

THE
House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1971 - 76

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FIRST SESSION OF 1971-76
HOUSE OF ASSEMBLY

Tuesday, 30th July, 1974.

Pursuant to the adjournment, the Honourable the House of Assembly held a Special Meeting at 12.13 o'clock p.m.

PRESENT

His Honour N. G. A. MAXWELL, LL.B., (Speaker); Hon. C. E. TALMA, C.B.E., (Deputy Prime Minister and Leader of the House); Rt. Hon. E. W. BARROW, B.Sc., (Econ.) LL.D., (Prime Minister); Hon. G. G. FERGUSON, (Minister without Portfolio); Hon. R. St.C. WEEKES, J.P. (Temporary Minister of Communications and Works); Mr. W. R. LOWE, J.P., (Chairman of Committees); Mr. W. C. B. HINDS; His Honour C. A. E. HOPPIN, (Deputy Speaker); Mr. J. B. SPRINGER; Mr. J. M. G. M. ADAMS, M.A., (Leader of the Opposition); Mr. C. L. BOLDEN, LL.B.; Mr. F. L. WALCOTT, O.B.E.; Hon. P. G. MORGAN, C.B.E., (Minister of Tourism, Information and Public Relations); Hon. P. M. GREAVES, B.A., (Minister of Housing, Lands, Labour and National Insurance); Mr. H. deB. FORDE, M.A., LL.B.; Dr. the Hon. R. B. CADDLE, (Minister of Health and Welfare); Hon. A. MORRISON, (Minister of Agriculture, Science and Technology) and Hon. L. E. SANDIFORD, B.A., M.A. (Econ.), (Minister of Education, Youth Affairs, Community Development and Sport).

Prayers were read.

PAPER PRESENTED

Hon. C. E. TALMA:

Mr. Deputy Speaker, I am commanded on behalf of the

Mr. HINDS:

Mr. Deputy Speaker, on a point of order. I would like to draw your attention to one small point which

I think is of somewhat great interest in this particular respect. We were summoned to a Special Meeting, and the terms of the notice stated 12 o'clock. I am submitting, Sir, that the House did not meet at the time stated in the notice. I feel it my duty to draw that to Your Honour's attention because I would next be submitting that the House be adjourned until Tuesday next at 12 o'clock. (ASIDES). I do not know if hon. Members on the other side want to rise and make of themselves what they are, but I feel that it was my duty to make that comment.

Mr. DEPUTY SPEAKER:

Under Standing Order 9(3), the Rules still apply. This Special Meeting was scheduled for 12 o'clock and there is a quarter of an hour grace. I am sure that I called this meeting to order before 12.15 p.m.

Mr. HINDS:

Mr. Deputy Speaker, the point which I made was that this Meeting was summoned under Rule 6(9). Rule 6(9) states specifically "and the House shall meet at the time stated in such notice". There is no doubt about this. The Rule says "at the time stated in such notice"; and the time stated is 12 o'clock noon.

Mr. DEPUTY SPEAKER:

There is always a 15 minute Grace Period.

Mr. HINDS:

Not under Standing Order No. 6. (Aside.) Foolishness.

Mr. DEPUTY SPEAKER:

My ruling is that in all Meetings, there is a Grace Period; a period of 15 minutes. I called this meeting to order within the 15 minutes allowed as the Grace Period.

Mr. HINDS:

I have to obey Your Honour's ruling, but you will appreciate that Rule 6(9) does not convey to any hon. Member anything that Your Honour has just said.

Mr. DEPUTY SPEAKER:

The Hon. Leader of the House may proceed.

Hon. C. E. TALMA:

Mr. Deputy Speaker, on behalf of the Minister of Finance and Planning, I am commanded to lay the Waterworks (General) (Amendment) Regulations, 1974.

GOVERNMENT NOTICES

Hon. C. E. TALMA:

Mr. Deputy Speaker, on behalf of the Minister of Finance and Planning I beg to give notice of a Resolution to approve the Waterworks (General) (Amendment) Regulations, 1974.

Also on behalf of the same hon. Member, I beg to give notice of a Bill to amend the Petroleum Act,

1882.

Again, on behalf of the same hon. Member I beg to give notice of a Bill to amend the Waterworks Act, 1895.

Mr. Deputy Speaker, in accordance with communications made between myself as Leader of the House, the Hon. Speaker of the House and the Hon. Leader of the Opposition, I have sought permission to deal with these measures in all their stages at today's Sitting.

Mr. ADAMS:

Mr. Deputy Speaker, the Leader of the House was kind enough to write to me indicating that the Speaker was asked to convene a Special Meeting in order to have the Waterworks (General) (Amendment) Regulations, 1974 laid on the Table of the House. He did not indicate that he wished to lay the Bill to amend the Petroleum Act.

Whether he did or not, the Speaker in sending out notices to hon. Members has not indicated specifically that the laying of the Regulations, which is a separate thing altogether from doing the Bill in all its stages, was to be done today. If the Government has allowed the new waterworks rates to become unlawful, and if it wishes to go ahead and collect the new rates, they should go ahead and pass the Act. The Regulations, as I see them, are not specifically a taxation measure. I think that they should give hon. Members a little longer to deal with this aspect of it.

Hon. C. E. TALMA:

Mr. Deputy Speaker, as hon. Members will recall, the letter to which the Hon. Leader of the Opposition is referring, and which was duly signed by a member of the staff of the Cabinet Office, did actually include Order No. 5 — A Resolution to approve the Waterworks (General) (Amendment) Regulations 1974. This is one of the matters that we are dealing with today.

