Hon. W. A. CRAWFORD: On behalf of the Hon. Premier, I beg to give notice of the following:-

A Bill to provide for the operation in the Island of a Company to be known as the West Indies Hospital Funds Limited and for various matters connected therewith.

Hon. G. G. FERGUSSON: Mr. Speaker, I beg to give notice of a Statement in regard to the Constitution River project.

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to give notice of my intention to move the House into Committee of Supply at its next meeting to deal with the money Resolutions of which notice was given today.

If the House permits, Sir, hon. members were requested in a Circular sent out over the week-end to give the House permission to deal today with the Bill of which I just gave notice. If hon. members are prepared - after having perused it, I presume, last night and this morning - to deal with it today, the Government proposes to deal with it later in today's Sitting; so I am merely reminding hon. members of the request contained in the circular sent out to them over the week-end.

Mr. MOTTLEY: Mr. Speaker, I should just like to say something.

Mr. SPEAKER: At this stage it does not call for discussion.

Mr. MOTTLEY: I want to put the Hon. Leader of the House right, because he made a statement which is not correct, though I do not believe he has made it purposely. He said that he proposed to deal with a document which was sent out over the week-end. That Statement is not correct. A policeman brought something to members last night, I do not think the Hon. Leader of the House knows that; otherwise he would not have made that statement. I do not think he wants to mislead the House, but to say that we had something over the week-end is absolutely incorrect.

Mr. SPEAKER: The hon. member said it was sent out over the week-end. He did not say when it was delivered. 12.35 p.m.

Mr. MOTTLEY: I am explaining the case - not mine - to the House and to the people. I do not think the Hon. Leader of the House would wilfully mislead the House: but if something was sent out over the week-end, how can the police come out last night and deliver something to you? This is going to cause a row because I am not accepting something last night to deal with it today. The Hon. Leader may have sent out this Bill over the weekend, but it was delivered only yesterday evening.

Mr. SPEAKER: The hon. member has intimated, not very concisely, what the position is.

Hon. W. A. CRAWFORD: Sir, I was extremely careful in my choice of words. I said that it was sent out over the weekend, but as regards when it was delivered, I do not know. I am told that there are other members of this

Chamber who got theirs on Sunday. I got mine yesterday morning.

Mr. COWARD: Mr. Speaker.....

Mr. SPEAKER: Two hon. members are on their feet.

Hon. W. A. CRAWFORD sat.

Mr. COWARD: Mr. Speaker, I rise on a point of order. I just want to explain to the Hon. Leader of the House that I received my copy last night and not before.

Hon. W. A. CRAWFORD: I am not prepared to say when they were delivered, but I know that the Government gave instructions last Thursday after the meeting of the Cabinet that the permission of Your Honour be sought for the circulation of this Bill to hon. members before it was laid on the Table of the House today.

Mr. SPEAKER: That permission was granted by me as soon as I received from the Clerk the request.

Hon. W. A. CRAWFORD: Mr. Speaker, this Bill is a matter of some priority and if members are not prepared to deal with it today, we are not pressurising them to deal with it today. We can come back later in the week and deal with it. The position is that this matter has to be attended to before the House goes into recess because we are adjourning for about three weeks and there are certain reasons why this Bill should be dealt with early.

Mr. SPEAKER: I am informed by the Clerk of the House that after I gave my concurrence to the request on Friday morning and copies were then cyclostyled, he could not get them out through the Post owing to the heavy pressure of Christmas work in the Post Office. He accordingly sent them out by Police Despatch, and that was not until 10.00 o'clock yesterday morning.

Mr. WALCOTT: Mr. Speaker, I think the Hon. Leader of the House would have to appreciate that with a matter so fundamental in character as this, it would be not only injudicious but it would have nothing to commend it to ask us even later this week to consider it. This matter in itself is changing the whole character of our concept of this thing.

This is a debatable matter, and I think in a matter like this there should be no hurry because when this is put on the Statute Book it would be put there once and for all. You should give hon. members the opportunity to say how much this would offend the consciences of some sectors which they represent. This is not a programme matter of yours; it is not a matter which we knew you were going to deal with; this is changing the Gambling Act and that was not a matter in your Manifesto. I think you should give hon. members the same facilities as have been given to your Cabinet in discussing this.

Sir, I cannot say when I received my copy exactly but I looked at it for the first time last night. I do not think this was among my mail which came on Sunday. However, I would say that there is no justification for proceeding with this matter before hon. members get the opportunity of discussing it. I heard the Hon. Leader of the House saying that he would like it to be passed by this Chamber before the Legislature is prorogued. To say so presages that you know something was coming up. In the interest of good parliamentary conduct this matter should be allowed to stay over.

Mr. SPEAKER: All the Hon. Leader of the House did was to intimate to hon. members what he proposed to do; but as an experienced parliamentarian he can see from the remarks of hon. members what he should do.

Hon. W. A. CRAWFORD: Mr. Speaker, I do not like the impression to be conveyed that the Government wants to railroad anything through the House either of significance or insignificance, nor is this a matter of gambling *per se* as may be inferred by some of the remarks of hon. mem-

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bers. The position is this: my instructions are that the Hon. Premier had given his word that this matter would be dealt with as early as possible for reasons of importance both to the promoters and the country. That is my only reason for suggesting that the matter be dealt with before we went into the Christmas recess. (Mr. MOTTLEY: Why?)

The hon. member should assume that if there are reasons, the House would be given the reasons at the appropriate time.

Mr. SPEAKER: The first Item on the Order Paper stands in the name of the Hon. Leader of the House: To move the House into Committee of Supply. 12.45 p.m.

STATEMENT re CONSTITUTION RIVER PROJECT

Hon. G. G. FERGUSSON: Mr. Speaker, before the first Order of the Day is called, I would like to ask permission to make a Statement.

Mr. SPEAKER: The hon. member is craving the indulgence of the House to make a Statement. If there is no objection, leave will be granted. (After a pause). There being no objection, the hon. member may proceed.

Hon. G. G. FERGUSSON: Mr. Speaker, the Statement reads as follows:-

CONSTITUTION ROAD BRIDGE

Provision of \$780,000 was included in the current year's Estimates under Part II - Capital Expenditure: Head 8 - Communications, Item 9 - Drainage, for the drainage of the Constitution River and continuation of flood prevention and drainage schemes.

It has been decided to construct the Constitution Road Bridge this year rather than the Victoria Bridge. The July floods showed that the bottlenecks in the River system are at Tweedside Road Bridge and at the Constitution Bridge. The Constitution Bridge has two openings of about 24 square feet of waterway rather than the 480 square feet required to accommodate two thirds of calculated peak flows. Construction of this bridge can be completed in this financial year.

DEVELOPMENT OF AN AREA ADJOINING THE RIVER AS A CAR PARK

During the course of the canalisation of the Constitution River, an area of land of approximately 3,500 square yards has been reclaimed between Fort Royal Garage and Queen's College on the North side of the Constitution River. This area is Government's land, and would have to be filled and drained to prevent an unsightly and unhealthy puddle forming in rainy season. It has therefore been decided to develop the area as a car park, which would accommodate about 80 cars. Trees will be planted to provide shade for the cars and to beautify the area.

The provision of a car park on this site will nullify the loss of the present car park on the Old Central Foundry site which will soon be required for the construction of the proposed Financial Building.

Funds for this project, which is estimated to cost \$53,000, are also available under Part II: Capital, Head 8 - Communications, Item 9 - Drainage.

STATEMENT re NEW C.D. & W. ALLOCATION

Hon. W. A. CRAWFORD: Mr. Speaker, before you call the first Order of the Day, I am also asking leave to make a statement with regard to the new C.D. & W. allocation.

Mr. SPEAKER: The Hon. Leader of the House is asking leave to make a Statement apropos the new C.D. & W. allocation. If there is no objection, leave will be granted the hon. member. (After a pause). There being no objection, leave is granted the hon. member to make the Statement.

Hon. W. A. CRAWFORD: Mr. Speaker, the Statement is as follows:-

The Government has been informed by the Secretary of State for the Colonies that a new allocation..... (ASIDES)

Mr. SPEAKER: May I ask hon. members that if they must speak while an hon. member is on his feet, let them be pleased to do so quietly so that only their neighbour may hear?

Mr. SMITH: Their immediate neighbour.

Hon. W. A. CRAWFORD: The Statement is as follows:-

The Government has been informed by the Secretary of State for the Colonies that a new allocation of £500,000 (\$2,400,000) has been made to Barbados under the new Commonwealth Development Act. This Act, not only changes the name of the Colonial Development Corporation, but extends the life of the Colonial Development and Welfare Act, 1959, from 31st March, 1964 to 31st March, 1966, and provides additional sums of £25 million (\$120,000,000 W.L.) for Colonial Development and Welfare Schemes and £5 million (\$24,000,000 W.L.) for Exchequer Loans. With an unissued balance in the Barbados Allocation of £92,000 (\$441,600) at 31st March 1963, the total allocation to Barbados for the three-year period ending 31st March, 1966, is £592,000 (\$2,841,600).

2. On 31st March, 1963, the unspent balance of the total of £315 million provided under the Colonial Development and Welfare Acts of 1945 to 1959 was about £43 1/2 million. The effect of the Commonwealth Development Act, is therefore to make available a total of about £68 1/2 million of Colonial Development and Welfare Funds for expenditure in the three-year period 1963-66, an average of nearly £23 million a year. The amount made available in 1959 for the five-year period 1959 to 1964 was £140 million, an average of £28 million a year. The provision made in 1959, however, was designed to cover a much larger number of territories. Of those provided for at that time, twelve have become independent and others will do so shortly; moreover, many activities which were then financed from Colonial Development and Welfare Funds are now financed from the Vote of the Department of Technical Co-operation. Taking account of these factors, the amount of assistance provided for the current three-year period will permit an appreciable increase in annual expenditure in those territories which will continue to be eligible for Colonial Development and Welfare Assistance.

3. The provision for Exchequer loans ("last resort money") has also been reduced because a large number of territories have become independent. It has been explained that there will be no Government-to-Government loans to territories once they become independent.

4. The Commonwealth Development Act also extends the area in which the Colonial Development Corporation may operate. Under previous legislation, once a territory in which the Corporation was able to operate had attained independence, the Corporation could not undertake new projects there, but could only bring to completion and continue existing projects, and perform the functions of a managing agent or provide advice. The principal effect of Section 1 of the Commonwealth Development Act is to empower the Corporation to perform any of its functions, including the investigation, formulation and carrying on of new projects, in countries which were within its scope when it was established on the 11th February, 1948, but which have since become, or may become, independent within the Commonwealth.

5. A Statement showing the allocation of funds under the Commonwealth Development Act, 1963, which will be available for approved schemes, has been laid.

COMMITTEE OF SUPPLY

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

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

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

Hon. C. E. TALMA: I beg to second that.

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

Mr. SPEAKER left the Chair, and the House went into Committee of Supply, Mr. BATSON in the Chair. 12.55 p.m.

