

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1966 - 71

HOUSE OF ASSEMBLY

Tuesday, 23rd May, 1967

Pursuant to the adjournment, the House of Assembly met at 2.30 o'clock p.m. today.

PRESENT

His Honour J. E. T. BRANCKER, Q.C., F.Z.S., (Speaker); Hon. C. E. TALMA, (Minister of Health and Community Development); Hon. J. C. TUDOR, M.A., (Minister of Education); Mr. J. W. CORBIN; Hon. G. G. FERGUSSON, (Minister of Trade, Tourism, Co-operatives and Fisheries); Mr. R. ST.C. WEEKES, J.P.; Mr. W. R. LOWE; Hon. N. W. BOXILL, (Minister of Communications and Works); Hon. A. DaC. EDWARDS, (Minister of Agriculture, Labour and National Insurance); Sir G. H. ADAMS, C.M.G., Q.C., B.A., D.C.L. (Hon.), (Leader of the Opposition); Mr. G. A. E. HOPPIN, J.P. and Mr. H. B. ST. JOHN, LL.B.

Prayers were read.

MINUTES

Mr. SPEAKER: I regret once again to inform hon. members that there are no Minutes available for confirmation.

LEAVE OF ABSENCE OF CLERK OF THE HOUSE

Mr. SPEAKER: I have also to inform hon. members that I have received a letter dated 22nd May, 1967, bearing the signature of the Clerk of this House of Assembly and it reads as follows:-

22nd May, 1967

His Honour the Speaker,
House of Assembly,
Bridgetown.

Sir,

I have the honour to make application for three months' leave of absence from my duties as Clerk of the Barbados House of Assembly as from 23rd May, 1967.

I may inform you that from the commencement of my tenure of office on 1st October, 1955, I have had no vacation leave from then until now.

I hope that the Honourable House may consider favourably this my application.

Yours faithfully,
(Sgt.) H. O. St.C. Cumberbatch,
Clerk, House of Assembly.

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that the Clerk of this House be granted three months' leave of absence from today.

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

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

DEPUTY CLERK APPOINTED TO ACT AS CLERK

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that the Deputy Clerk be appointed to act as Clerk of the House during the absence of the Clerk.

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

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

Mr. CHEZLEY BOYCE APPOINTED TO ACT AS DEPUTY CLERK

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Mr. Chezley Boyce be appointed to act as Deputy Clerk of this House during the absence on leave of the Clerk.

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

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

LETTERS FROM HIGH COMMISSIONER OF CANADA

Mr. SPEAKER: I beg to inform the House that I have received a letter from the office of His Excellency the High Commissioner for Canada and it reads as follows:-

P. O. Box 1246,
Port of Spain,
Trinidad & Tobago, W.I.

May 5, 1967.

Dear Mr. Speaker:

I wish to refer to the resolution passed by the honourable House of Assembly of Barbados on the occasion of the death of the Right Honourable Georges P. Vanier and to pass on to you the following message of acknowledgement from Mme. Vanier.

"May I extend to you, and through you to all members of the House of Assembly of Barbados, my very warmest thanks for your generous and thoughtful Resolution of sympathy on the occasion of the death of my late husband. The Governor-General held a deep affection for the members of the Government of Barbados whom he had met, and through them for the people of your charming Island. My family and I were therefore particularly moved by your kind act of remembrance, and

we shall treasure the words of your Resolution as a source of strength and comfort to us.

Pauline Vanier
Yours sincerely,
J. R. McKinney
High Commissioner.

The Honourable Speaker of the
House of Assembly,
Bridgetown, Barbados, W.I.

PAPERS TO BE LAID LATER

Hon. J. C. TUDOR: Mr. Speaker, unfortunately, I have not received yet my notice paper of papers to be laid to-day. I beg for leave to give notice of them later today.

QUESTION HELD OVER

Mr. SPEAKER: I am advised that certain questions have been received within the requisite time but in view of the fact that the acting Deputy Clerk should have sufficient time to consider them, I regret to refer them to the next meeting of this House.

SUSPENSION OF STANDING ORDERS

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Standing Orders Nos. 5, 14, 16, 18, 19, 40 and 45 be suspended for the remainder of today's sitting.

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

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

2.55 p.m.

GOVERNMENT BUSINESS

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Government Business be now taken.

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

Mr. SPEAKER: Government Business is the instant Order of the Day, and the first item stands in the name of the Hon. and Learned Prime Minister, and it is to move the second reading of a Bill to amend the Casual Employees Pensions Act, 1961.

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Order No. 2 be taken as the first Order under Government Business.

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

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

THE OLD AGE PENSION (AMENDMENT) ACT, 1967

Mr. SPEAKER: Order No. 2 has become the instant Order of the Day, and it stands in the name of the hon. senior member for St. Andrew. It is to move the second Reading of a Bill to amend the Old Age Pension Act, 1937.