As I understand it, the Regulations have been circulated to hon. Members. If we are dealing with Regulations made under the Act, it is only natural that we will want to deal with the

Regulations at the same time, or later on you will hear that the Regulations were held up and not brought forward at the right time. Now that we are doing it in the right way, objection has been raised.

Mr. HINDS:

Mr. Deputy Speaker, I think that the matter before the House is one in connection with which we should refer to the Rules. We have been summoned here to a Special Meeting. 12.25 p.m.

Let us take what we have before us; we have before us a Bill to amend the Highways Act, 1900, (2) a Bill to amend the Motor Vehicles and Road Traffic Act, 1937, (3) a Bill to amend the Petroleum Act, 1882, (4) a Bill to amend the Waterworks Act, 1895, and (5) a Resolution to approve the Waterworks (General) (Amendment) Regulations, 1974.

We are not responsible, Mr. Deputy Speaker, for the way this notice has been sent out or prepared, or has been drafted, and the Honourable Leader of the House ought to know that he cannot walk in here today and lay a Resolution in respect of the Waterworks (General) (Amendment) Regulations, 1974

because the Special Notice that has come out, does not state that he is going to lay any Regulations. In other words, we appreciate Items 1 and 2 because the notice of these Bills was given on the 23rd July, and they were read a first time on that day. What I am saying, Mr. Deputy Speaker, is that the Leader of the House ought to know better than anybody else that any measure he is going to introduce in this respect has got to follow certain procedures. We are submitting that those procedures have not been followed in respect of a Resolution to approve the Waterworks (General) (Amendment) Regulations, 1974. I would like to hear Your Honour's ruling on this matter.

Mr. DEPUTY SPEAKER:

I wonder if the hon. Member is speaking of the Order of Business. According to Standing Order No. 10 "Unless the House otherwise directs, the business of each Sitting Day shall be transacted in the following order —" and, the Order is listed (a) to (r) in the said Standing Order; but the Honourable Leader of the House has stated that he had consultation with the Leader of the Opposition about today's business, and he has asked for permission to deal with all those Bills in all their stages today. Is that satisfactory to the hon. Member? I think the Leader of the Opposition should be the one to query, or to state his disapproval, but as I have gathered from the Leader of the House, there was agreement.

Mr. HINDS:

Mr. Deputy Speaker, am I to understand that you are suggesting that the Leader of the Opposition has more rights in here than other Members?

Mr. DEPUTY SPEAKER:

No. I hope the hon. Member would not think that of me. I was only saying that the Leader of the Opposition knows through a letter that has been written from the Leader of the House to him, what business would be done in the House today.

Mr. HINDS:

Mr. Deputy Speaker, this Special Meeting has been summoned under Rule 6(9) and it specifically states that the business set down for that day shall be according to what is in the notice.

Mr. DEPUTY SPEAKER:

Does the hon. Member have an Order Paper dated the 30th July, 1974?

Mr. HINDS:

I have been summoned to a Special Meeting today.

Mr. DEPUTY SPEAKER:

On my Order Paper it states "Special Meeting" 30th July, 1974." I want to know whether the hon. Member is in possession of one of these Order Papers for this Special Meeting.

Mr. HINDS:

I am in possession of a copy, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER:

Well, the Leader of the House is carrying on the business as stated on the Order Paper for this Special Meeting.

Mr. HINDS:

The Order Paper did not bring me here, Sir. It is a Special Notice which brought us here. This is a Special Meeting summoned to deal with special items, set out in the notice that was sent to my home, Sir.

Mr. DEPUTY SPEAKER:

And the Special items are numerated on the Order Paper. That is my ruling. I have an Order Paper here headed "Special Meeting", and Items as stated by the Leader of the House are there on it.

Mr. ADAMS:

If Your Honour pleases. I would not like Your Honour to think that I am not objecting. I would be the first to get up and object. Now Your Honour used the word "consultation". I do not regard a letter sent to me as consultation, because I have had no discussion with the Leader of the House about this matter to come to any agreement. He only has to represent to the Speaker, but what I am saying is that the letter which was written to me, very properly, — if the Leader of the House is not embarrassed by my commendations - recites that a part of the business he wished to transact was the laying of the Waterworks Regulations on the Table of the House but the notice sent out by the Speaker does not indicate that the Speaker gave permission to lay the Regulations. Now there is a difference between doing a Bill in all its stages, which includes giving notice, reading a first time, a second time, going into Committee, reading it a third time and passing it. There is no such thing as doing Regulations in all their stages, and this was recognized by the Leader of the House in his letter.

It is not the Leader of the House with whom we are quarrelling. What we are saying is that the Speaker, whether he may do so within the Rules or not, has not authorized the Leader of the House to lay the Regulations, although perhaps the Speaker was asked so to do. This was my initial objection and this, as I understand it, is the objection which is supported by the hon. Member for St. Peter. A Resolution has to be prepared to approve of the Regulations after they are laid and notice has to be given of that Resolution under the Standing Orders. We are suggesting that as far as the Regulations are concerned, the procedure is irregular. You cannot lay the Regulations, today, Sir, because it is not a day which has any item on the Agenda of "giving of notices". "The giving of notices" is not on today's agenda.

FIRST READING OF BILLS

Hon. C. E. TALMA:

Mr. Deputy Speaker, I beg to move that a Bill to amend the Petroleum Act, 1882 be now read a first time.

Hon. G. G. FERGUSSON:

I beg to second that.

Mr. DEPUTY SPEAKER:

The Question is that the Bill be now read

Mr. ADAMS:

Mr. Deputy Speaker, on a point of order

Mr. DEPUTY SPEAKER:

I have already ruled on the matter that the Leader of the House is quite in order procedurally.

Mr. ADAMS:

I have not agreed, Sir, ...