SUPPLEMENTARY ESTIMATES 1963-64, No. 34

Hon. C. E. TALMA: Mr. Chairman, this is a Resolution for the sum of \$3,600 to be granted from the Public Treasury to be defrayed from Loan Funds and placed at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1963-64, Part II — Capital, as shown in the Supplementary Estimate 1963-64 No. 34 which forms the Schedule to the Resolution.

As the Addendum sets out, Sir, hon. members will probably remember that an amount of \$3,600 was earmarked for the purchase of a baling machine from funds provided in the 1962-63 Capital Estimates under Head 7, Agriculture, Item 2 — Grassland Development. The machine was ordered in October, 1962, but was not received in time for payment to be made before the end of the financial year, and the funds lapsed. No provision was made for a revote of funds in the 1963-64 Estimates as it had been expected that the machine would have been received in time for payment to be made from provision in the 1962-63 Estimates. The machine has now been received and funds are required to pay for it.

Now, hon. members will probably want to know what is the object of this machine and for what purpose it is designed. Members will realise that we have now established pangola grass pastures at several different centres and stations all over the island, and at Seawell, for instance, we have between 40 and 50 acres of land in pangola grass. At the Central Livestock Station we have 40 acres which is used mainly for grazing of the 120 heads of livestock — cattle and all the different types of livestock there — and it is to be used for domestic purposes. Then at the six agricultural stations — or at least five of these stations — there are pastures of pangola grass which have been established over the last few years. At Bullens, Sayes Court, The Home, Jerusalem and at Haggatts we have roughly between 30 and 40 acres. At Sedgepond and the Hill in St. Peter, we have recently established roughly 15 acres of pangola grass, and when these pastures will have been properly established for over 50 acres of pangola grass, a baler will be necessary in order to avoid losses being incurred with the bales and spoiling. Now there is great demand for this pangola grass and it is easily saleable. It is made into hay, as hon. members will realise, and is sold at the rate of £25 per ton and you get four tons to the acre. That is all the information I can offer at this stage.

I beg to move that this Resolution do now pass.

Hon. A. DaC. EDWARDS: I beg to second that.

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

On the motion of Hon. W. A. CRAWFORD, seconded by Hon. C. E. TALMA, Mr. CHAIRMAN reported the passing of one Resolution in Committee of Supply, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. C. E. TALMA, seconded in each case by Hon. A. DaC. EDWARDS, the Resolution was read a first and second time and agreed to.

THE FIRE SERVICE (AMENDMENT) ACT, 1963

Mr. SPEAKER: The next Order stands in the name of the Hon. and Learned Premier: to move the second reading of a Bill to amend the Fire Service Act, 1960.

Hon. W. A. CRAWFORD: Mr. Speaker, I am asking leave to take charge of this Resolution.

Mr. SPEAKER: The Hon. Leader of the House is seeking permission to proceed on behalf of the Hon. and Learned Premier not only with the second reading of this Bill which is No. 2 on the Order Paper, but, as I am made to understand, with all other matters standing today in the name of the Hon. and Learned Premier, and if there is no objection, leave will be granted.

No objection being audible, leave is granted. The hon. senior member may proceed.

Hon. W. A. CRAWFORD: Mr. Speaker, the object of this Bill is to enable members of the Fire Service below the rank of Station Officer to form an association along the lines of the Police Force Association. Representations have been made from time to time that the members of the Fire Service should be allowed to form an association for the purpose of considering and bringing to the notice of the Chief Fire Officer and the Government matters affecting their general welfare and efficient functioning along the same lines as the Police Force Association functions, and in order to do this it has been found necessary to amend the Fire Service Act.

Hon. members will recall that in order to permit the Police Force to form an association, Sir, an amendment was brought in along similar lines to the amendment now proposed to be included in the Fire Service Act, 1960 — 11. 1.05 p.m.

The Chief Fire Officer has recommended very strongly that this Association should be formed along the lines of the Police Association, and the Government therefore seeks to have this amendment enacted in order that members of the Fire Service Association should have the same vehicle for expressing their grievances and drawing them to the attention of their superior officer.

Sir, I do not think this Bill needs any further explanation. It is a very simple thing. Since all members of the Public Service are entitled to representation in one form or another in an Association, there is no reason why members of the Fire Service should be debarred from having their own Association if and when the time arises.

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

Hon. C. E. TALMA: I beg to second that.

* Mr. WALCOTT: Mr. Speaker, I support this amendment giving the right of association to members of the Fire Service. There is one question which I should like to be a little clearer on, and that deals with the constitution of this Fire Service Association. It seems to me strange that you are debarring the Fire Service Association from having any connection with other Fire Service associations except in Antigua, Dominica, Grenada, Jamaica, Montserrat and so forth.

What is the justification for firemen in Barbados to have association with Firemen's associations in Jamaica, but are debarred from having association with Firemen's associations in Great Britain? I should think that the Firemen's Association in Great Britain would have more to guide the Firemen's Association in Barbados than what they could get from the other countries mentioned in the Bill.

I do not know if the Hon. Minister has given this matter the greatest consideration or if he is clear as regards this matter, but in this Section it is stated: "For the purposes of sections 40C and 30D of this Act an "unauthorised association" means —

(a) any Trade Union as defined by the Trade Union Act, 1939, whether or not the union is registered or incorporated;" —

In Section 30C it is mentioned that it shall not be lawful for any member of the Service to be or to become a member of any unauthorised association.

When you say in this Bill what you have said, other members of other Firemen's Associations in the respective territories are not debarred from joining other organisations, I do not think on general grounds that this should be so, and it seems to me unscientific that the Firemen's Association should be entirely independent of and unassociated with anybody other than Firemen's associations in the territories which you have mentioned in this Bill — Antigua, Dominica, Jamaica, Grenada, and so forth.

You have also mentioned British Honduras. Now, British Honduras is not within the Federation and Jamaica is independent, I do not understand that because further in this Act, you say:

"For the purposes of sections 30C and 30D of this Act an "unauthorised Association" means — (a) any Trade Union as defined by the Trade Union Act, 1939, whether or not the union is registered or incorporated;"

This means that members of the Fire Service should not become members of a trade union. I am not protesting against that because the Fire Service can be granted that. But I wish to point out to you that it is not so in all of the territories.

I would like to know what is the specific reason for asking that this Fire Service Association should be associated with these bodies which have been mentioned in the Bill, and the other bodies which the Association would really need help and guidance from, such as the Firemen's Association of Great Britain, that is a body with which it cannot be associated. It seems strange to me that it can be associated with Jamaica, British Guiana, British Honduras and so forth and it cannot be associated with the Fire Service Association in Great Britain. It should be able to be associated with that body. If the Hon. Minister would be able to give us that information, I would be glad indeed.

Mr. COWARD: Mr. Speaker, I have very much pleasure in supporting a Bill of this sort. I am happy to see that the Government has seen the necessity for providing legislation whereby the Fire Service can have an association. I think it is a wise step, and I feel that all workers should have an association where they would not have any victimisation when they need representation.

Mr. Speaker, I have very much pleasure in supporting this Bill.

Mr. SPEAKER: The question is.....

Hon. W. A. CRAWFORD: Mr. Speaker, before you put the question, the hon. senior member for St. Peter is querying why the proposed Fire Service should be debarred from association with similar organisations outside of the territories mentioned in the Bill. As I stated in my opening remarks, the amendment to the Fire Service Act is based entirely on a similar amendment to the Police Act which enables the police to form their own association, and what has happened here is that that part of the Police Act empowering the police to form an association has been lifted bodily into the Fire Service Act. If hon. members will refer to the Police Act, 1960-61, they will see in that Act that the Police Association is empowered to be entirely independent of and unassociated with anybody outside of the Force other than Police associations within the West Indies, British Guiana and British Honduras. These restrictions were transferred to the Bill before us today.

Sir, I must confess that I, myself, do not know all the specific reasons why this prohibition found itself in the original Police Act under reference, but presumably for the draft amendment to the Fire Service Act, they just lifted the amendment bodily from the Police Act and proposed

it for inclusion in the new amendment. Of course, when the Police Act was so amended to give similar power, Trinidad and Jamaica were not independent as they are now, and I am willing to concede that it appears to me just as obvious as it is to the hon. senior member for St. Peter that the Police Association and the Fire Service Association would have a lot more to learn from co-operation with a similar organisation in Great Britain than by co-operation with similar associations in British Honduras, or for that matter British Guiana.
1.15 p.m.

I must say that I have not had to deal with this matter for any length of time. I am merely introducing the Bill today on behalf of the Hon. Premier, and therefore I have not found it necessary to investigate why, in 1960, this provision should have been included in the Police Act and why it should be repeated here in the Fire Service Act. If the hon. member desires to ascertain the specific reason why this provision was included in the Bill, I will acquaint him of it today at a later date.

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

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to move that you do now leave the Chair, and the House go into Committee on the Bill.

Hon. C. E. TALMA: I beg to second that.

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

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

Clause 1 was called and passed.

Clause 2 was called. It reads as follows:—

The Fire Service Act, 1960, which Act is hereinafter referred to as the principal Act, is amended by inserting immediately after section 30 thereof the following new heading and new sections, that is to say:—

"FIRE SERVICE ASSOCIATION AND RESTRICTION OF ACTIVITIES OF THE SERVICE

30A. (1) For the purpose of enabling subordinate officers and firemen of the Service to consider and bring to the notice of the Chief Fire Officer and the Governor matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Fire Service Association which shall act through a Committee as provided by rules made under this Act.

(2) No representation shall be made by the Fire Service Association in relation to any question of discipline, promotion, transfer, posting, leave or any other matter in so far as it affects individual cases.

(3) The Fire Service Association shall be entirely independent of and unassociated with any body outside the Service other than a Fire Service Association in and for Antigua, Dominica, Grenada, Jamaica, Montserrat, Saint Christopher, Nevis and Anguilla, Saint Lucia, Saint Vincent, Trinidad and Tobago, British Guiana or British Honduras.

30B. (1) The Chief Fire Officer acting after consultation with the Fire Service Association, may, with the approval of the Governor, make rules for the constitution and management of the Fire Service Association and for any matters relating thereto.

(2) The Rules contained in the Schedule to this Act shall have effect as if made under the provisions of subsection (1) of this section and may from time to time be amended or revoked by the Chief Fire Officer acting after consultation with the Fire Service Association and with the approval of the Governor.

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30C. (1) It shall not be lawful for any member of the Service to be or to become a member of any unauthorised association.

(2) Any member of the Service who contravenes the provisions of subsection (1) of this section shall be liable to be dismissed from the Service and to forfeit all rights to any pension, gratuity or other allowance.

30D (1) It shall not be lawful for any unauthorised association to permit any member of the Service to receive any benefit, financial or otherwise, from such association or for any such association to receive any money from a member of the Service.

(2) Upon the contravention of the provisions of this section, the member of the Service, and every member of the association who is knowingly a party to such contravention shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding one hundred and twenty dollars.