Hon. A. DaC. EDWARDS: Mr. Speaker, hon. members will remember that during the last Budget Speech of the Hon. Prime Minister, it was decided that old age pensions would have been increased from \$2.40 per week to \$3.00 as from 1st October, 1966. On the 30th September, a Resolution was passed for \$165,000 under Head 46, Item 7, and this Resolution made provision for the payment of the increase in old age pensions. It is estimated that the entire annual increase is \$331,000. This Bill to amend the Old Age Pensions Act, 1937, now seeks to regularise the situation. It is true that the pronouncement was made in the Prime Minister's Budget Speech, but the Act had not been

amended. We are now seeking to have the Act amended to give effect to this as from 1st October last year.

In increasing old age pensions, it is customary to increase the means test. When last old age pension was increased, the means test was increased from \$3.00 to \$4.00. Now that there is an increase in old age pension again, the Act also seeks to increase the means test from \$4 to \$5 per week. The Bill is straightforward and I beg to move that it be now read a second time.

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

Sir GRANTLEY ADAMS: Mr. Speaker, I would like to know whether the Government in considering this amendment considered reducing the age at which pension can be had, and if so, can they tell the House now if they were reduced down the line by five years, four years and so on, what these sums would be, because when old age pensions were first introduced into this House, all these figures were available? The Government of the day decided on a sum which they thought they were able to pay and did not make the age lower than the figure then fixed. As I say, I would like to know whether this has been worked out, and if it has been worked out, why did Government not introduce it, and if they did not agree with it, what were their reasons for not agreeing to reducing the age.

Hon. A. DaC. EDWARDS: I am afraid Mr. Speaker, I am not presently able to answer those questions.

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

Hon. A. DaC. EDWARDS: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Hon. G. G. FERGUSON: I beg to second that.

APPOINTMENT OF CHAIRMAN OF COMMITTEES

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that the hon. junior member for St. George be appointed to Act as Chairman of Committees for the remainder of today's sitting.

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

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

The question that His Honour the SPEAKER do now leave the Chair and the House go into Committee on the Bill, was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. HOPPIN in the Chair.
3.05 p.m.

Clause 1 was called. It reads as follows:-

1. This Act may be cited as the Old Age Pension (Amendment) Act, 1967.

Hon. A. DaC. EDWARDS: I beg to move, Mr. Chairman, that Clause 1 stand part of the Bill.

Hon. G. G. FERGUSON: I beg to second that.

Sir GRANTLEY ADAMS: Mr. Chairman, I wonder if the Hon. Minister in charge of this Bill can give us some more information concerning it. With the knowledge of the population changes since 1937, he should be able to say what it would cost the Government to pay this pension at the age of 68 years now and what it would cost to pay it at 60 years. It is impossible to believe that anybody who is coming into this House with an amendment to the Act whereby more money is to be spent, would not be able to say what money would be required if they went further with the means test. Why is the Hon. Minister not in a position

to tell us that if we reduce the age by two years, that that age reduction would cost so much and that is why the Government does not propose to reduce the age.

Hon. A. DaC. EDWARDS: Mr. Chairman, I am not in a position to answer the question asked by the hon. junior member for St. Joseph at this stage. The whole matter is being reviewed.

Sir GRANTLEY ADAMS: The whole thing is being reviewed and therefore you come in with this piecemeal legislation.

Hon. A. DaC. EDWARDS: Mr. Chairman, it is a question of the establishment of the National Insurance Board which would be responsible for things like Public Assistance and Old Age Pensions. This whole matter is being reviewed and therefore I am not in a position to answer the question asked by the hon. member at this stage. When the National Assistance Board is established, all of these factors will be taken into consideration and the necessary information will be given.

J.M.G.M.
Mr. ADAMS: Mr. Chairman, while we appreciate the difficulty in which the hon. member finds himself, perhaps he is making too much of simple democratic information required and asked for by the hon. junior member for St. Joseph. The only information which we need, as I see it, is for the hon. member to answer the question or give the information as to how many people are at the age of 65 years, 66 years or 67 years. This Bill affects 1,000 people according to the figures which have been given by the Hon. Minister. If the Government knows that, how then can the Government come into this House with this legislation without telling us how many people are at the age of 65, 66 or 67 years. The question of the reduction of the age at which old age pensions should be paid has long been under consideration. When the Act was passed in 1937, blind persons were admitted at the age of 40 years and old age pensions were paid to persons at the age of 68 years. If the age for the payment of these pensions to blind persons has since been reduced to 25 years I think it is only a simple matter to find out how many people are at these particular ages as asked by the hon. junior member for St. Joseph. The National Insurance Act has been on the Statute Book for a long time now and the Scheme has come into operation shortly. Is the Government now bringing in a scheme without knowing these facts?