Mr. DEPUTY SPEAKER:

You are aware as to what would be the business of the House today, and you have just admitted that whilst you were on your feet.

Hon. C. E. TALMA:

If the hon. Member would give way, Mr. Deputy Speaker. The normal procedure was adopted, I have already said that. Representation was made to His Honour, the Speaker. Permission was sought to hold a Special Meeting in the public interest. Public interest demanded that. That permission has been granted and we gave you notice as Leader of the Opposition of what business we proposed dealing with today. I have not heard any word to the contrary. I have not received any communication to the contrary from anybody at all. Permission has been granted by the Speaker and we are now proceeding. All sorts of things are now being thrown into the works as though we are doing something irregular.

If we had not brought a copy of the Regulations, you would hear that the Waterworks Act is being amended and we would not bring the Regulations to show precisely what is being done. We always try to do it; it is done again on this occasion, and now you hear all sorts of things. You cannot amend something unless you have a copy of the Regulations before you. In order to know what you are doing and act sensibly, you must have a copy of what you are doing before you. That is all that we are trying to do. We are trying to regularize things and do them the right way, and now we are doing things the right way, all sorts of objections are raised. The whole thing is becoming nonsense.

Mr. HINDS:

Mr. Deputy Speaker, the Leader of the House must be made to understand that he and the Leader of the Opposition cannot get together to forego the Rules of the House. In other words, the business of the House must be arranged between the two of them in conjunction with the Speaker. 2.35 p.m.

If then there was an agreement — and we understand that there has been no agreement to lay the Regulations today in respect of the Waterworks - why is it that the Speaker's letter to hon. Members did not indicate this as Sub-Rule (9) states it should? Who is at fault, Sir? You must accept it, as an established fact, that hon. Members have been summoned here to do the business set down according to the notice which they have received, but now that we have arrived, we find that something contrary to what we have been summoned for, is to be embarked upon. We would certainly like to hear your Honour's ruling on this matter.

Hon. P. M. GREAVES:

Mr. Deputy Speaker, I do not want to prolong this matter because it is clear that you have already ruled on it. However, to reinforce your ruling, I should like to refer Your Honour to Standing Order 22.

It is clear that, under Standing Order No. 21, any matter which should be dealt with by way of a Motion should be given notice of, but there are certain exceptions to this. Under Standing Order No. 22, there are two ways in which one may give notice one may give notice when the House is sitting by giving notice at that time, or when the House is not sitting by giving the notice to the Clerk of Parliament. Notice has been given to the Clerk of Parliament since last Friday. Ample notice of this has been given, and it is clear that Your ruling is an absolutely correct one.

Mr. DEPUTY SPEAKER:

Will the Hon. Leader of the House proceed with Government Business. That matter has been settled.

Hon. C. E. TALMA:

Mr. Deputy Speaker, I beg to move that Government Business be now taken.

Rt. Hon. E. W. BARROW:

On a point of order, Mr. Deputy Speaker. This is a Special Meeting of the House, and even if it were not a Special Meeting of the House, Government Business would normally be taken first. It seems to me that my Hon. and Learned friend on my right has been so mesmerised by these Opposition objections now that by an Act of supererogation, he is asking now for permission to do things that he has a right to do. We are merely having a lot of unnecessary objections from the other side. Let us get on with the people's business.

I have allocated a certain amount of time to do the Items by the time we reach the adjournment, because I have been summoned to "the Throne of Grace" in Trinidad by Dr. Williams.

Mr. DEPUTY SPEAKER:

It has been drawn to my notice that I did not put the Motion, "That a Bill to amend the Petroleum Act, 1882, be now read a first time."

The Question that the Bill to amend the Petroleum Act, 1882 be now read a first time was put and resolved in the affirmative without division.

Hon. C. E. TALMA:

Mr. Deputy Speaker, I beg to move that a Bill to amend the Waterworks Act, 1895, be now read a first time.

Hon. G. G. FERGUSSON:

I beg to second that.

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

SUSPENSION OF STANDING ORDERS

Hon. C. E. TALMA:

Mr. Deputy Speaker, I beg to move that Standing Orders 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of today's Sitting.

Hon. G. G. FERGUSSON:

I beg to second that.

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

GOVERNMENT BUSINESS

Hon. C. E. TALMA:

Mr. Deputy Speaker, Order No. 1 is to move the Second Reading of a Bill to amend the Highways Act, 1900.

THE HIGHWAYS (ADMENDMENT) BILL, 1974

Hon. C. E. TALMA:

Mr. Deputy Speaker, this Bill to amend the Highways Act, 1900 (Act 1900-5) is to confer on the Collector of Taxes the powers heretofore exercisable by the Treasurers of the Councils under the Local Government Act, 1958 (Act 1958-55), and to empower the Minister, by order, to prescribe the sums payable as taxes for taxable animals and vehicles. This is merely just to implement the Budgetary Proposals as presented to the House on the 5th April, 1974, by the Honourable Minister of Finance and Planning who is also the Prime Minister. The various amendments have already become operative, and we are regularising what is already law by amending the Highways Act in keeping with the Budgetary Proposals.

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

Hon. G. G. FERGUSSON:

I beg to second that.

Mr. ADAMS:

Mr. Deputy Speaker, as I understand it, in the Provisional Collection of Taxation, Legislation in this country, a tax announced in a budgetary measure by the Minister of Finance remains in force for three months — (Asides.) Mr. Deputy Speaker, if the period is at stake, I would prefer to reserve this point.

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

Hon. C. E. TALMA:

Mr. Deputy Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on the Bill.

Hon. G. G. FERGUSSON:

I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill Mr. LOWE took the Chair.