30E. For the purposes of sections 30C and 30D of this Act an "unauthorised association" means —

- (a) any Trade Union as defined by the Trade Union Act, 1939, whether or not the union is registered or incorporated;
- (b) any league or association or body of persons, whether registered or not, which has for its objects, or one of its objects, the promotion of feelings of ill-will and hostility between different classes or races;
- (c) any other association, society or club, any of the objects of which may be subversive of good discipline on the part of a member of the Service, and which the Chief Fire Officer, with the approval of the Governor, declares to be an unauthorised association.

30F. A member of the Service shall not engage in any private business or trade without the consent of the Governor signified in writing under the hand of the Chief Fire Officer."

Hon. W. A. CRAWFORD: I beg to move, Mr. Chairman, that Clause 2 stand part of the Bill.

Hon. C. E. TALMA: I beg to second that.

Mr. WALCOTT: I must thank the Hon. Leader of the House for his explanation, Mr. Chairman, the explanation which he gave about the matter which I raised and that was in sub-section 30A (3). From what the Hon. Leader of the House says, it seems to me that in 1960 when we still had a Federation, this Government was under the impression that if you were making a Police Association, you were giving the Police Association the right to be associated with other organisations. (*The amplifying equipment became defective at this point*). It is not necessary to have this amplifying equipment, because you, Mr. Chairman, can hear me and the Official Reporter, who is important, and other hon. members are hearing me. I believe it is a question of Federation; now that that is history and Trinidad and Tobago are independent territories as well as Jamaica, it would seem to me to be unscientific that if we, in Barbados, are aiming towards independence, and you have this reading in an Act, it means that the Fire Association in Barbados would be the same Colonial or West Indian organisation without any contact with bigger countries. That is tantamount to saying that this Association as an Association cannot be associated with any of the Fire Associations which are outside of Barbados.

Suppose there was a conference of firemen or some other association of firemen to be dealt with and you sent out representatives to a conference? This is where this Association which will be in being will come in, and it seems to me difficult to say that this Association will not be joined to other associations and get their experience.

As the Hon. Leader of the House agrees with my contention I thought that I would draw that matter to his attention. It is a matter of action among the associations and it is not so much a reply to me. You have included these territories and you say that there are other territories that cannot be dealt with. They do not include Bermuda in this subsection, but they have included British Honduras, I do not see what is the real reason for naming the countries which you have named here. You have British Honduras and British Guiana. I do not know if it is anything to do with the transfer of Policemen to any of these places. Policemen leave here and go elsewhere, and I do not know the reason for putting in British Guiana or British Honduras and not Bermuda. You go to South America and you have British Guiana mentioned. As I say, Sir, I do not know what is the real and valid reason for putting in some of these territories and leaving out others. However, Sir, it seems to me that it would be a very weak thing on the part of this Association to have the United Kingdom where there is an excellent Fire Association, and then firemen in this Association here would not be able to have any association with such an organisation. However, Mr. Chairman, I must thank the Hon. Minister very much for the explanation which he has given me.

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

Clause 2 was called and passed.

Hon. W. A. CRAWFORD: Mr. Chairman, I beg to move that you do now report the passing of this Bill in Committee.

Hon. C. E. TALMA: I beg to second that.

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

The CHAIRMAN reported and Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Hon. W. A. CRAWFORD, seconded by Hon. C. E. TALMA in each case, the Bill was read a third time and passed.

1.25 p.m.

THE CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) (NO. 12) ORDER 1963

Mr. SPEAKER: We proceed with the next Order of the Day standing in the name of the Hon. and Learned Premier: to move the passing of a Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) (No. 12) Order, 1963." The Hon. Leader of the House already has permission to proceed with all matters in the name of the Hon. and Learned Premier.

Hon. W. A. CRAWFORD: Mr. Speaker, this Order refers to the recent decision to make the Attorney-Generalship of the Island a political appointment, and it therefore refers to the abolition of the permanent pensionable posts of both the Attorney General and the Solicitor General. The salary of the Attorney General now as a permanent pensionable post is \$11,340 per annum and that of the Solicitor General is \$9,480 per annum, and in removing these two posts from the Civil List — the Attorney-Generalship and the office of Solicitor General — we are, as I said earlier, substituting a politically appointed Attorney General and creating an entirely new post of Director of Public Prosecutions on the permanent pensionable establishment at a fixed salary of \$9,720 a year.

You will notice from the Addendum that it is proposed that the permanent pensionable post of Attorney General, as I said, will cease to be on the Civil Establishment and will be replaced by a politically appointed Attorney General of the Island. Now, section 2 of the Director of Public Prosecutions Act, 1963, provides for the creation of an office of Director of Public Prosecutions, and it is pointed

out that the holder of this post must be a person qualified for appointment as a Judge of the Supreme Court. The Director of Public Prosecutions Act also provides for the making of Orders for transferring to the Director such statutory functions vested in the Attorney General or the Solicitor General as is considered necessary. In other words, Sir, the duties now legally authorised for the Attorney General and the Solicitor General will be transferred to the person holding the post of Director of Public Prosecutions.

The principle behind all this, Sir, has already been accepted by hon. members — the abolition of the post of Attorney General as a Civil Servant — and this is more or less in keeping with the country's constitutional advancement towards independence; so the Order before us today merely seeks to provide the necessary legislative basis for the abolition of the post under reference and the creation of this new post on the Civil Establishment list, thereby making the way clear for the subsequent appointment of an Attorney General on an entirely political basis, which office will eventually entitle the holder as in the past to a seat in the Cabinet, to a seat in the Other Place, and he would of course, Mr. Speaker, as is to be expected, hold the post only so long as the Government which appointed him remains in office. I think, Sir, that nothing further need be said today on this question. All parties in the Legislature are in agreement with it, and members on both sides of the legislature have already signified their endorsement of these constitutional changes.

I beg to move that this Resolution do now pass.

Hon. C. E. TALMA: I beg to second that.

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

THE WIDOWS AND CHILDREN PENSIONS ACT, 1963

Mr. SPEAKER: Order No. 4 under Government Business stands in the name of the Hon. and Learned Premier: to move the second reading of a Bill to provide for the grant of pensions to widows and children of deceased public officers and for purposes connected therewith.

Hon. W. A. CRAWFORD: Mr. Speaker, the Bill before the House now deals with the very vexed issue of collections from Civil Servants towards what is known as the Widows and Orphans Pension Fund. The opinion has already been expressed in the Assembly by the Hon. Minister of Finance that the existing basis on which these funds are collected is more or less tantamount to an unfair extraction of a part of their salaries from members of the Public Service. Representations have been made to successive Governments continually within recent years on the part of the representative organisations in the Civil Service with reference to an improvement in the situation. Well, this Government has not been slow to heed these representations, and the Bill before us represents to some extent both the decisions of the Government and the representative organisation of the public servants themselves with regard to what should be done to make this fund operate on what could be regarded as a more just and equitable basis.

1.35 p.m.

Now, there are one or two amendments which I want to make to the Bill before the House, but the Objects and Reasons point out that this Bill seeks to repeal the Widows and Orphans Pension Act, 1928 and to make provision for a new scheme for the grant of pensions to the widows and children of deceased public officers.

2. Entry into the new scheme will be compulsory for all male persons, whether married or not, who are appointed to offices in the public service which are pensionable under the Pensions Act, 1947. This will be so whether the appointment is a first appointment or on transfer from other public service. But in the latter case an officer may be permitted to opt out of the scheme on

production of satisfactory evidence that he is a member of a similar scheme in some other territory. (Clause 3.)

3. Entry into the new scheme will be optional for all contributors to the existing scheme provided for in the Widows and Orphans Pension Act, 1928 and all contributors who elect to join the new scheme will cease to contribute to the existing scheme, surrender all rights under it and in exchange be credited under the new scheme with the same number of years of contributions as they had under the existing scheme. But persons who were contributors under the existing scheme only in respect of parts of their salaries will be credited with a proportionate number of years of contributions. Provision has, however been included in the Bill to ensure that in such cases the benefits payable under the new scheme will be not less than the benefits which would have been payable under the existing scheme (Clause 4.)

All of the provisions are very clearly set out in the Objects and Reasons of the Bill in the succeeding paragraphs 4, 5, 6, 7, 8 to 13, and I need not go into them in any more detail.

As I have said earlier, there are one or two corrections which I want to make to the Bill as it now stands. Clause 3, Mr. Speaker, deals with application of the Act and entry into the new scheme. Hon. members are referred to paragraph (a) of this Clause. I propose that this paragraph be deleted.

I understand that hon. members have the amendments before them, and now that they have been circulated, it is an unnecessary waste of time to go into them in detail until the Bill is in the Committee stage.

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

Hon. C. E. TALMA: I beg to second that.

Mr. WALCOTT: Mr. Speaker, I think all of us will agree to these amendments because they are long overdue. What I would expect, and I hope the Hon. Minister is in a position to tell us, is now that we are going from the old into the new, is it possible for us to have some idea of the position of the old system? Is there any account which can be given of the amount of money collected under the Widows and Orphans Fund, and, if these officers were paying 4% of their salary and they are now going to pay 2%, if they so elect — and I believe that everybody would like to enter into the new scheme — can the Hon. Minister give us information of what their position would be? This is not a scheme which the Government is playing any part in because the Government does not pay any portion to this Fund.

Sir, what I would like to know, at what stage is this 2% going to operate. I think that from everybody's point of view that if a man who is a bachelor under the new Act will have his money returned to him at the end of his service, the same consideration should be given to those who are still living. I would like to know to what extent this would apply to other people who are still alive and who have not received any benefit from this scheme.

I do not intend to go into these details with the Hon. Minister, but I hope that the matter has been thoroughly discussed with, may be, the Civil Service Association with whom these people are associated because it calls for a lot of expertise with these various things. As a matter of fact, I think that this matter would be dealt with better at that level than in Parliament; but these are some of the outstanding matters which strike me and I would like to know if agreement one way or the other was met to the satisfaction of the persons concerned.

As I have said, it seems to me, now that you are introducing the new rate of 2% deduction and refunding that amount to the persons who are benefiting from it, that that same concession should be applied to people who are alive now, that is to say, to those bachelors who have contributed to the old pension scheme and who are alive. They

should be the recipients of the contributions which they have made over the years. I feel that any man who has contributed to this scheme should be eligible and they should be refunded retrospectively even if they have retired before the passing of this Act.

Hon. W. A. CRAWFORD: Mr. Speaker, I take it that the provisions of this Bill, if and when it becomes law, would apply to all people who become eligible under the Bill in the future. I interpret the hon. member's question to mean that from any time previously, when these contributions to the Widows and Orphans Fund were made under the old Act, that the person should be eligible. For instance, if he is a bachelor, the same provision made for bachelors under this Act should apply to bachelors under the old Act.

I do not know if this point was made by representatives of the Public Service, but it seems to me that the Act would be only applicable to persons in the Public Service who may retire or may die after this Bill becomes law. I do not know if there is justification for the assumption that the provisions could be, or will be, retroactive.

Mr. WALCOTT: Mr. Speaker, I rise on a point of order. The point which I made is this. You are putting in a Clause which is a matter of principle as regards persons who contribute to the scheme and they do not become the recipients of any of the benefits of that scheme.
1.45 p.m.