Hon. A. DaC. EDWARDS: On a point of order, Mr. Chairman, I referred to national assistance and not national insurance. National Insurance is one thing and a National Assistance Board is to be appointed which will take care of public assistance and old age pensions. It is a non-contributory scheme. The National Insurance Board looks after the contributory scheme; then there will be a National Assistance Board which will take care of the non-contributory scheme.

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

Clause 2 was called and passed.

Clause 3 was called. It reads as follows:-

"Section 6 of the principal Act is amended by substituting the words "three dollars" for the words "two dollars and forty cents" and the words "five dollars" for the words "four dollars".

Hon. A. DaC. EDWARDS: I beg to move, Mr. Chairman, that Clause 3 stand part of the Bill.

Hon. G. G. FERGUSON: I beg to second that.

Sir GRANTLEY ADAMS: Mr. Chairman, if we come to the conclusion that 60 cents is a reasonable increase, we will know what that will cost the Government. Does the Minister tell us that in this review he did not have in mind

the fact that if they gave 50 cents, it would cost so much? And if they reduced the age it would cost so much and you balance those two things. How can you say that you are reviewing the whole thing and come down with something which inevitably hinges on what you are still reviewing? Surely you would say at the age of 68 years, one shilling, at the age of 60 years, two shillings and you could come down and say whether it would be cheaper or more economical from the Government's point of view either to lower the age or reduce the amount. The hon. member has told us that he cannot say what effect the lowering of the age would have and is it not obvious that the two things must go together? You can say how much more you can give and how soon you would give it. Is the hon. member going to say on reconsideration that they will reduce the age but they have to reduce the 60 cents to 40 cents? How is it possible to ask grown-up men, let alone members of this Assembly, to say that you are reviewing the whole matter and one thing does not hinge on the other?

The Hon. Minister's answer is a feeble one and there is some reason for ignoring this. It is either that the Government has made up its mind that this must remain at this stage or this is a haphazard thing and we need not worry to have a general review. We are not or we need not worry to see about the other aspects of national insurance. That is not the way in which a Government should do its business.

Hon. A. DaC. EDWARDS: Mr. Chairman, the hon. member seems to be as much ill-informed as the Press is. The Press in a recent article said that we are increasing the old age pension as from today, but this increase takes effect from the 1st October last year. All we are doing now is to regularise the situation. I have pointed out to the hon. member as graciously as I could put it, that the whole system of public assistance whether by way of old age pension or otherwise is being reviewed.
3.15 p.m.

Now, Sir, the hon. member can ask 500 questions and if I do not wish to answer any, he cannot make me. I told the hon. member that I am not now in a position to answer them.

Mr. J. M. G. M. ADAMS: I understand the Hon. Minister to say that we are now regularising the position. Are we to take it then that this increase was made and paid without statutory authority? Is that actually what the Hon. Minister is saying? He did not say this at the start when the Bill was introduced at the second reading.

Hon. A. DaC. EDWARDS: Mr. Chairman, the hon. member may not have been aware that by way of Resolution on the 30th September, 1966, this House approved of the expenditure of \$165,000 to increase the pensions of old age pensioners by 60¢. I do not see how the hon. junior member for St. Thomas could have made such a statement.

Mr. J. M. G. M. ADAMS: Mr. Chairman, perhaps I did not hear the Hon. Minister carefully but I heard that this arose out of the budget. I was taking the opportunity now of searching the Estimates to see if there was such a provision in it.

Hon. A. DaC. EDWARDS: Mr. Chairman, for the information of the hon. member the Resolution which approved this matter was Resolution No. 33.

Sir GRANTLEY ADAMS: Is the Hon. Minister seriously saying that something which took place in 1966 can be voted for today?

Hon. A. DaC. EDWARDS: Mr. Chairman, we are not re-introducing anything that was done in 1966. We are amending this Act so as to increase the Means Test and also to increase the amount which was sent down in the Bill but the Resolution to provide for this amount has been passed in September, 1966.

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

Clause 4 was called and passed.

On motion of Hon. A. DaC. EDWARDS, seconded by Hon. G. G. FERGUSSON, Mr. CHAIRMAN reported the passing of one Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Hon. A. DaC. EDWARDS, seconded by Hon. G. G. FERGUSSON in each case, the Resolution was read a third time and passed:

CASUAL EMPLOYEES PENSIONS (No. 2) BILL, 1967

Mr. SPEAKER: The remaining Order of Government Business standing in the name of the Hon. and Learned Prime Minister is the second reading of a Bill to amend the Casual Employees Pensions Act, 1961.

Hon. J. C. TUDOR: Mr. Speaker, I am asking leave of the House to take charge of this item in the absence of the Honourable and Learned Prime Minister.