Clauses 1 to 4 inclusive were called and passed.

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill in Committee.

Hon. G. G. FERGUSSON:

I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. CHAIRMAN report to Mr. DEPUTY SPEAKER who resumed the Chair and reported accordingly. 12.45 p.m.

On the separate motions of Hon. C. E. TALMA, seconded by Hon. G. G. FERGUSSON, the Bill was read a third time, passed and cited as the HIGHWAYS (AMENDMENT) ACT, 1974.

THE MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) (NO.2) BILL, 1974

Hon. C. E. TALMA:

Mr. Deputy Speaker, the next Item is a Bill to amend the Motor Vehicles and Road Traffic Act, 1937.

As the Objects and Reasons set out, the Bill would amend the Motor Vehicles and Road Traffic Act, 1937 (Act 1937-16) in order to increase the licence fees payable in respect of certain motor vehicles and to provide for an increase in the fines and penalties in respect of certain offences under the Act and for related matters.

Again this is one of the Budgetary Proposals which the Prime Minister presented to the House in April, 1974 which is now being implemented. Again this is in operation and this is being done to regularise matters.

Opportunity has been taken to incorporate certain proposals made by the Ministry of Communications and Works, that the Motor Vehicles and Road Traffic Act be amended in order to provide for an increase in the fines and penalties in respect of certain offences under the Act. This Act has been revamped and would comply with the representations made by the Ministry of Communications and Works.

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

Hon. G. G. FERGUSSON:

I beg to second that.

Mr. ADAMS:

Mr. Deputy Speaker, while I appreciate very much that the Government is adopting my suggestion

that fines be increased — I have to take it that all the arguments I have been putting before the House for over a year and a half have been accepted — yet I would draw to your attention that there is a Standing Order of the House that says that where during

the session.....I am trying to find the Standing

Order. I have been taken by surprise with this. There is a Standing Order which says that where a matter, has been dealt with by the House once in a Session and a Bill dealing with the particular provisions is either given or refused a Second Reading, it cannot be given another in the same Session, and I would have to ask Your Honour to strike out, in that case, the Second Schedule of this Bill. Your Honour should know the Rules better than me. The Prime Minister is saying that I came in here unprepared; he has enormous staff and is sometimes taken by surprise. Saturday night a Policeman came to my house with a letter and with the particulars of this matter, and I did not think the Road Traffic Bill would have anything other than Budgetary Proposals. I know sometimes that I put forward arguments of such common sense that even hon. Members on the other side have to see them, but I did not think they would be adopted in this round-about and backward way. I will find the Standing Order; it applies to a number of matters: it applies to the Marriage Act and so on. Is Your Honour familiar with it? Perhaps Your Honour could ask the Clerk what I am submitting is that the Second Schedule is out of order. It is against the Standing Orders.

Mr. DEPUTY SPEAKER:

Is the hon. Member suggesting that and cannot prove by what Standing Order he seeks to establish his argument.

Mr. BOLDEN:

Mr. Deputy Speaker, in view of the fact that the Government has seen fit to bring in a new penalty clause under the Road Traffic Act which substantially increases the penalties for certain offences, it is therefore clear that the Treasury is likely to be full at the end of the present Session as a result of these penalties, therefore I would have thought that the Right Hon. Prime Minister in conjunction with the Minister of Agriculture would have taken the chance to reduce some of the fees for licensing vehicles which would offset the increase of revenue which would be taken in the Treasury. We are hearing from one side of their mouths that we need to increase agricultural production, and I would have thought that this would have been a wonderful time that special licensing fees could be made applicable to those vehicles which are primarily or 100 per cent engaged in agriculture while leaving Budgetary Proposals in respect of other vehicles outstanding, because from the Budgetary Proposals it is clear that we have set up a privileged class in respect of taxation, because taxis have been exempt from the increased fees for registration. It means therefore that taxis have now come into a special category. In my humble opinion, it amounts to further subsidies to our non-national friends who visit these shores. The large hotels in Barbados have now got their own taxi fleet, which means that they are benefiting from the low registration fees. The small hotels which have to be paying to the other taxis will not benefit to that extent, and I would have thought that the Government would have taken this opportunity at least to give those persons employed in agriculture some of the benefits which would increase our agricultural production.

Rt. Hon. E. W. BARROW:

On a point of order, I would be very much indebted to the hon. Member who has just sat down if he

could instruct me on the parliamentary device by which I could give a subsidy to agriculture in a Bill to amend the Highways Act. He went from Highways to penalties in the Magistrate's Court and then to hotels and then back to the question of subsidies. I am a bit at sea. The only thing he did not do was to take us out to sea; but apart from that, I want to make one thing clear. A Government does not seek to raise.....

Mr. BOLDEN:

On a point of order.....

Rt. Hon. E. W. BARROW:

I prefer not to be interrupted. I waited until the hon. Member sat down and I would like him to afford me the same courtesy. A Government does not seek to earn revenue out of the Magistrates' Courts or any other Court other than Stamp Duties and matters of that kind. They are revenue matters; but when it comes to criminal offences and the penalties which are imposed for the commission of these offences, standing between the Government and the person who has committed the offence is the person who imposes the penalty, and the amount of the penalty is in the discretion of the person who is presiding over that particular legal institution which is frequently described as a Law Court. 12.55 p.m.

Far from seeking to raise revenue by increasing fees, Government frequently tries to reduce the amount of revenue by discouraging the commission of these offences by imposing high fines. I want to make this abundantly clear, that this is not a revenue matter when it comes to the increasing of the fees for traffic offences, we want to discourage the commission of the offences and not raise revenue. I could not allow the honourable Member to sit down after his excursion — it is true that it was a sort of lightning visit which he paid to the various sectors of the economy, the tourist industry, the agricultural sector and so on, it is true that he did not labour his points, perhaps he was a bit in fear that Your Honour might have ruled him out of order, as you should have, but you gave him a certain amount of latitude and I think he should understand that you have given him that latitude — but let us not confuse fees which we collect for revenue purposes with fines which we impose as a deterrent against the commission of offences.