If a man contributes to a scheme and he dies or is dismissed and he never receives any benefit from the scheme, then you should return to him the amount which he paid out. I say that this principle should apply retroactively because it should have been in operation with regard to those people who are alive. I am saying, Sir, that any person who has paid in 4% of his money and never had any widow or anything like that, should morally be entitled to this privilege.

Mr. SPEAKER: Is the hon. member's point of order still continuing?

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

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to move that you do now leave the Chair and the House go into Committee on this Bill.

Hon. C. E. TALMA: I beg to second that.

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

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

Clauses 1 and 2 were called and passed.

Clause 3 was called it reads as follows:—

3. (1) Subject to the provisions of this section this Act applies to —

- (a) every person who, at the date of the commencement of this Act, is a public officer in the service of this Government and is or had been a contributor under the Act of 1928 unless any such person, not later than three months after that date elects that this Act shall not apply to him;
- (b) every person who is appointed to be a public officer in the service of this Government after the date of the commencement of this Act;
- (c) every person, other than a person mentioned in paragraph (a) of this subsection, who,

at the date of the commencement of this Act, is a contributor under the Act of 1928 and not later than six months after that date, elects that this Act shall apply to him.

(2) The Governor may extend the time within which an election is required to be made under subsection (1) if in the circumstances of any particular case he considers it equitable to do so.

(3) Any person —

- (a) who, after the date of the commencement of this Act, is appointed on transfer from other public service to be a public officer in the service of this Government; and
- (b) who is a contributor to an approved scheme in that or some other public service, may on application to the Governor accompanied by satisfactory evidence that he is a contributor to any such approved scheme, be exempted by the Governor from the provisions of this Act.

(4) The Governor may from time to time require any person exempted under subsection (3) to produce satisfactory evidence that he is still a contributor to an approved scheme.

(5) In this section "approved scheme" means any statutory widows' and children's pensions scheme approved by the Governor for the purposes of this section.

Hon. W. A. CRAWFORD: Mr. Chairman, in connection with this Clause, if you look at the Act and in paragraph (a) (1) the Bill which we are now considering, you will see that it reads as follows:—

"(a) every person who, at the date of the commencement of this Act, is a public officer in the service of this Government and is or had been a contributor under the Act of 1928, unless any such person, not later than three months after that date elects that this Act shall not apply to him;"

I am asking leave to make an amendment as follows:—

That paragraph (a) of clause 3(1) be deleted and the following paragraph be substituted therefor —

- (a) every person who, at the date of the commencement of this Act —
 - (i) is a public officer in the service of this Government and is or had been a contributor under the Act of 1928; or
 - (ii) is the substantive holder of an office to which subsection (9) of section 2 relates,

unless any such person, not later than three months after that date, elects that this Act shall not apply to him;"

That is how it is proposed that this paragraph should read. If you will look at Sub-section (2) of Section 9 of the Act, you will see the sort of persons to whom the Act relates. The reason for this amendment is, I am told, that there are a number of employees at the Housing Authority and the Agricultural Credit Bank, as are set out in the Schedule to the Act, who normally now contribute to the Widows and Orphans Pension Fund, and the purpose of this amendment is to include them under the provisions of the present Act so that they should be eligible, or rather that the provisions of the Act will apply to all public servants including the members of these two independent authorities, namely, the Agricultural Credit Bank and the Housing Authority. Mr. Chairman, I ask leave to make that amendment.

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

Hon. W. A. CRAWFORD: Mr. Chairman, I beg to move that Clause 3 as amended stand part of the Bill.

Hon. C. E. TALMA: I beg to second that.

The question that Clause 3 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 4 was called. It reads as follows:—

4. (1) Where this Act applies to any person by the operation of paragraph (a) of subsection (1) of section 3 or by an election made under paragraph (c) of the same subsection, then, subject to the provisions of this section that person shall, from the date of the commencement of this Act —

- (a) cease to be a contributor under the Act of 1928 and be deemed to have been a contributor under this Act for the same number of years as that for which he was a contributor under the Act of 1928;
- (b) cease to enjoy the privileges and benefits of a contributor under the Act of 1928;
- (c) if at that date he is in other public service, become a contributor under this Act in respect of the salary payable to him from time to time in that service;
- (d) if, before that date, he had retired from public service or other public service, become a contributor under this Act in respect of the pension or salary in respect of which he was a contributor under the Act of 1928.

(2) Where pursuant to subsection (1) any person ceases to be a contributor and to enjoy the privileges and benefits of a contributor under the Act of 1928 the aggregate rate of any widow's pension and any children's pension payable under this Act shall not at any time be at a lower rate than the rate of pension which would have been payable under the Act of 1928 to his beneficiaries at the date of the commencement of this Act.

(3) Notwithstanding paragraph (a) of subsection (1) any person who was a contributor under section 33 of the Act of 1928 shall be deemed to have been a contributor under this Act for the number of years which bears the same proportion to the number of years for which he was a contributor under section 33 of the Act of 1928 as his contributions during that period bear to the amount of contributions which would otherwise have been payable under section 8 of the Act of 1928.

(4) For the purposes of this section —

"a contributor under section 33 of the Act of 1928" means a person who pursuant to section 33 of the Act of 1928 was a contributor under that Act only in respect of the excess of the salary receivable by him as a public officer in the service of this Government over the amount on which he was contributing or was a contributor to a Widows' and Children's Fund or Scheme in another territory at the date of his appointment as a public officer in the service of this Government.

Hon. W. A. CRAWFORD: In connection with this Clause, Mr. Chairman, it is proposed to amend paragraph (a) of Subsection (1) by deleting that paragraph and substituting therefor the following paragraph:—

"(a) cease to be a contributor under the Act of 1928 and be deemed to have been a contributor under this Act for the entire period of his pensionable service before the commencement of this Act;"

I am therefore asking leave to delete that paragraph in this Clause and to substitute therefor the paragraph which I have just read out.

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

Hon. W. A. CRAWFORD: Mr. Chairman, I beg to move that Clause 4 as amended stand part of the Bill.

Hon. C. E. TALMA: I beg to second that.

The question that Clause 4 as amended stand part of the Bill was put and resolved in the affirmative without division.

Mr. MILLER came in to the Committee and took his seat.

Clauses 5 to 13 inclusive were called separately and passed.

1.55 p.m.

Clauses 14 and 15 were called and passed.

Clause 16 was called. It reads as follows:—

16. (1) Any person who becomes a public officer under this Government after a period of service in a non-pensionable office, or a period of acting service in a pensionable office, may within one month of the date on which he becomes a public officer elect whether or not to pay, in respect of any such period of non-pensionable service taken into account under the Pensions Act as pensionable service, contributions equal to two per centum of the salary received by him during that period.

(2) Contributions under this section may be paid either in a lump sum or by deductions made from the officer's salary over a period not exceeding three years.

(3) If a public officer elects not to pay contributions in respect of any such period of service taken into account as pensionable service under the Pensions Act, then any pension payable under this Act to his widow or his or her children shall bear the same proportion to the pension which would have been payable had those contributions been paid as the number of completed months for which contributions have been paid bears to his number of completed months of pensionable service not exceeding four hundred.

Hon. W. A. CRAWFORD: Mr. Chairman, there are two proposed amendments in Clause 16. In line 7 of subclause (1), the word "non-pensionable" has been found to be superfluous and subclause (3) has also been found to be superfluous. If you refer to section 7 (5) you will see almost the same provisions there as set out here in this Clause.

I therefore beg to move that section 16 as amended stand part.

Hon. C. E. TALMA: I beg to second that.

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

Clause 17 was called and passed.

Clause 18 was called. It reads as follows:—

18. (1) If —

- (a) when a person who has made contributions under this Act ceases to be a public officer, it appears that he has had no wife throughout the period beginning with the date of his first appointment as a public officer in the service of this Government and ending on the date when he ceases to be a public officer; or
- (b) a person who has made contributions under this Act ceases to be a public officer under such circumstances that he is not eligible for the grant of a pension and would not have

become eligible under paragraph (b) or paragraph (c) of subsection (1) of section 6, the whole of his contributions shall be returned to him or his legal personal representative.

(2) Where a person who has made contributions under this Act ceases to be a public officer in such circumstances that he is eligible only for the grant of a gratuity, then, unless he retired from the public service in the circumstances defined in paragraph (5) of section 6 of the Pensions Act, he may elect that the whole of his contributions may be returned to him in return for the surrender of such benefits as might enure under this Act to his widow and his or her children.

(3) If a person who has made contributions under this Act has no wife when he ceases to be a public officer, then if there are no children of his or of any wife of his, who remain eligible for a children's pension, there shall be returned to him or to his legal personal representative such of those contributions, beginning with the last of them, as is necessary to secure that the period in respect of which contributions have been paid by him without being returned does not extend beyond the date on which he last had a wife.

(4) In determining the amount of any contributions to be returned under this section to any person or to his legal personal representative account shall be taken of all contributions made by that person under the Act of 1928.

(5) Where any contributions are returned under this section, and addition shall be made to those contributions of one and one quarter per centum of the total amount of the returned contributions.

Hon. W. A. CRAWFORD: We are amending Clause 18 to include at the end of subclause (3) the following words:-

"or, as the case may be, the date on which any child of his or of any wife of his, ceased to be eligible for a children's pension."

The Act provides for the refund to a bachelor on retirement, etc. from the Service of his entire contribution plus interest at the rate of 1 1/4%. Likewise, if a married man's last wife predeceases him, he is entitled to a refund of his contribution plus 1 1/4% interest. The Government will have been using his money all down through the years, his wife has predeceased him, and therefore he is entitled to a refund plus interest at the rate of 1 1/4%, and this is also applicable in case his last child dies or ceases to become eligible under the Act. In order to set this out clearly, it is proposed to amend Section 18 in the manner I have already shown by adding the words which I have already read.

SUSPENSION OF SITTING

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

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

On Resumption:

Hon. G. G. FERGUSSON: Mr. Speaker, I observe that there is no Quorum, and ask that you direct the Clerk to ring the Bell.

Mr. SPEAKER: I thank the hon. member. Please let the Bell be rung.

The Bell was rung, and a quorum was obtained.

Mr. SPEAKER: I am advised by the Clerk that during the morning on account of inadvertence all notices were not given. I have no objection and I hereby grant leave to the giving now of such notices.

QUESTIONS

Mr. BATSON: Mr. Speaker, I beg to give notice of the following Question:-

To enquire of the Appropriate Minister:

Is Government aware that the people of Shop Hill, St. Thomas are very concerned over the fact that they have not as yet been afforded with a Toilet and Bath in the said area?

2. Will the Minister make it possible to accommodate the said people with their request?

Mr. SPEAKER: Through no fault of the hon. senior member for St. Thomas I was not afforded an opportunity of perusing this question as no copy of it was placed on my file, nor was any mention made of it at all on my notice paper which is blank. In respect of this question, may I just point out that it inquires whether the Government is aware that the people of Shop Hill, St. Thomas, are concerned over a certain fact, and then the question goes on to ask whether the Minister would make it possible to accommodate the said people with their request. What is their request? May I suggest that no mention is made of the request in the first instance? I will have the question so amended to include the toilet and bath which they requested.