There being no objection, leave was granted the hon. Leader of the House.

Hon. J. C. TUDOR: Mr. Speaker, both in the last Parliament and since this Parliament has started, members on both sides of the House have expressed continually their concern over the provisions of the Casual Employees Pensions Act, 1961, owing to the fact that, desirable though it is, it does not cover every conceivable type of case.

3.25 p.m.

The attention of Government has been drawn from time to time, to some very hard cases which could not be covered under the 1961 Act. The Government had undertaken to see what could be done in this matter, and this Bill which is now before us represents what we have been able to do. This Bill sets out to do two things, Mr. Speaker. It sets out first of all to amend Section 10 of the Casual Employees Pensions Act so as to take into account the service of casual employees formerly employed by the Commissioners of Highways for the parishes of St. Andrew, St. Joseph, St. Lucy and St. Michael; and secondly it sets out to clarify the position with respect to certain amendments already made to the Casual Employees Pensions Act. It therefore provides for the repeal of Section 4 of the Act of 1961.

To go back a bit, I think hon. members would remember that the Ninth Schedule of the Local Government Act did include regulations covering service in a Vestry or similar Local Government body, and this definition of "service" to the Local Government authority was, so far as the 1958 Act was concerned, designed for people employed by former Commissioners of Highways, but for some reason or other did not include Commissioners of Highways of the parishes which I just named. It would appear that the reason why the Commissioners of Highways for those four parishes were not included in that Schedule was that the control of highways of those parishes had been vested in the Governor-in-Executive Committee before the coming into operation of the Local Government Act, 1958. This might appear to be a very untidy way of doing it, but this is what in fact was done, and for that reason the four parishes were not covered in this Schedule, with the consequence that it excluded the service of the Commissioners of those four parishes for the purposes of being taken into account under the Pensions Act, and it was because of this exclusion that certain casual employees formerly employed with the Commissioners of those four parishes found themselves somewhat at a disadvantage when the time came for their eligibility for pensions to be taken into account.

This Bill regularises that position, and as long as any such persons who had served within the service of the four Commissioners of these parishes which joined the Government service, so to speak, within a year of the termination of their service with these respective Highways Commissioners, this covers them for the purposes of the Casual Employees Act (Amendment) which is now before the House. I am sorry that the hon. senior member for St. Joseph is not now in his place, because he has quite frequently brought to the attention of the House this hardship which was worked on those people, and I am sure he would have been pleased to see that this is an attempt to regularise and make good that deficiency so far as they are concerned. Hon. members, too, on this side of the House who both privately and in questions addressed to the Minister have raised the same sort of concern as the hon. senior member for St. Joseph will be glad that this Bill is before the House today.

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

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

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

On the motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. HOPPIN in the Chair.

Clause 1 was called and passed.

Clause 2 was called. It reads as follows:

2. Section 10 of the Casual Employees Pensions Act, 1961, hereinafter in this Act referred to as the principal Act, shall have effect and shall be deemed always to have had effect as if for subsection (3) thereof there were substituted the following subsection -

"(3) Where -

- (a) a period of local government service which is pensionable under the Local Government Casual Employees (Pensions) Regulations, 1965 is; or
- (b) a period of service in the employment of the Commissioners of Highways for any of the parishes of Saint Andrew, Saint Joseph, Saint Lucy or Saint Michael was,

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within one year from the last day of such service followed by service as a casual employee, that period of service may, with the approval of the Cabinet, be taken into account as pensionable service."

Hon. J. C. TUDOR: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. St. JOHN: Mr. Chairman, I do not know if the Hon. Minister of Communications and Works had a look at Clause 2 of this Bill, because it seeks under Section 10 (3) (a) to remedy the situation with Local Government casual employees who worked in the Local Government service and within a year from the last day of such service, they then worked with the Central Government. Now the question is whether a period of a year is a sufficient period of time, because my understanding of the position is that this seeks to cover the employees of the Highways Commissioners of those parishes which continued to administer highways after

the new Local Government system came into operation. They are covered by paragraph (3) (a). When they gave over the roads lately, it may be possible that a year could have passed, but through no fault of their own or of the Government, although the roads were not taken over within the period of time in which it was envisaged. Although they were working with the Vestry and with the Local Government Authorities, say, in the Southern District and they went ahead working with the Highways and Transport, a year may have passed because they may not have been hired until after the expiration of a year through no fault of their own, because they may not have started working in that particular time. The Bill says before he can be taken into account the service must be within a period of a year.