Mr. BOLDEN:

Mr. Deputy Speaker.....

Mr. DEPUTY SPEAKER:

I would like to make this point which will settle everything.

Mr. BOLDEN:

Will I have the right to answer?

Mr. DEPUTY SPEAKER:

I am not sure, because I am going to make a ruling now. Will you please take your seat.

Mr. BOLDEN:

I would like.....

Mr. DEPUTY SPEAKER:

Will you please take your seat.

Mr. ADAMS:

Can I just say something, Sir? Standing Order 56 states "When once the Second Reading of any Bill has been agreed to or negatived, no question shall be proposed during the same session for the Second Reading of any other bill containing substantially the same provisions. On an Order of the Day relating to such a Bill being called, the Speaker shall direct that the Bill be withdrawn."

This Bill contains the same provisions as mine, the identical figures in the Bill which I drafted nearly two years ago and have been trying to get the House to pass. The Government has now brought it down without any regard to the provisions of Standing Order No. 56 and I ask that Your Honour follow Standing Order No. 56 and direct that the Bill be withdrawn.

Mr. DEPUTY SPEAKER:

According to what you have just said, is this substantially the same Bill? Is it identical to yours? If it is, according to Standing Order No. 56 which I have before me, does your Bill contain the same provisions?

Mr. ADAMS:

My Private Members' Bill says that section 45(1) should have \$1, 000 instead of £20 and \$2, 500 instead of £50. The Bill now before the House rewrites the Bill - that is, driving under the influence of drink — and it says a fine not exceeding \$1, 000, and on a second conviction \$2, 500. It is not substantially the same thing, but the same provision.

Mr. DEPUTY SPEAKER:

I am ruling according to Standing Order No. 56. Your Bill does not contain the same or substantially the same provisions, as the Bill now before the House. This Bill is quite in order. The Question is that the Bill be now read a second time.

Mr. ADAMS:

On a point of order, if it contains substantially the same provisions, in part or in whole, the Standing Order directs that it be withdrawn, Sir.

Mr. DEPUTY SPEAKER:

The motion before the House is that the Bill be read a second time.

The Question that the Bill be now read a second time was put and resolved in the affirmative, the House dividing as follows:

AYES:

Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. R. StC. WEEKES, Hon. P. G. MORGAN, Mr. W. R. LOWE, Mr. F. L. WALCOTT, Hon. L. E. SANDIFORD, Dr. the Hon. R. B. CADDLE and Mr. J. B. SPRINGER - 12.

NOES:

Messrs J. M. G. M. ADAMS, W. C. B. HINDS, C. L. BOLDEN, and H. deB. FORDE -4.

Mr. BOLDEN:

Mr. Deputy Speaker, I heard 11 Ayes.

Mr. DEPUTY SPEAKER:

Are you arguing with the Clerk? The Clerk is here to advise me. I have been advised by the Clerk that 12 Members voted Aye. Will you please take your seat.

On the motion of Hon. C. E. TALMA, seconded by Hon. G. G. FERGUSON, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill Mr. Lowe took the Chair.

Clauses 1 to 4 inclusive were called and passed.

1.05 p.m.

Hon. C. E. TALMA:

I beg to move that Clause 5 stand part.

Hon. G. G. FERGUSON:

I beg to second that.

Mr. ADAMS:

If Your Honour pleases, the Standing Orders of this House, we always thought, were made to be obeyed. Unfortunately we find that there is some difference of interpretation on this particular matter. What I would urge on the consideration of honourable Members before they vote, for this is a penal Act, and this is going to be decided in the Law Courts next Monday morning because I envisage that it will be passed this week and will become law in time for the traffic cases on Monday morning. People will be pleading guilty to these offences.

This is not something that we are doing in the air. I would seriously ask honourable Members to consider whether they are doing anything in the interest of the House, the Government or their political parties or the administration of justice by giving the appearance of passing a Bill irregularly through the House of Assembly and not in accordance with our Standing Orders,

Rt. Hon. E. W. BARROW:

Mr. Chairman, I would like the honourable Member to state under what provision a Magistrate or any aspiring legal luminary can challenge an Act of Parliament in a Magistrate's Court or elsewhere. What provision of the Constitution is that? What defence is it in a court to say that you believe that the Speaker or the Deputy Speaker gave a wrong ruling?

This is new law to me, and since I have not been around that rarefied atmosphere for the past 14 years — I know a lot of strange things happen around there — I just want to be brought up to date.

Mr. CHAIRMAN:

I would like to inform the honourable Member that the Deputy Speaker has already made a Ruling and that I am not prepared to allow any honourable Member to challenge that ruling as long as I am

sitting in Committee.

Mr. ADAMS:

No, Sir. I am not challenging the Ruling. I am asking honourable Members to consider their vote upon this matter. The Ruling has been made, rightly or wrongly. I am answering the Prime Minister with a little excursion because he has made a point which undoubtedly has been made before, and by no greater an authority than Professor Wade who, when the Prime Minister was ending his days as a law student, was the Professor, or whatever they call him at Cambridge of the Laws of England.

Rt. Hon. E. W. BARROW:

Mr. Chairman, just one minor interruption. I have never ended my days as a law student. I may be an Attorney- at Law but I am still a law student or a student of the law.

Mr. CHAIRMAN:

Absolutely no point of order.