BILLS READ A FIRST TIME

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to move that a Bill to provide for the operation in the Island of a Company to be known as the West Indies Hospital Funds Limited and for various matters connected therewith be now read a first time.

Hon. C. E. TALMA: I beg to second that.

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

2.45 p.m.

Hon. W. A. CRAWFORD: Mr. Speaker, I know that hon. members would like to leave early; therefore, the Government only proposes to finish the Bill now in Committee and deal with the two amendments from the Other Place.

I am, therefore, going to move the suspension of Standing Orders Nos. 5, 14, 16 and 18 in order to finish off Government Business and then to adjourn for today's sitting.

Mr. SMITH: Mr. Speaker, before you put the question, I would like to find out from the Hon. Minister just something. He said that he is only going to finish the present Bill and deal with the amendments from the Other Place. I want to be sure that he is not dealing with the Bill which was just given notice of. Just let me ask him if he intends to deal with that Bill.

Hon. W. A. CRAWFORD: No.

Hon. C. E. TALMA: I beg to second the motion.

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

HOUSE RESUMES COMMITTEE ON BILL

Hon. W. A. CRAWFORD: I beg to move that Government Business be now resumed.

Hon. C. E. TALMA: I beg to second that.

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

Mr. SPEAKER: When the sitting of the House was suspended, the House was in Committee.

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

Mr. CHAIRMAN: When the House was in Committee at the suspension, the Hon. Leader of the House was speaking on Clause 18.

Hon. W. A. CRAWFORD: Mr. Chairman, at the adjournment, I was speaking on the proposed amendment to Clause

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18, I think I have finished all the remarks which I want to make on it and I beg to move that Clause 18 stand part.

Hon. C. E. TALMA: I beg to second that.

Mr. WALCOTT: Mr. Chairman, it was on this Clause that I was pointing out to the Hon. Minister that this deals with the return of contributions to certain members of the Public Service and it is stated:

"(1) If —

- (a) when a person who has made contributions under this Act ceases to be a public officer, it appears that he has had no wife throughout the period beginning with the date of his first appointment as a public officer in the service of this Government and ending on the date when he ceases to be a public officer; or
- (b) a person who has made contributions under this Act ceases to be a public officer under such circumstances that he is not eligible for the grant of a pension and would not have become eligible under paragraph (b) or paragraph (c) of subsection (1) of section 6,

the whole of his contributions shall be returned to him or his legal personal representative."

Now, Mr. Chairman, I pointed out to the Hon. Minister that unless they have made arrangements on agreement, may be, with the Civil Service Association, this is a matter of principle. When you give back a man his contributions, you are giving him back his contributions because he has no means of getting the benefits from the contributions which he has made. The Hon. Minister did not tell us what is the standing with the Widows and Orphans Fund, and if a man dies tomorrow or after the coming into operation of this Act, his legal personal representative would be entitled to the contributions which he has made. Therefore, I have asked the Hon. Minister what happens to the man who retired last week? What about his contributions? Is he entitled to them? The Hon. Minister said that he did not think the Act would work retroactively. I would say that if a man makes contributions to this Fund, he should be entitled to what he has contributed. It is a matter of equity. I feel it is somewhat hard on an officer if you do not give him back his contributions. What arrangements have been made for the differential? You are now going to take out 2% of a person's salary instead of 4%. To what extent are the people going to benefit from that?

This Bill is somewhat difficult and I would not like my debate to get involved in that. As I mentioned earlier, I feel that any person making a contribution should be entitled to the contributions which he has paid up if he had no wife and was a bachelor. I feel that is a matter of principle because he had made this contribution. If you are not going to say that, then what is the fundamental reason for one who retires next year and he is going to get back all of what he has contributed as against the man who retired last year and who has already paid in his money? I feel that those pensioners should get back theirs too because, in any case, it was never fair to ask somebody to make contribution to a Fund and then when they are not eligible for any benefit from it through their having no wife or children, yet they made contributions for other persons.

2.55 p.m.

Now that the Government has done this, I feel that these people should be entitled to their money. This is one of those things which nobody seems to know what is the amount of the Fund. On one occasion the Hon. Premier said that there was no fund at all; money was just being paid in and you did not know how much it was, whether it was \$1 million, \$2 million, \$4 million, \$10 million, (A MEMBER: Or one penny.) Or one penny, as the hon. junior member for St. Thomas has just said *satte voce*. Persons who have contributed to the Widows and Orphans Pension Fund who are at present pensioners should be entitled to

receive the contributions which they have made if they are not eligible to receive them from the Fund.

Hon. W. A. CRAWFORD: Mr. Chairman, the reply to the point which has been raised by the hon. senior member for St. Peter is that there is no refund. My information is that this matter was considered by a Sub-committee of the Whitley Council and from the information which I see here, Sir, the Sub-committee do not agree that any change should be made with regard to refunds of contributions in respect of Widowers who will have retired before this new Bill becomes effective. It was said, Sir, that it will be appreciated that the Government carries a liability during the life-time of a wife and also with regard to the 20-year guarantee in respect of an officer who dies after only one month's service. I should like to point out that there are contributors to the existing scheme who are actually now in receipt of pensions and they are given the option to enter the new scheme and pay a contribution at the rate of 2% of salary until they reach the age of 60 years.

Mr. Chairman, there are now only 91 pensioners who contribute to the scheme and of that number of pensioners, 27 pay on their salaries and 64 pay on their pensions. With reference to the actual amendment which I read out earlier, the amendment to this particular Clause 18, hon. members will remember that the amendment was for the substitution at the end of sub-clause (3) of this Clause 18 the following words:—

"or, as the case may be, the date on which any child of his or of any wife of his, ceased to be eligible for a children's pension."

I said that a bachelor now is entitled to a refund, on retirement from the service, of the entire contribution plus interest at the rate of 1 1/4%. If he was never married or if he never had any children, therefore he neither had a widow nor children dependent upon him, then he gets back his entire contributions when he retires from the service plus 1 1/4% interest on the ground that the Government was receiving his money, and therefore he is entitled not only to the principal but also to interest at the maximum rate which the Government can afford. The amendment provides for a man whose wife predeceased him or who had no children when he retired. The amendment specially applies to a married man who resigned after the death of his last wife or the date on which he became eligible for a pension under the Act. That is all I can say on this matter; the amendment which has been circulated provides for the man whose wife predeceased him or who had no child dependent upon him when he retired from the public service.

The question that Clause 18 as amended stand part of the Bill, was put and resolved in the affirmative without division.

Clauses 19 to 29 inclusive were called separately and passed.

The Schedule was called and agreed to.

Hon. W. A. CRAWFORD: Mr. Chairman, I beg to move that you do now report the passing of this Bill in Committee with amendments.

Hon. C. E. TALMA: I beg to second that.

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

3.05 p.m.

Mr. CHAIRMAN reported the passing in Committee of one Bill with amendments and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. W. A. CRAWFORD, seconded in each case by Hon. C. E. TALMA, the Bill was read a third time and passed.

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AMENDMENTS BY LEGISLATIVE COUNCIL TO
WORKMEN'S COMPENSATION BILL, 1963

Mr. SPEAKER: We now proceed with Order No. 5 which stands in the name of the Hon. Leader of the House, the hon. senior member for St. Philip.

Hon. W. A. CRAWFORD: Mr. Speaker, the next item on the Order Paper deals with the amendments by the Other Place to the Bill known as the Workmen's Compensation Bill, and hon. members will see from the Message which has been circulated that the Honourable House has been asked to agree with one of these amendments. The amendment with which we agree is contained in the second paragraph of the proposed Message, namely, the numbering of the sub-clause immediately following sub-clause 6 as sub-clause 7. I think Sir, this is an obvious error and the House will therefore readily agree with this amendment.

I therefore beg to move that this amendment be now read a first time.

Hon. C. E. TALMA: I beg to second that.

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

On the separate motions of Hon. W. A. CRAWFORD, seconded in each case by Hon. C. E. TALMA, the amendment was read a second time and agreed to.

Hon. W. A. CRAWFORD: Now, Mr. Speaker, there are certain of the amendments which the Government cannot possibly accept and therefore we are asking the House not to accept them. The Message which we have circulated sets out in detail the reasons for disagreement, and if you look at paragraph 3, you will see set out the reasons for our non-concurrence with the amendments to Clause 2. The reasons are as follows:

The first one deals with the definition of the word 'dependants', and we contend, Sir, that the said paragraph deals with parents or grand-parents of illegitimate offspring, and it would be incorrect for drafting purposes - and indeed illogical to include a provision that refers to any other relationship in a paragraph of this nature. The Other Place has proposed with regard to Clause 2 the insertion of this paragraph:

'Member of a family' means wife or husband, father, mother, grand-father, grandmother, stepfather, step-mother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister or other relative to whom the deceased workman was related by blood.

If you will look in the original Bill at the definition of the word 'dependant', you will see that the amendment by the Other Place would limit this definition to include only a reputed husband or wife living continuously with the deceased workman for the period stated therein.
3.15 p.m.

It was our intention, as originally confirmed, to include and extend the provisions to any person other than the persons referred to in paragraph (a) in the definition of 'dependant'.

Furthermore, the amendment by the Other Place as worded and sent by us would include a reputed husband or wife who has been living continuously with the deceased workman for a period of six months and not in the case of five, ten or even twenty years previously to the death of the workman. This was not the policy of the Government at all. We wanted to provide for a man living in common-law marriage form with a woman from whom he had children in a house, and if he was injured in the course of his employment, we wanted the definition of 'dependant' to mean that the reputed wife and the children resulting from this common law association to be entitled as a right to compensation.

Now, the definition given by the Other Place to 'dependant' would, as I pointed out, and as they have pointed out in their proposed amendment, apply only to a reputed wife or husband living continuously although the stated period of concubinage occurred five, ten or twenty years previously. We could not accept that at all. The whole aim of the Government was to provide compensation under this Act for cases approved of and which still occur in the Island in which a common law wife and common law children will have legal entitlements to the compensation to which the injured worker of himself was entitled. In other words, people living out of lawful wedlock should in our conception be protected in the same manner as people living in the conventional manner, and the proposed definition by the Other Place, we think, was completely illogical and would not give the proper consideration to the circumstances existing in Barbados.

Furthermore, we pointed out in this Message that we saw no necessity for the amendment to the definition 'member of a family' because paragraph (b) of the definition 'dependants' in its original form would enable the persons envisaged by the amendment as well as any other person who submits the proof required by the paragraph to be deemed to be a 'dependant'.

Sir, we do not think the Other Place has given proper consideration to this matter at all. They have gone off on a tangent and lost sight entirely of the actual aims and objects of the Government in the Bill which was sent to the Legislature and therefore, except for the error in the paragraph to which I have made earlier reference, the Government cannot, and does not see its way, to accept the other amendments proposed by the Other Place. Accordingly, the House of Assembly is asked to reject the amendments to Clause 2 and has accordingly further amended the Bill which is returned here.

The Message concludes by respectfully inviting the Honourable the Legislative Council to concur in the passing of the Bill as amended.