3.35 p.m.

hon. member has raised seems to be a very good one. As far as I know, in the Southern District we took in nearly all of those employees, but as the hon. member has said, some of them might not have qualified for pension or gratuity. These people did not qualify for a pension or a gratuity as such. If you put in more than five years' service you are still given a gratuity, therefore these people will still be considered. If they can prove that they have been working for a stipulated amount of time, then there is no problem. We were getting these problems before because you cannot get people to swear to these affidavits. People are afraid to swear to them because it is difficult to say that a man has worked for ten or fifteen years in a particular job. I have known of an instance where a man produced two affidavits and it was discovered that he was really working but he was working at the Queen's pleasure. It is not that people intend to defraud the Government but you do not miss a person until after a certain time and you may discover that that person has been out of the Island. I do not think that you will get this sort of thing happening now because we are keeping the proper records.

Mr. J. M. G. M. ADAMS: Mr. Chairman, in many cases where a person is entitled to a gratuity or a pension, the Government give it and in many cases they may not give it. In many cases where the Government may not give a gratuity you have an aggrieved person. It may be our lot, as members of the Opposition, to hear many of these grievances and in many instances persons complain that they have not got their gratuities because of political reasons. While nobody would suggest that the ordinary civil servant who administers these schemes to provide these gratuities would be actuated by political motives, at the same time we wonder if sufficient is being done in relation to persons who are concerned in this matter. Everybody in the Government has an interest to see that nobody is aggrieved by a decision, and the Government should be satisfied that the decision was not actuated by politics. Where the Government is concerned, every effort should be made for an aggrieved party to know that no politics entered into any decision which appeared to have been made.

Sir GRANTLEY ADAMS: Mr. Chairman, I will move an amendment to this Clause arising out of what the hon. member has just said. You are passing an Act where you are paying persons for their continuous service. I will move an amendment to this Clause that the words "may, with the approval of the Cabinet," occurring in the penultimate line be deleted and the word "shall" be inserted in place thereof. Why does the Cabinet have to approve of this? Nobody is suggesting or has suggested throwing any bricks. We know that people are penalised if they do not belong to the right Party and why do you put the opportunity in the hands of the ruling Party to say "I approve" or "I do not approve?" These people are entitled in principle just as casual employees are entitled as in the past. I am asking hon. members seriously to consider or to agree that it is fatal to give the suggestion that this depends on the favour of the ruling Party whether it is the present Party in power or this Party.

Hon. N. W. BOXILL: Mr. Chairman, I do not want to prolong this debate, but I will reply to hon. members. The hon. senior member for St. Thomas has intimated that people are not given pensions because of political affiliations and what not.

Mr. J. M. G. M. ADAMS: On a point of order, I did not say that, Mr. Chairman. I said that people sometimes think so.

Hon. N. W. BOXILL: Mr. Chairman, not so long ago when the hon. member first came into this House he used to throw epithets at me about my learning to read or to understand. I said that the hon. member insinuated that, and that is not a direct statement. Anyway, what I am saying is this; the hon. member has just said that we are always trying to point out to an aggrieved party that it was not a political matter. I would like the hon. member to understand this. The hon. member is like a person who was born and found some money. Despite all that his parents may have done for him, somebody passes and says: "Do you know that your grandfather has left \$5.00 for you?" Do you know, Sir, that he will still ask about that \$5.00 which his grandfather left for him? It is the same thing here. Sometimes you will spend a whole day explaining to a man why he does not qualify for a pension and when you think that he has understood you, you find that he does not understand. No Minister has any say in the matter as to who should get pensions or not. If a man is entitled to a pension, the law has already been laid down. In these matters Mr. Jordan will work out the amount with the Chief Personnel Officer. Then it is sent to the Auditor General who goes through it with a fine-tooth comb and then he sends it back and says that it must be regularised because of some fraction of time. There is nothing political in this. After the matter leaves the Auditor General, it has to go to the Accountant General. We have nothing to do with it. This position came about because of the action of the Hon. Minister of Health and myself who investigated it and saw that some people have done nine years, nine months' service and they did not qualify for a pension. We asked the Cabinet to reconsider the matter and say whether it should be a period of ten years or not.

Sir GRANTLEY ADAMS: What an attack on the Civil Servants, Mr. Chairman! They are likely to make mistakes and therefore the Cabinet has to go through these things afterwards. There is no person on the other side of the House who is as anxious to give these people these pensions as we, on this side, are.

3.45 p.m.

The hon. member who has just sat down said that it is not a question of politics. The position is that it can only be granted with the approval of the Cabinet because the provision says that "period of service may, with the approval of the Cabinet, be taken into account as pensionable service." "May" does not mean "shall" you should say "shall". All that you need to do is to delete the word "may" with the words "with the approval of the Cabinet" and say "shall be taken into account as pensionable service."

Hon. C. E. TALMA: Mr. Chairman, as hon. members would remember, the Casual Employees Pensions Act came into effect from 1961. The Act provides a pension for workers who have served for a period of ten years or more and have retired on or after attaining the age 65 years.