Mr. ADAMS:

I am very glad that the Prime Minister has acknowledged that he can still learn. Professor Wade, as he told me himself, advised Dr. Malan in South Africa....

Mr. CHAIRMAN:

Is this relevant to Clause 5?

Mr. ADAMS:

This is Clause 5. It may sound elaborate, but these are facts. You can ask Professor Wade. I believe that he is still alive. He advised Dr. Malan that when the Queen's Printer Copy of the South African Franchise Act of 1948 was presented to the Courts that the Courts could not look behind the fact that the Bill had been passed by the South African House of Assembly; and on the basis of the advice of Professor Wade — he told me this in 1955, and was still then of the opinion that his advice was correct - Dr. Malan proceeded to take away the votes of the coloured voters of the Cape Province in South Africa and he won with a two thirds majority.

Two coloured voters - this is an important point to govern Members upon their vote...

Mr. CHAIRMAN:

The honourable Member is not contributing anything on Clause 5.

Mr. ADAMS:

Two coloured voters, not in any Constitutional Court, challenged the Returning Officer for taking their names off the register. They said that the Act was not properly passed because the House of Assembly's Rules, and the Constitution of South Africa had not been observed, and despite the fact that the Act was passed and signed by the Speaker of the House, the President of the Senate, assented to by the Governor General, and presented to the Court with the Queen's Printer copy, the Court gave back the voters their vote, and Dr. Malan fiddled with the Constitution to get it taken away.

This should be sufficiently within the Prime Minister's experience to answer his question as to how you go about challenging an Act which is passed by the House. That was a simple and straight forward matter, an injunction to get the Returning Officer to give them back their vote. You can challenge any Act in any Court in Barbados on the ground that it is unconstitutional,

I know that the Member for St. Michael North West did not practise very long before the Courts. (ASIDES).

Mr. CHAIRMAN:

Will the honourable Members observe the Standing Orders? Will all other Members be silent? I am yet waiting to hear your contribution under Clause 5.

Mr. ADAMS:

And I am asking honourable Members to think and look into their consciences when they vote on Clause 5 and do not encourage Sir Theodore Brancker to spend the next three or four months — and the other lawyers who practise in the Traffic Court — to spend the next three or four months saying that only the old penalty can be imposed because the House of Assembly did not obey its own Rules in passing the Act.

The Speaker's ruling is not final in the Courts, Sir. Bear that in mind. It is final in here, but once you get outside, you can parade on it, as we will

Rt. Hon. E. W. BARROW:

I am glad to hear that they are doing traffic cases in three and four months now. They usually dragged them on for three or four years until the witnesses got tired.

The Question that Clause 5 stand part was put and resolved in the affirmative, the Committee dividing as follows:—

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. R. St.C. WEEKES, Hon. P. G. MORGAN, Hon. E. SANDIFORD, Mr. J. B. SPRINGER and Mr. F. L. WALCOTT - 11.

Noes: Mr. J. M. G. M. ADAMS, Mr. W. C. B. HINDS, Mr. C. L. JBOLDEN and Mr. H. deB. FORDE. -4

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Clause 6 stand part.

Hon. G. G. FERGUSON:

I beg to second that.

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

On the motion of Hon. C. E. TALMA seconded by Hon. G. G. FERGUSON the First Schedule was

passed.

Hon. C. E. TALMA:

I beg to move that this be the Second Schedule.

Hon. G. G. FERGUSON:

I beg to second that.

Mr. ADAMS:

Mr. Chairman, as I stated before, the Government has adopted what was suggested a very long time ago — I would like to say how long ago it was that I gave notice of matters relating to increasing penalties — but the Government has gone further. It has increased other penalties, and taken one or two steps in respect of other matters.

I am suggesting that since other aspects of the Road Traffic Act, that needs amending, are well known and have been well known to lawyers for many years because we are going on the English Road Traffic Act of 1934, one or two things such as causing death by dangerous driving should really be included in the Laws of Barbados at the present time.

We only, I think, need to go back to the English Act of 1960, if you want to get an idea of the comprehensive amendments that might be needed, because since then, the English Law has become very involved with breathalyser tests and so on. 1.15 p.m.

I would urge upon the Government the necessity of revising all Road Traffic Legislation at the present time. There are so many things which need to be dealt with in respect of which powers need to be given to Magistrates, that to attack them piecemeal — as we are always hearing from the hon. Member for St. Michael South Central — if it is reprehensible at all, it is a hundred times more reprehensible in the Government than it could ever be in the Opposition.

Forty years ago Road Traffic Law was considerably less complex than it is in Barbados at the present time. I do not think that we need all the complexities of modern legislation that they have in many other countries, but we certainly need to introduce one or two of the amendments which have been introduced elsewhere, those which have stood the test of time, and are needed in Barbados. Most of all I would urge on the House to create an offence of causing death by dangerous driving. It is very difficult to get juries to convict people of motor manslaughter because manslaughter has such an ugly sound; the penalty for manslaughter is life imprisonment and it is not every jurymen who likes to put a man possibly to face a sentence of life imprisonment on what after all, many jurymen may themselves have been guilty of, but without the fatal consequences.

Even at this stage I would urge on the Government to try to do something between now and the passage of the Bill through the Other Place, to introduce into the Second Schedule some such offence. At least it would have the merit of not being substantially the same as any legislation already passed through the House. That is what I would urge on the Acting Minister who, during his time in the Ministry, Sir, has shown that he has a very good grasp of the administration of the Ministry of Communications and Works and a keen understanding of what are the issues involved. I hope that during his period there, he would cause a breath of fresh air to go through the corridors of the Ministry

of Communications and Works, and lead his staff firmly in a department which has been notorious under its last two Ministers for being thoroughly maladministered at the top level.