Sir, I am sure that hon. members who have read the original Bill - and I think they all have - if they compare the amendments by the Other Place submitted to this Chamber readily would concur in this proposed Message to the Other Place. I think we can safely say that we, in this Chamber, know more about the relationships which exist between the workers and their families - their legal or reputed wives or their children whether illegitimate or legitimate - and we have made no bones about our contention to see to it that the mother of children living in the house, and the children themselves of an injured worker, whether married or not, are entitled to any compensation to which he is entitled under the provisions of this Act and we therefore make no apology for refusing to accept this distortion of our conception by the Other Place.

If you look at the Bill as has been passed by the House, you will see in the definition Clause that we specifically included any person other than the person referred to in paragraph (a) which sets out the persons who are wholly or partly dependant upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent - any person other than those persons who proves to the satisfaction of a judge that he was wholly or partly dependent upon the earnings of a workman at the time of his death, or would but for the incapacity due to the accident have been so dependent. So long as you can prove you are dependent, that is all.

I, therefore, beg to move that the amendments to Clause 2 as set out by the Other Place be disagreed with.

Hon. C. E. TALMA: I beg to second that.
3.25 p.m.

Mr. MOTTLEY: Mr. Speaker, first of all, I do not agree with the Hon. Leader of the House that the amendment by the Other Place is a distortion of what the Government wanted to do as regards their policy. This is one

of those amendments in which, I believe, both sides seem to be trying to do the best they could for the dependants of workmen who might meet with fatal accidents or otherwise. The hon. member's interpretation is not our interpretation. The amendment from the Other Place wants to limit the time during which a man is living with a woman as his reputed wife before that woman can make a claim. I believe that after 25 years' experience in handling these things, this amendment was done with the highest and purest of motives. It can be interpreted in just the opposite way to what the Hon. Minister has said and therefore I am voting for this amendment. I do so from my experience.

We know, Mr. Speaker, that there is a very high rate of illegitimacy in Barbados. The hon. member says that he did not think that there was anyone who knew more of this type of thing than members of the Government. Well, Sir, I do not want to take up that challenge because I do not know in what respect the hon. member means; but from my experience in dealing with these cases, I do know that it is the tendency in this country for men, after they have lived with women and those women have borne them from five to nine or twelve children, to leave them and go and live with other women. With this high rate of illegitimacy in this island, there is the tendency for men to fall for women of their own age-group and then they have not got much more use for them. There are hundreds of cases in this country which I have come across where men will leave these women to the wolves, take up young women and it may be they will remain with these women for two months or so and automatically these women who are now in the houses are more attractive than the ones with whom the men have been living for sixteen or eighteen years. The young women bear these men two children and, according to the original Bill, these young women are the ones who can make the claim. The women with the several children will be the sufferers. I am asking hon. members to see that this amendment from the Other Place is an honest suggestion. I have not seen any two, three or five dozen cases; I see these cases every week. A woman will come up to you and say: "The man has got a better job and he has gone after another woman". Hon. members know that that is exactly the truth; a man will live with a woman and she bears him five or six children - as a matter of fact, we have had the experience where they have been as many as fourteen children; you suggest marriage to a man in these circumstances, and he just does not consider that. He probably takes..... (ASIDES).

At this stage, Mr. SPEAKER knocked the gavel.

Mr. SPEAKER: Is the hon. senior member for St. Peter attempting to rise on a point of order?

Mr. WALCOTT: On a point of order, I want to say, Sir, than an illegitimate child has to be rewarded at any time, no matter how many times a man may leave a woman.

Mr. MOTTLEY: Mr. Speaker, that is not the point, but in any case, the hon. senior member for St. Peter can speak on the rejection of this amendment. I am moving that this part of the amendment.....

Mr. SPEAKER: I do not think that the hon. member can make that motion.

Mr. MOTTLEY: It is absolutely clear to me, Sir, that there should be some limit in this matter. The experience of my colleague, the hon. junior member for the City, is not as long as my own, but he certainly has a lot of experience about these matters.

Hon. C. E. TALMA: On a point of order. I am sorry to interrupt the hon. member, but he is giving the House the impression that illegitimate children who are not living under the same roof at the demise of the father would not get any benefit. That a wrong impression; that will be seen if the Clause is properly read. If the hon. member will read the Clause properly he will see that all illegitimate children will benefit no matter under how many roofs they live.

Mr. MOTTLEY: Mr. Speaker, I am talking about the women now. With this high rate of illegitimacy in this island, what happens is that a man will leave one woman and go off with another in two months' time or whatever it may be. The hon. member says that the first woman can claim compensation. However, Sir, I do not think that I will waste any more time with this amendment. That part of the amendment which deals with the question of the continuous living by a reputed husband or wife with the deceased workman for a period of six months previous to his death, I will support, but I cannot support the other part of the amendment.

Mr. WALCOTT: Mr. Speaker, you will understand that we have to give great consideration to this matter because we, as an organization have submitted a lot of amendments. You cannot read this on the basis of emotionalism. 3.35 p.m.

The Hon. Minister has corrected the hon. member because the Council is only amending the Clause dealing with the definition of what is a parent or grandparent. At first blush, when you look at "or other relative to whom he is related by blood", that would appear to be all right, but persons have to realise that the whole point of the Workmen's Compensation Act so far as compensation to persons is concerned is really paying a pension to dependent persons, and I want to show the fallacy of the hon. member's argument. The section we passed reads as follows:

"Any person other than a person referred to in paragraph (a) of this definition who proves to the satisfaction of a Judge that he was wholly or in part dependent....."

The Judge has to listen to any person other than those you have named to determine whether he was dependent on the deceased worker, but the Council put in "a reputed husband or wife who has been living continuously with the deceased workman for six months previous to his death." That means that if a person lives with me for six months in 1898 and I die, she should come along, because this does not say six months immediately prior to my death. I can live with as many women in Barbados as will allow me and they produce children for me, but the law protects the children, which it must do. Now women are free-lancers because there is no law which says that your reputed wife must live with you and you alone; so the hon. member cannot expect in this Act for a reputed wife to have more protection than a legal one. A wife does not get this protection, because if a man's wife is proved to commit adultery and he gets a divorce, she does not get anything if there is a legal separation; but you cannot have a legal separation from a woman you caught doing the same thing that your wife did. You will find that would be a problem. A man may be living with a woman, she has children for him, but he is forced to leave her for reasons of adultery or other reasons. He goes and takes up another woman, she has no children from him, but for practical purposes she is his wife as against the one that has voluntarily divorced herself by her action. I appreciate the difficulties which the hon. senior member for Bridgetown has stated of previous women and their genuine hardships. Sometimes it is not the women's fault that the man elects to go with another woman who has no children and leaves out the one who has children. That is the price she has to pay for the freedom of not forcing the man to marry her. Those of us who are married know that there was some element of force or coercion.

Mr. SPEAKER: Does the hon. member mean persuasion?

Mr. WALCOTT: Forceful persuasion, Sir. I know how strong the hon. member is on these things on humanitarian grounds, but unfortunately with the Workmen's Compensation Act and in our society where there are lots of common law marriages, it would be extremely difficult to enter this Clause, because if you put it before a Judge like this, you would have an army of reputed wives, because as it stands now.....

Mr. MOTTLEY: On a point of order, as it stands now you can have an army of reputed wives.

Mr. WALCOTT: The amendment from the Other Place says "a reputed husband or wife who has been living continuously with the deceased workman for six months previous to his death". That means that in 1902 some woman lived with you for six months continuously, and another lived with you for eighteen months, and you can get fifteen women who lived with you on that basis before you died, but their intention, Mr. Speaker, was to define a reputed person in the Act. Our contention is that in a matter like this there is no point in defining a reputed wife, because our Bill says "any person other than a person referred to in paragraph (a) of this definition who proves to the satisfaction of a Judge that he was wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent." Any woman who can satisfy a Judge that she is the man's reputed wife gets the money; there is no question about that, and I have not found any difficulty in a reputed wife being able to get the compensation. The point about it, Mr. Speaker, is that the Judge does not go on the length of time; he works on the evidence that comes before him to determine who is to be regarded as the reputed wife. We are not living in Africa; so no Judge is going to permit a man to have two reputed wives. Mr. Speaker, the hon. member must be practical. You cannot expect a Judge to grant a man two reputed wives and grant all of us in here who are married one; therefore how can it work?

Mr. MOTTLEY: On a point of elucidation, is the hon. member really suggesting that a Judge would not allow a man two reputed wives, and he thinks that is not practical.

Mr. WALCOTT: No court in Barbados or in the British Commonwealth territories can allow a man two reputed wives. (Mr. MOTTLEY: You are making fun!) How you mean I am making fun? I am not talking about giving relief. How can any Court pass judgment that a man had two wives in Barbados unless you are playing play-play Court or tamarind tree Court? Only one person in law is your wife; so you can only take one person in law as a reputed wife, no matter how many more women you have. You cannot make the law books and say you know a man has one woman, but so far as the Board is concerned, there are five women. Any Judge making that nonsense of the Law Courts would be making fun. That is the only way I can interpret it. A man and woman must decide in their own lives where they are going, because you cannot ask a Judge to be a miracle man.
3.45 p.m.

I do not see how you can expect anything. If a man had another woman and that woman does not get anything, that is the price which she has to pay for tagging on. (A VOICE: What about a man who is living with his wife and has another woman?) Mr. Speaker, I am practical enough to know that a man who has a wife can be living together with his wife and yet he has other wives. However, under our law, if we do not grant a man two legal wives, how can you suggest that we should grant him more than one reputed wife? We are administering the law as distinct from working on any emotional basis.

What the hon. member is insisting on - and if I had to make any difference - is the question of people even related by blood. He is referring to some other persons related to you by blood, but the original clause is wide enough to provide for a man who is supporting his cousin. I can tell you this from a personal point of view. I have relatives who, if I had not been married, would be the persons who should come forward and say that I gave them so and so. Under this Act, they do not have to be related to you by blood either, because if a Judge is satisfied that you died as a result of an accident and there is some person or persons whom you had adopted, even if you did not do so legally, and let us say that you were sending this child to school and that person were living with you for the last ten years, the Court would grant that child compensation as if it were a child of yours. That is where this Bill is wide enough to cover these things.

There was a time when a reputed wife never entered into the picture. This is what "any other persons" mean.

We have not written the words "reputed wife" in the Act for this reason because if you wrote "reputed wife", you will have to give a definition of that, but you are not required to give a definition for "other persons". Those same points which the hon. member made were originally thought of. We discussed it very clearly but we found out that "other persons" would cover reputed wives as well.

Sir, I would like to see the laws in Barbados covering this whole question so as to avoid this very heavy legal process which one has to go through today because I have had this experience now. We have money to be paid out to people through a boy who was killed at the Exhibition. This boy left four children, and under our Provident Fund, we agreed that a payment should be made to his representatives; but one of the problems which we have is that he had four illegitimate children and we find it difficult to decide because he has these four children from four different women. The question is which was his wife. In each case, he left this woman because she had a second child for, let us say, Mr. Jones or another name. This man left four children, but from four different women; therefore, it would be very difficult for any Judge to come along and say that he had four reputed wives. That is why I say to the hon. member that I cannot work on the assumption. He had four different wives because there were four children from different women, but it may be a case that he left three of them completely out for many years.