After the Act was enacted, we saw that there were certain anomalies, some of which arose from time to time. There was also a lack of information by some local bodies because they failed to keep certain books, so there was a lot of confusion and it was difficult to arrive at the maximum service of some people who worked with these bodies.

We had regulations passed and made certain stipulations in order that certain people would get gratuities if they had put in more than five years' service. They were the ones who had put in a period of service in the employment of the Commissioners of Highways for St. Andrew, St. Joseph, St. Lucy and St. Michael before the central Government had taken over. Some of these workers had put in "donkey" years with the Commissioners of Highways.

The hon. member talked of passing a law and do not let it appear as if any favouritism is to arise. The position

is that you cannot give a blank cheque. No records have been kept in some cases and each case has to be examined by the Cabinet and met with the approval of the Cabinet so as to ensure that the taxpayers money is not mis-spent.

Mr. St. JOHN: Mr. Chairman, I am going to second the amendment by the Hon. Junior member for St. Joseph. As regards the point which I originally raised, it does not appear as if the hon. member seemed to gather what I was trying to point out.

This section of the Bill deals with two different situations. It deals with workers who had put in a period of service in the Employment of the Commissioners of Highways for either St. Andrew, St. Joseph, St. Lucy or St. Michael. That is contained in 3 (b) but in 3 (a) it deals with Local Government employees, that is to say those employers of Local Government who were taken over recently by the Central Government after serving a period of years with the Local Government. The point which I was arguing was that due to the fact there was a time lag between their employment with the Local Government and the Central Government, their period of years service may have lapsed. If the Hon. Minister is satisfied that this is so, then the points no longer arise.

If you are setting out in the proposed law a situation for eligibility, there is no reason to introduce the discretion of the Cabinet because either you come within the four corners of the Act or you do not.

Subsection 3 (b) says that if you put in a period of service in the employment of the Commissioners of Highways, within one year from the last date of service followed by service as a casual employee, that period of service may, with the approval of the Cabinet, be taken into account as pensionable service. I do not see any reason why having raised a stipulation there should be also the necessity for saying also "with the approval of the Cabinet." Because of the fact that some of these people may belong to a particular political party, the Cabinet is not going to exercise its discretion.

We put up the facts concerning every case and the matter goes to the Auditor General. He either certifies it or not. But now in this case, the approval of the Cabinet must be obtained because it says "may with the approval of the Cabinet be taken into account as pensionable service."

All that needs to be done is to delete the word "may" down to "Cabinet" and in place of the word "may" substitute "shall".

Hon. N. W. BOXILL: Mr. Chairman, I must reply to the point raised. The junior member for St. Joseph tries to point out that the Cabinet would decide on the applications from a political point of view. Nothing could be further from the truth.

I would like to say, first of all, that we on this side cannot accept the amendment for good reasons. I would like to ask members on the other side if it is because they believe that we on this side are a bunch of despots or if they believe that we are a bunch of idiots. The point is that the words "with the approval of the Cabinet" is not put in because of any political reasons but for the simple reason that each case must be gone into thoroughly by the Cabinet. 3.55 p.m.

The reason why the question of the approval of the Cabinet is mentioned here is not for political reasons, for the simple reason that if you look at the Bill, it includes the parish of St. Joseph. If we wanted to give people something for political reasons, I do not think St. Joseph would qualify, but we do not run a country that way. The people in St. Joseph are Barbadians like in any other part of the Island. We do not run the country the way other people used to run it. I cannot understand how Barbadians like those on that side of the Table can come in here every time and talk about the thin edge of the wedge, and that democracy is going through the eddies, at the same time forgetting that when they were in power Napoleon Layne better

known as Commissar and Dorian Farrell better known as Kid Supplie who were working at the Electric Company were intimidated and prevented from making a living in this country until Farrell had to leave his own native land. Nothing like this has happened since the Democratic Labour Party with despotic men has come into power. Today you get your own people always trying to bring you down in the most lurid, outlandish fashion. I know what I am talking about, because members on the other side get up and try to point out that pensions and gratuities will be granted with the approval of the Cabinet as a political gimmick, and that because a fellow comes from St. Joseph or from a certain part of Christ Church or from Porey Spring, he is not going to get a pension. All these people are Barbadians and they are going to get a pension as long as they qualify; but sometimes you get a borderline case and you cannot leave a borderline case. (Sir GRANTLEY ADAMS: We speak different languages; so we would not understand). You would not understand, because I speak English. I do not understand how they could expect us to do things for political reasons. Every time somebody comes in with a Bill, they have to come with an amendment, but we are not voting for the amendment because there is absolutely nothing wrong with this Bill; it has no political taint or touch as former Bills had.