The Question that this be the Second Schedule to the Bill was put and resolved in the affirmative without division.

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

Hon. C. E. TALMA:

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

Hon. G. G. FERGUSON:

I beg to second that.

Mr. ADAMS:

Welcome to the House this afternoon, Mr. Speaker, and may I say I am very glad to see you, Sir.
(Laughter)

Mr. SPEAKER:

No point of order. Thank you.

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

On the motion of Hon. C. E. TALMA, seconded by Hon. G. G. FERGUSON, the Bill was passed and cited as the MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) (No. 2) ACT, 1974.

THE PETROLEUM (AMENDMENT) BILL, 1974

Hon. C. E. TALMA:

Mr. Speaker, the next Item on this Special Order Paper is a Bill to amend the Petroleum Act, 1882. Again, Sir, this is one of the Bills to implement the Budgetary Proposals as presented by the Honourable Minister of Finance and Planning on the 5th April this year, to increase the charge of 37 cents per gallon payable on gasoline under Section 26 of the Petroleum Act, 1882, to 41 cents per gallon.

I do not think I need say any more, Sir. I beg to move that this Bill be now read a second time.

Hon. G. G. FERGUSON:

I beg to second that.

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

Hon. C. E. TALMA:

I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Hon. G. G. FERGUSSON:

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. W. R. LOWE took the Chair.

Clauses 1 to 3 inclusive were called and passed.

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill in Committee.

Hon. G. G. FERGUSSON:

I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. CHAIRMAN reported to Mr. SPEAKER who resumed the Chair and reported accordingly.

Hon. C. E. TALMA:

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

Hon. G. G. FERGUSSON:

I beg to second that.

The question was put and resolved in the affirmative without division. 1.25 p.m.

On the motion of Hon. C. E. TALMA, seconded by Hon. G. G. FERGUSSON, the Bill was passed and cited as the PETROLEUM (AMENDMENT) ACT, 1974.

THE WATERWORKS (AMENDMENT) BILL, 1974

Hon. C. E. TALMA:

Mr. Speaker, the next Item is a Bill to amend the Waterworks Act, 1895, This is a Bill which seeks to amend the Waterworks Act, 1895 (Act 1895-1) inter alia to increase the fees chargeable, and extend the powers exercisable, by the Department thereunder and provide for connected purposes. Again, this is one of the Budgetary Proposals which is being implemented in accordance with the Minister of Finance's Budgetary Proposals which were presented to the House on the 5th April, 1974. These rates are already in operation, and Members are fully aware of the matters appertaining thereto.

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

Hon. G. G. FERGUSSON:

I beg to second that.

Mr. ADAMS:

Mr. Speaker, one of the troubles with a Provisional Collection of Taxes Act is that it sometimes can be used to lend specific colour to a series of very general proposals that appear in a Budget Speech. When we heard the Budget Speech relating to the supply of water, we heard that the Prime Minister intended a flat increase across the board. There would be a minimum \$6.00 quarterly rate for those who now pay \$1.25 and a maximum of \$100.00 a quarter for the more luxurious accommodations.

We were then told that meter rents would be increased for \$2.40 a quarter to \$3.60 a quarter, and that there would only be two rates in future for metered water, i.e. \$1.00 per thousand gallons for domestic services and \$1.25 per 1, 000 gallons for commercial and industrial locations. In fact, I think that the Regulations, when we come to them, will say "other than domestic purposes" because that caused me some confusion when I first read it. I thought that people were going to be forbidden to water gardens altogether; but upon reading the Regulations I realised that this was not intended. The difficulty with these measures in the Provisional Collection Act is that you have to make something specific, or work out what something specific is going to be. I do not believe that anybody in Barbados knew that the cost of all water was to be multiplied by four. I do not think that the people who live in Regency Park were aware that this flat increase across the board, which had not been specifically said to be four times as much — that is the important thing - meant that they would have to pay \$80.00, nearly \$1.00 a day, for the supply of water! I do not think they understood that. I do not think that all over Barbados, having heard the Budget Speech, anybody could predict that the Prime Minister was putting on a 400% increase in water rates. One of the taxes that has caused more public discomfort than any other, since I have been in this House, has been the savagery of the increase in the water rates in this Island.

Now, I have every admiration for the conduct of the Waterworks Department. I may not have the same admiration for its accounting and so on, but I believe that Barbados has certain difficulties in the supply of water, and our Waterworks Office understands the difficulties and works to overcome them. I could wish that other Departments of Government, particularly the Ministry of Finance, were as up to date as the Waterworks Department in carrying out the statutory duties imposed on them. I am very impressed with the fact that the Chief Engineer of the Waterworks can in any given week circulate through the medium of the Government Information Service how much water was used in each day of the preceding week. It should not be difficult to do any of these things. After all the figures are there, but our experience with Government Departments is that they cannot get them done. The Prime Minister's own Department cannot give figures as required by law to the House of Assembly within a month of the figures being available. (Asides.) I am talking about the Accountant-General.

Rt. Hon. E. W. BARROW:

That is only one of 27 Departments.

Mr. SPEAKER:

Please do not interrupt! The hon. Member has a chance to speak.

Rt. Hon. E. W. BARROW:

I am not the Public Service Commission, and I did not appoint.....

Mr. SPEAKER:

The hon. Member is interrupting. Please do not interrupt; you will have a chance to speak. Each hon. Member has a chance to speak.