This would not help at all. This only asks the Judge how he should arrive at a decision. This seeks to do the duty of a Judge. My view is that the Judge will have to take evidence to prove when the man died with whom he was living or visiting as a wife or whom he was sleeping at. You generally look for the person with whom he was sleeping and who was cooking his food and washing his clothes. I would go so far and say that a Judge in Barbados who cannot get down to earth as we do is not fit to be a Judge in Barbados.

I do not think that the hon. member is suggesting that there should be compensation for as many women as equivalent of children. I do not think that he was suggesting that the mother of every child should be given compensation when every woman in that respect was not his reputed wife at the time of his death. She may have been his reputed wife at some time of his life but not at the time of his death. The reason why I draw that to the hon. member's attention is that even your legal wife is not always your wife. If there is a separation, the fact that your legal wife has six children for you would not give her the right to compensation if you died. The hon. member should know that if a man is separated from his wife by divorce, she is not legally his wife; but if he is not separated by divorce she is still legally his wife and yet he may have a reputed wife with children. In that respect the children are going to get compensation. The Judge is going to determine how much he is going to give the children. The point which the hon. member fails to understand is that if a man is living with a woman while he has a wife who is living and there is no legal separation, his wife is still a dependent of his.

Mr. MOTTLEY: Not necessarily.

Mr. WALCOTT: Do not tell me that. She is a dependent.

Mr. MOTTLEY: No.
3.55 p.m.

Mr. WALCOTT: Mr. Speaker, I would not need to argue that.

Mr. SPEAKER: Nor does the hon. member need to listen to asides. (Laughter)

Mr. WALCOTT: A man's second wife is always a dependant unless the Court makes it otherwise. If the woman has not made herself right during the man's lifetime and he decides to bat in the second innings, she has to pay the price. That is as simple as it is. Men and women live together in a small community like this and that is the matter. If we take the chance, this is where the women will suffer more than the men; if a man's wife is alive and they

are not separated legally, the hon. member need not argue that the wife, unless a Will is made to the contrary, is entitled to the estate. That is why I say that the hon. member should view the amendment from the Other Place in the light that if we agree to a reputed husband and wife living together continuously with the deceased workman for six months previous to his death, that is something which the Court should take into account. To write that in and say that you must prove this to the satisfaction of the Judge is unnecessary. In my opinion, when a man dies, only one reputed wife can be entitled to benefit.

Mr. LYNCH: Mr. Speaker, I rise to support the remarks of my colleague, the hon. senior member for the City, as to this amendment. With a background of slavery such as is to be found in this country, the system of concubinage would naturally be very popular, and so this Bill must be of the highest importance. Having had something to do with administration in Local Government, I can bear out what the hon. senior member for the City has said, having regard to men straying from the marriage couch and having excursions abroad, having at the back of their minds probably a return to the original choice. Now, Mr. Speaker, if this Bill were passed and the amendments were disregarded you will find a situation such as this; what happened when the displaced workers received their money was that many of them would leave their original paramours and go abroad sometimes for two or three weeks at a time from one woman to another and, as the Bill at present reads, if a man happens to die at that time, the woman whom he happens to visit at the particular time would be the one who would have to succeed to a considerable portion of his estate. We have found that men who were usually over 40 years of age found themselves with more money than they usually handle and they would look around and spend two or three weeks at a time with one woman or another. That is what happened when the displaced workers got money and that would happen if they got windfall money. You will find that workers who are married will be looking around and forming temporary liaisons with younger women, and as the Bill reads at present, if anything happens to one of these men at the time when he was enjoying this temporary liaison with these women, the one who would succeed to a portion of his estate would be the one with whom he was enjoying that temporary liaison, despite the claim of the woman who was his real and regular paramour.

Mr. Speaker, we do not think that that is the intention of the Bill. The time element must enter into it and so the amendment which reads: "A reputed husband or wife who has been living continuously with the deceased workman for six months previous to his death" is the one which should be considered. It is felt that six months would be the period which would give the workman enough time to make up his mind as to whether he would remain in this temporary liaison or whether he would move further afield or return back home. That is the time limit with which we are at present concerned. The amendment would better have been drafted to read "A reputed husband or wife who has been living continuously with the workmen for six months preceding his death." That was the intention of the amendment. It is not like what the last speaker has said that the workman was living with a woman for six months in 1902 and therefore she would have a claim. Violence must not be done to commonsense. None of us could or would argue with the Hon. Leader of the House on the question of concubinage, but we have had some experience in the administration of local Government and we see these cases, which come to us week by week, of men who have moved abroad from their marriage couch, because that is what it is, and it is so regarded in most modern and progressive countries like Puerto Rico, for example, and the law should not be damaged by such liaison without any suggestion whatever of permanence about it.

Hon. W. A. CRAWFORD: On a point of order, Mr. Speaker, did I understand the hon. member to make some reference to me in this matter?

Mr. LYNCH: Mr. Speaker, I was lauding the hon. member's experience in matters of this sort.

Mr. SPEAKER: I am quite sure that the Hon. Leader of the House has risen on a point of elucidation.

Mr. LYNCH: Mr. Speaker, I was referring to the superior knowledge of the Hon. Leader of the House in matters of this sort; but I say that we have some experience of the matter in the administration of Local Government.

Mr. SPEAKER: Is that the point on which the Hon. Leader of the House is seeking my ruling?

Hon. W. A. CRAWFORD: I am wondering if it is a question of my experience in respect of Workmen's Compensation or what? What is the hon. member referring to?

Mr. LYNCH: Mr. Speaker, we have all had some experience in this matter from the point of view of Local Government, and our experience is that whenever men find themselves in possession of handsome sums of money, they will go abroad to find these temporary liaisons. 4.05 p.m.

It would do violence to commonsense, therefore, Mr. Speaker, if the law were phrased in such a way that if a man died while enjoying one of these temporary liaisons the lady whom he was visiting at the moment should succeed to a considerable portion of his estate.

The question that the amendments by the Other Place to Clause 2 be now disagreed to, was put and resolved in the affirmative, the House dividing as follows:—

AYES: Mr. BATSON, Hon. J. C. TUDOR, Hon. W. A. CRAWFORD, Hon. C. E. TALMA, Hon. G. G. FERGUSON, Hon. A. DaC. EDWARDS, Mr. CORBIN, Mr. WEEKES, Mr. LOWE and Mr. BOXILL — 10.

NOES: Mr. COWARD, Mr. HOLDER, Mr. SMITH, Mr. MILLER, Mr. SEALEY, Mr. LYNCH and Mr. MOTTLEY — 7

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to move that the Message from the House to the Other Place do now pass.

Hon. C. E. TALMA: I beg to second that.

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

AMENDMENTS TO TRADE UNION BILL, 1963

Hon. W. A. CRAWFORD: Mr. Speaker, there are two other slight matters. Hon. members will recall that in respect of the Trade Union Bill which we passed in this House a few months ago and sent to the Other Place, it was amended by the Other Place. The Hon. House invited the Other Place eventually to withdraw the amendments and the Other Place reconsidered and accepted the request of this House. Well, the House now has to inform the Other Place that it has disagreed with the amendments to the Bill and invite the Other Place to pass the Bill in its original form.

I am therefore moving the passing of the following Message from this House to the Other Place.

THE HOUSE OF ASSEMBLY TO THE HONOURABLE THE LEGISLATIVE COUNCIL

The House of Assembly has the honour to acknowledge receipt of the Message of 3rd September, 1963 from the Honourable the Legislative Council relating to the amendments of Clause 39 of the Trade Union Bill, 1963.

2. The House of Assembly has the honour to inform the Honourable the Legislative Council that in view of the motion made and passed by the Honourable the Legislative Council (mentioned in the said Message of 3rd September, 1963) agreeing to withdraw the amendments made by it

to Clause 39 of the said Trade Union Bill, 1963, the House has disagreed with the said amendments made to the said Bill by the Honourable Council and invites the Honourable Council to concur in the passing of the said Bill in the form originally submitted to it by the House."

In order to refresh the minds of hon. members with the Message sent from the Other Place to the House, I should like to read the Message sent to this House on 3rd September by the Other Place. It reads as follows:-

THE LEGISLATIVE COUNCIL
TO
THE HONOURABLE THE HOUSE OF ASSEMBLY

The Legislative Council has the honour to inform the Honourable the House of Assembly in reply to the Message of 18th July, 1963, from that Honourable House relating to an amendment to clause 39 of the Trade Union Bill, 1963, that the Council has given further consideration to the Clause number 39 and to the amendment made by the Council to that clause on the 2nd of July, 1963.

2. In view of the following facts which have come to the attention of the Legislative Council since it last considered the Bill, that is to say:-

- (a) that the Legislative Council in an Address to His Excellency the Governor dated 5th December, 1950, expressed agreement with the view that the Council should be considered a revising and delaying chamber provided that legislation which has been rejected by the Council shall not again come before it after its passage through the House of Assembly without such legislation having been first submitted to the verdict of the people of the Island at a General Election;
- (b) that provisions relating to peaceful picketing at residences had been previously included in legislation submitted to the Legislative Council and had been rejected by the Council; and
- (c) that it was expressly stated in the campaign for the General Elections in 1961 by the party now in office that the party if elected would amend the Trade Union Act to provide for peaceful picketing.

the Legislative Council has by motion, made and passed, agreed to withdraw the following two amendments which it made on the 2nd July, 1963, to clause 39 of the Trade Union Bill, 1963:

- (i) the deletion of the words "resides or" in the fifth line of the clause;
- (ii) the insertion of the words "other than where he resides" after the word "be" in the sixth line.

The matter to which this refers is fresh in the minds of hon. members, and I beg to move that this Message from the House to the Other Place do now pass.

Hon. A. DaC. EDWARDS: I beg to second that.

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

4.15 p.m.

TYPOGRAPHICAL ERROR IN STATEMENT

Hon. W. A. CRAWFORD: There is one other thing. There was a slight typographical error in the Statement with regard to the allocation of funds available out of the Commonwealth Development and Welfare Act of 1963. The statement as printed from it has a mistake, a symbol before Barbados while it should be before British Guiana and it would therefore have to be re-printed.

I, therefore, am drawing it to the attention of this House that this Statement will have to be re-printed, and I am asking the House to accept the Statement as amended.

I, therefore, request Your Honour to give the proper instructions for the reprinting of the statement.

Mr. SPEAKER: According to the hon. member's request, I shall and do now hereby give instructions that Mr. Clerk would see to it that the Statement be accurately re-printed.

SEASONS GREETINGS

Hon. W. A. CRAWFORD: Mr. Speaker, the arguments with regard to the West Indies Hospital Funds Limited Act, 1963, were that hon. members would like a little more time to study it. I, would, therefore, have to conclude Government Business for today and regret that I have to request their attendance here on Friday. They would have three more days to consider the Bill.