Sir GRANTLEY ADAMS: I must persist for this reason; you are establishing a principle that the entitlement of a man for money out of the Treasury depends on the discretion of politicians. You are passing a Bill in which if a man proves he is entitled he will get a pension. One attempt was made, I have forgotten by which speaker, but the last speaker did suggest a borderline case. Who is to decide a borderline case, politicians or Civil Servants? If a man proves he has worked for nine years and eleven months, it is a hard case, and he does not come into the Act; and to put the temptation in the hands of any Government, the Barbados Labour Party or the Democratic Labour Party, or the possibility of saying you are a borderline case and outside the line but we will give you, is to contradict what the Legislature says. The Legislature alone and not the Government is the dispenser of public funds. What you therefore do now you can do in any Act and say "subject to the approval of the Cabinet". You can say that this Act shall come into operation on such and such a date with the approval of the Cabinet.

I am wondering Mr. Chairman, if the Attorney General saw this. No Attorney General, certainly not the present Attorney General, would put a thing like that in an Act where after you say the conditions under which a man is entitled to taxpayers' money, it then has to go for approval. Approval means going all over again. You are saying we vote some money to "A" which he gets on such and such conditions; then you say when he qualifies the Cabinet has to approve. What sort of legislation is that? I appeal to hon. members whom I see to see the danger of legislation of this sort. I appeal to them to forget what the last hon. member may have said and to vote according to commonsense and their conscience. The hon. member refers to despotic. Nobody would accuse some members of being despotic; they listen to a despot.

Mr. J. M. G. M. ADAMS: Clearly, Mr. Chairman, certain hon. members who have spoken have not understood the amendment. I listened with great interest to the speech of the hon. junior member for St. Thomas just as I listened to the speech of the hon. junior member for Christ Church who argued strongly in favour of the amendment, and then came out against it. The hon. junior member for St. Thomas argued firmly in both directions came out one way and then ended up by saying he is not going to vote they way he had argued. In fact I suggest to hon. members that that is a fair summing up of the hon. junior member for St. Thomas. We are all concerned to be fair, but nobody seems to have listened to what the hon. senior member for Christ Church said. There are two separate questions here. A borderline case can only arise in respect of proof of qualification. There can be no borderline entitlement as such. You are either entitled or you are not, and if you are entitled it may be a matter where the proof can convince the persons concerned that you are

entitled. If you are entitled or not should be a straightforward matter of law; it should not be a matter of approval by the Cabinet. In effect what this passage means here is that a man who is employed by the Commissioner of Highways for St. Michael where the records are well kept generally speaking, and who can prove he did twenty years of service and is now at the end of his working time, must await the Cabinet to decide one way or the other, and even if he can prove beyond any question that he was employed, he has to get favourable approval of the Cabinet for taking those twenty years into account.

If hon. members opposite would read the Bill carefully, they would realise that this paragraph which I am now discussing is not in itself going to give anybody a pension. Ultimately no doubt it can be argued that in any case nobody is entitled to a pension. You cannot sue the Government because it is given by grace and not by law. Nobody expects to see something like that in a Bill, and if I were a draughtsman I would have this as a backstop for somebody who would sue the Government because they claimed they had given ten years' service to the Government, because the Government would say we do not have to give a pension because it is a question of approval. That does not arise in this case. This clause deals solely with taking years into account. If any hon. member opposite can get up and show me that there is no conceivable circumstance which could arise on any conceivable occasion where a man has ten years of service and yet it will not be right to add that to his other years of service in the Government, I would not vote for the amendment, because this is what the question of approval connotes. I do not believe that the electorate of St. Thomas which returned me would have returned the hon. member who if the point was fought out would not support our side.
4.05 p.m.

If the hon. member can say "all right, this man did fifteen years' service" but think of this possibility of so and so saying it would not be right for him to get this pension for these fifteen years; he is as good as getting a pension for ten years in the Central Government. If anybody can think of any circumstances in which a hypothetical case could be put forward, I would have to agree, but there is no circumstance in which the approval of the Cabinet could be relevant to a case like this. Where a man has proved his case, entitlement should be automatic. I support the amendment moved by the hon. junior member for St. Joseph.

The question that the words proposed to be deleted stand part of the Clause was put and resolved in the affirmative.

A division was taken as follows:-

AYES: Hon'bles J. C. TUDOR, C. E. TALMA, G. G. FERGUSSON, A DaC. EDWARDS, N. W. BOXILL, Messrs. LOWE, CORBIN and WEEKES - 8.

NOES: Messrs. HINDS, ADAMS, ST. JOHN and Sir Granley ADAMS - 4.

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

Clauses 3 and 4 were called and passed.

On the motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, the CHAIRMAN reported the passing of the Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

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

PAPERS LAID

Hon. J. C. TUDOR: Mr. Speaker, on behalf of the Hon. and Learned Prime Minister, Minister of Finance and Min-

ister of External Affairs, I am commanded to lay the following:-

The Civil Establishment (General) (Amendment) No. 7, Order, 1967.