A VOICE: How do you expect us to come back here on Friday?

Hon. W. A. CRAWFORD: Some hon. members seem to forget that so long as they are elected to this Chamber, they have certain responsibilities.

Mr. Speaker, as it seems unlikely that we will meet before the festive season, as is customary, on behalf of the Government, I should like to extend the warmest felicitations for the season to Your Honour and to hon. members of the House, and to wish Your Honour and them a bright and merry Christmas and all happiness, prosperity and success for the New Year.

I do hope that hon. members will return to the Chamber early in the New Year considerably refreshed both in mind and in body and resolved to make all the sacrifices necessary, almost every day of the week, to come to this Chamber to do public business and to co-operate in the most harmonious way with the Government in the passing of measures submitted to the Chamber.

Sir, we of the Government, should like to express our appreciation of the manner in which Your Honour has deliberated over our meetings and also to the hon. members of the Other side for their co-operation and support, and we look forward to enjoy the heartiest cordiality at the same time during the coming season. *(Cheers!)*

Mr. LYNCH: Mr. Speaker, on behalf of the Official Opposition, I, too, would like to felicitate Your Honour and to congratulate you on the manner in which you have presided over our deliberations during the past year and I would like to pay a word of tribute also on behalf of those of us who have not been here as long as other hon. members to say how helpful you have been and how tolerant you have been to us on points of order, and it would seem, Sir, that you have been following the tenets of Speaker Lowther who said to King Charles I: "I have no voice to speak in this place; no eyes to see other than this House shall direct me whose servant I am here."

Perhaps, Sir, in your deliberations you might be attempting to emulate Speaker Lowther who led the House during the period of 1905-21.
4.25 p.m.

If he is too obstinate, he makes few friends. If he is too weak he also falls into the other two classes; but you, Sir, have invariably presided over us with cold tolerance and with resolution, and so all of us wish you a very happy Christmas and we hope that during the New Year which lies ahead there will be fewer stormy meetings and a great deal of work will be done. *(Hear! Hear!)*

Mr. WALCOTT: Mr. Speaker, I cannot speak for any official side of the House and therefore I will speak for myself. I say that it is a pleasure for me to wish you the Season's Greetings. After what I regard as a very eloquent speech made by the hon. junior member for the City of Bridgetown about your qualities, it is not necessary for me to say anything along those lines. I think that you possess all of the qualities that a Speaker should have; you

have in this House on many occasions when you were the Deputy Speaker, demonstrated in those days that you were moulded for this high office of the Speaker of this ancient Assembly. I am very pleased indeed that I am numbered among the members who have the honour and privilege to sit under your chairmanship, and I do hope I will have that privilege for many years to come. I hope that the time is not far distant when I will rise from my seat and pay tribute to you for an honour which I feel you and your high office deserve.

I feel sure that those of us of this ancient and honourable Assembly must feel a sense of diffidence that our Chamber is not honoured in the appropriate way that similar Chambers have been honoured in other parts of the Commonwealth. I feel that the distinction which has been withheld from this Chamber for so many years will not be long in coming, and that Your Honour will be the recipient of such an honour. Mr. Speaker, I look forward to addressing you outside of this House in terms which will be appropriate to the high office of the Speaker of this Assembly. I wish you the Season's Greetings and hope that in 1964, if not on New Year's Day, I shall be able to congratulate you in a different manner than I am doing today. (Cheers!)

Mr. SMITH: Mr. Speaker, on behalf of my Party, I rise to wish you the Season's Greetings. As the last two hon. members have spoken they have really left nothing for me to say as to your qualities. However, Sir, there are some men who have been born to do great things, some have been born to do small things and some have been born to do bad things; but, Sir, you are one of those who have been born to do great things. Mr. Speaker, I will never forget when, on many occasions in this very Chamber, you had to come to my assistance when others wanted to do bad things. Therefore, Sir, as Speaker your qualities will always remain long with us and I do hope that 1964 will find you a happier, greater and wealthier Speaker in and out of this House of Assembly than now. Sir, it gives me great pleasure to wish you the Season's Greetings.

Mr. COWARD: Mr. Speaker, I am an independent member of this Chamber and I wish to add my voice to the voices of those hon. members who have already wished you the Season's Greetings. I think we have had a very pleasant year and much has been accomplished under your Speakership. We are now about to have a recess and I feel that every hon. member will take full advantage of the Holiday so much so that they will return to this Chamber better fitted to do their work than they were before.

Mr. SEALEY: Mr. Speaker, I could not allow this opportunity to slip without saying a few words. First of all, Sir, I want to commend the Hon. Leader of the Government and the Government as a whole on the manner in which they have piloted the business of the entire year on the road to success. I also will have to take off my hat to you, Sir, for the tolerance you have shown, especially to some of our friends. I am seizing this opportunity to wish you all a very happy Christmas and I hope that Your Honour will return full of life, with fresh vigour and with that type of energy which will lead the island on to success.

Mr. MILLER: Mr. Speaker, I could not allow an occasion like this to go by without saying a word of congratulation to you, Sir. I remember somewhere in the turn of this century a friend of the people who was asked to say a word or two on the matter of greetings at a Christmas function. He started and ended on a note of conviviality which may be described as the elixir of life which is sometimes referred to as eclipse. Sir, since you are not likely to slip to the horizontal in sobriety, I take great pleasure in congratulating you along with those hon. members who have already spoken, and I hope that this Christmas will bring to you many a memory. Mr. Speaker, it all boils down to wishing you a Merry Christmas and a Happy and Prosperous New Year.

Mr. CARMICHAEL: Mr. Speaker, the Hon. Leader of the House has congratulated Your Honour and what he says goes for the Government Party, including myself. Nevertheless, I believe that it would be an omission on my part

as Deputy Speaker of the House if I failed to express to Your Honour my feeling as to the worthy example which you have set as Speaker for me to follow.
4.35 p.m.

It was during your absence abroad and at some time at home through illness that I could fully appreciate what might be the pleasures or displeasures at times of being Speaker, but in my usual role I would like to liken Your Honour's sitting as that of an eminent Judge who despite decisions which may be given which might be very unfavourable to persons, after the sitting is over or after the case is over, regardless of the decisions, must be respected, however favourable or disfavourable they are to them. I would attempt, Mr. Speaker, to say more than some hon. members in this House by saying that there are times when hon. members would like to have their way, however much or however constructive or good their motive may be, and at times they are overwhelmed and overtaken by a decision from the Chair which might not be pleasing to them. For that matter I am very happy to be Deputy Speaker under you, Sir, and with your guidance, irrespective of how tasteful or otherwise it may be to some hon. members at times, provided it is what is just and fair, I will be happy always to be associated with you as Speaker of this House.

Mr. SPEAKER: I thank hon. members not only for their good seasonal greetings, but for the highly laudatory remarks which they have made perhaps because they are already imbued, if not saturated, with the spirit of Noël; but because of the fact that what they have said will sooner or later go on record in Hansard, I am deeply appreciative of the tributes which have been paid so numerous by various individuals as well as representatives of Parties. I reciprocate their good wishes for the season, and I thank them for their co-operation during the year which is now fast drawing to a close.

There have been occasions when it may have seemed that some party in the House was rather trying. It may have been the Chair or it may have been an honourable member; but that, of course, is a matter of opinion as to who at the particular time was really the more trying. Such occasions are inevitable particularly in a tropical climate and with such keen debaters as the 23 members of this House over whom I have the honour to preside. I thank each and every one of you, Parties as well as Independents, for your tributes, and I look forward to having the holiday you have wished me, and I look forward to you having such a holiday yourselves. The tolerance which the hon. member has referred to has certainly been exhibited if only for the first time now by me, because so far as I can understand there is presently no motion before the House.

Hon. W. A. CRAWFORD: I did not think that we wanted to mix up such a mundane thing as a motion for Adjournment with the felicitations in honour of the approaching season; therefore I made no motion then.

I now propose to make the motion for the Adjournment, and I beg to move that this House do now adjourn until Tuesday, 7th January, 1964, at 12 noon.

Hon. C. E. TALMA: I beg to second that.

Mr. SPEAKER: Before I put the question, may I add that I am grateful to His Honour the Deputy Speaker, the worthy Chairman of Committees, and every member of the Staff of this House for the work that they have put in during this year? It has been a matter of regret that the First Clerk at the Table was indisposed for a considerable period during this year, but, taken by and large, every member of the Staff has done his fair quota of work, and I as Speaker am appreciative of what they have done. That includes those whom we do not see, but whose work in another part of the premises is so essentially and so vitally a part of Parliament, and is so indispensable for the production of Hansard. It is understood of course that I have in mind the typists; and the Marshal and Deputy Marshal would not be so successful in maintaining efficient order if it were not for the wholehearted co-operation of those uniformed

members of the Public Service who are available at and throughout every meeting of this House; I do now refer specifically to the Barbados Police Force.

Hon. J. C. TUDOR: Before Your Honour puts the question, I wonder if it would be proper, in the light of what you have just said, if we can request — and I think I can speak on behalf of all hon. members — that Your Honour direct Mr. Clerk to convey the House's best wishes for the season to all members of the Staff, himself included, as well as to members of the Constabulary.

Mr. SPEAKER: I am very happy to concur in the suggestion made by the Hon. Minister of Education, and I am wondering if I might direct him so to do on an occasion tomorrow evening when we officers and members of the Staff meet.

Hon. J. C. TUDOR: As Your Honour pleases.

The question that this House do now adjourn until Tuesday, 7th January, 1964, at 12 noon, was put and resolved in the affirmative the House dividing as follows:

AYES: Mr. BATSON; Hon. J. C. TUDOR; Hon. W. A. CRAWFORD; Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Mr. LOWE; Mr. CARMICHAEL; Mr. YEARWOOD; Mr. BOXILL; Mr. LYNCH; Mr. WALCOTT; Mr. COWARD; Mr. HOLDER; Mr. SMITH; Mr. MILLER and Mr. SEALEY — 16.

NOES: Nil.

4.45 p.m.

Mr. SPEAKER: Standing Order No. 37 states:

"When a Member's name is called by the Clerk at a division, the Member shall answer either by voting for the 'Ayes' or for the 'Noes'. A Member shall not answer in a manner inconsistent with any opinion which he may have expressed when the voices were taken collectively."

I understood the hon. junior member for St. George to say "No" when I was putting the question, unless he assures me that I was under a misunderstanding.

Mr. MILLER: You are, unfortunately, is that an indication of "God Rest Your Merry Gentlemen"?

Mr. SPEAKER: When the vote was taken, I was instructed by the Clerk and my hearing was that the hon. member said "yes". He may not now answer inconsistent with the opinion which he expressed, and I am therefore directing the Clerk to register his vote as "no".

(The Clerk handed the SPEAKER the results of the voting.)

Mr. SPEAKER: Fifteen hon. members having voted "Aye" and one hon. member having been recorded as voting "no";—I, therefore, declare the "Ayes" have it.

This House, therefore, stands adjourned until Tuesday, 7th January, 1964, at 12.00 o'clock (noon).

The House was accordingly adjourned.

4.47 p.m.