Public Officers Loan and Travelling Allowances (Amendment) (No. 2) Regulations, 1967.

Statement of sums of money paid over to the Accountant General by the Commissioner of Police during the quarter ended 31st December, 1966.

GOVERNMENT NOTICES

Hon. J. C. TUDOR: Mr. Speaker, on behalf of the Hon. and Learned Prime Minister, Minister of Finance and Minister of External Affairs, I beg to give notice of the following:-

A Resolution to give effect to the Civil Establishment (General) (Amendment) (No. 7) Order, 1967.

A Bill to provide for the establishment of a fund out of which the loss of and damage to, certain public property are to be made good, certain liabilities incurred by the Crown in right of its Government of this Island and by certain statutory bodies are to be satisfied and insurance premiums on certain public property are to be paid.

A Bill to amend the Motor Vehicles and Road Traffic Act, 1937.

A Bill to amend the Highway Act, 1900.

Hon. J. C. TUDOR: Mr. Speaker, on my own behalf, I beg to give notice of a Bill to validate certain marriage licences issued during the period 27th March, 1967 to 7th April, 1967.

Hon. N. W. BOXILL: Mr. Speaker, I beg to give notice of the following Resolutions:-

A Resolution to approve the lease to Quarry Products Ltd., of a parcel of land at Bagatelle, St. Thomas for the operation of a quarry thereat.

A Resolution to give effect to the Motor Vehicles and Road Traffic (Amendment) Regulations, 1967.
4.15 p.m.

BILLS READ A FIRST TIME

On the motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, the Bill to validate certain marriage licences issued during the period 27th March, 1967, to 7th April, 1967, was read a first time.

On motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, the Bill to provide for the establishment of a fund out of which the loss of, and damage to, certain public property are to be made good, certain liabilities incurred by the Crown in right of its Government of this Island and by certain statutory bodies are to be satisfied and insurance premiums on certain public property are to be paid was read a first time.

On motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, the Bill to amend the Motor Vehicles and Road Traffic Act, 1937, was read a first time.

On motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, the Bill to amend the Highway Act, 1900 was read a first time.

Hon. J. C. TUDOR: Mr. Speaker, that concludes Government Business for today.

Mr. J. M. G. M. ADAMS: Mr. Speaker, I rise on a point of order. It relates to the Regulations which have been made to the Motor Vehicles and Road Traffic Regulations. The Hon. Leader of the House has just given notice of a Resolution to give effect to them.

I rise to say that very often we on this side are asked to agree to the passing of amended regulations and we do not see the regulations which they amend. There is no marginal note giving the L.N. that can direct you to the Regulations.

I am asking the Hon. Leader of the House if he would be so good enough to have this done in such a way that in the future any Regulations or such matters with which we are asked to agree, that hon. members may be able to refer to the particular Regulation.

Mr. SPEAKER: I do consider this to be substantially a point of elucidation. I perfectly disagree that it is a point of order.

Hon. J. C. TUDOR: I wonder if the hon. senior member for St. Thomas would allow me to draw this matter to the attention of the Hon. Attorney General.

Mr. SPEAKER: I doubt very much that the hon. senior member for St. Thomas would be able to prevent the Hon. Leader of the House from drawing it to the attention of the Hon. Attorney General.

Hon. J. C. TUDOR: Mr. Speaker, hon. members will notice that I have given notice and moved the first reading of a Bill to amend the Motor Vehicles and Road Traffic Act, 1937, and a Bill to amend the Highway Act, 1900.

I think they will notice from the nature of these Bills that they will have to be dealt with fairly soon.

We on this side of the House have no intention of adjourning the House until a further date without first informing the Hon. Leader of the Opposition and he has intimated to me that he has no objection to my motion which I will now put for the adjournment of the House until Thursday next.

Mr. Speaker, I therefore now beg to move that this House do now stand adjourn until Thursday, 25th May, 1967, at 2.30 p.m.

I had also earlier in today's Sitting intimated to the hon. senior member for Christ Church that on the completion of Government Business I was going to move that Private Members Business be then dealt with. Since then I have intimated to him why I am unable to do it but he can be assured that next Thursday we will deal with Private Members Business.

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

Sir GRANTLEY ADAMS: Mr. Speaker, I would like to thank the Hon. Leader of the House for trying to approach me asking whether we would agree to meeting next Thursday. I am always willing to accommodate the Government if the Government Ministers are willing to notify us.

Hon. J. C. TUDOR: I am glad to learn that the hon. member is now willing to recognize members of the Government.

The question that the House do now stand adjourn until Thursday, 25th May, 1967, at 2.30 o'clock p.m., was put and resolved in the affirmative without division.

Mr. SPEAKER adjourned the House accordingly.
4.25 p.m.