Mr. ADAMS:

Mr. Speaker, the Accountant-General has still only presented to the House the accounts for January 1973, whereas the Chief Engineer of the Waterworks, — as far as I can remember — has already this week given last week's consumption figures. I am not attacking the administration of the Department, but it must be said that for many years the Department has been trying to keep down the consumption of water in Barbados. I believe that this is not just a taxation measure that was introduced, I believe that this is an effort to keep down the consumption of water in Barbados. I believe it is having a counter productive effect. I also believe that the first reaction of the people who are now paying four times as much is to say "Since we are paying so much, let us use all we can." I think that the figures will bear me out to some extent that water consumption is greater now than it was in July last year, albeit July has been a bit dryer. I think that people are very dissatisfied over the use of a revenue measure to bring in through the back door whatever reforms are intended.

This question of metering water supply, Sir, is extremely sensitive. It goes back to 1961. I always told the then Minister of Communications and Works, when he had the information that at a meeting in Green Hill that he had been accused of wanting to introduce water meters because Mr. K. R. Hume had 4, 000 meters in a warehouse and that money had passed, that he should have prosecuted the person concerned and got him out of politics once and forever. Perhaps they were over-confident in those days and did not realise that you have to use every means in fighting certain people. Metering has always been sensitive. Now metering is going to come in.

As I calculate it, many people would have to have their hoses on day and night to achieve the use of \$1.00 a day in water or anything like 75c a day in water. Having created this fantastic financial incentive to meter the supply of water to houses, what do we find? The Waterworks Department does not have enough meters to give everybody. I have applied for meters, Sir, for at least one premise whose water bill I have to pay, and I can only get a vague promise of a meter some time in the future. That has been the case of many other persons within my knowledge.

People will now be glad to meter the water, particularly the people in new developments who have been assessed on a realistic valuation rate and who would be glad to do what the Waterworks Department has wanted done, I suppose, for 20 years, and they find it impossible to meter the supply. I am suggesting that the whole matter of the water bills, the water rates, the water assessments and the metering has been mishandled by the Minister concerned. The Prime Minister also has to carry some share of the blame for it because it is his duty to satisfy himself of the equity of a tax before he introduces it, in my submission, and satisfy himself with what is really wanted and satisfy himself that he is achieving all the necessary objects. 1.35 p.m.

He said that the cost of supplying water between 1953 and 1973 had risen by over 535%. I do not believe that that could refer to the cost of electricity; it must refer to the over-all cost which reflects the fact that many more people now have water than did in 1953. Now I hear it is 535%, I realise it is one of these clever but very phoney statistics. You create a figure of 535% and you imply that the cost of water has gone up by 535% which is obviously a fantastic figure, if the cost of bread or meat went up by 535%, you would understand; but what I think is meant is that that is the over-all cost, because the cost

of supplying water is the cost of electricity and the cost of electricity did not rise in Barbados according to the Electric Company between 1957 and last year or whenever it is. Anyway those figures can be dealt with. The Government in multiplying by four is seeking to do something that again we on this side do not think is right.

The supply of water is one of the services that a Government must render to the community. The Government is not a commission merchant in Roebuck Street looking for a mark-up; the Government does not say that you multiply by four the cost of attendants at the hospital such as you pay for, or multiply by four the cost of motor car licences because the cost of roads has gone up. There are certain services which a Government gives to its people on a subsidised basis, and water is one of them. I have never heard it suggested that people are expected to pay the entire cost of the supply of water in this Island at any time. There is a levelling of the cost of water; you do not pay more because you live in a high district and pay less because you consume a large quantity, both of which might apply in a commercial sphere, because when you consume a lot of a commodity on a commercial basis, normally you get a discount.

There is a flat means of assessing the cost of water throughout the Island, and I am suggesting that his particular exercise, even the water rates were not warranted by what the Prime Minister said during his Budget Speech when he was talking about a flat increase without saying what the flat increase was going to be. Even the very rates that have come out, were not warranted; they are not achieving their object. The Government should be looking to spend some money on increasing our water resources instead of merely looking for taxation to hope to conserve it. Everyday, we have said in this House overhand over again, you see water running off the roofs of houses into roads and eventually reaching the sea, where it used to reach underground supplies before. That is a natural concomitant of roofing over and paving over Barbados, that the soil is not there to reduce the water and filter it through to our water supplies.

We can hear nothing from the Minister concerned about what is being done to combat the joint problems of drainage and water supply. In the last manifesto of the Barbados Labour Party, we suggested that a system of injection wells be built in strategic water courses which will both furnish better drainage and at the same time inject drained water back into the water supply of this country. Two or three years have passed, the matter has been discussed in the House at length, but we can hear no word from those concerned. I do not expect much of the Minister of Communications and Works because I do not believe he is happy in the Ministry. I do not believe he thinks he has a Ministry which gives full scope to his talents, therefore he does not exercise his talents. I am giving a charitable interpretation of why he has been such a failure in that Ministry.

I am suggesting to the Prime Minister that he really makes an effort to take seriously the whole problem of water supply in Barbados. I heard there was a Committee appointed to deal with drainage; let the whole matter be dealt with as a matter of urgency and do not have piecemeal and ambiguous taxation measures being brought down which only increase the burden at the present time on the cost of living of the people of this country.

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

On the motion of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, Mr. SPEAKER left the Chair and the House went into Committee on the Bill Mr. LOWE took the Chair.

Clauses 1 to 3 inclusive were called and passed.

Clause 4 was called.

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Clause 4 stand part.

Hon. A. MORRISON:

I beg to second that.

Mr. FORDE:

Mr. Chairman, on Clause 4 there is a point which I want to take in defence of the rights of the citizen. Under Clause 4 subclause 5 a request for inspection should be made by registered letter and evidence that the letter was properly addressed and put in the Post Office is conclusive proof that the request was properly made. This section makes it an offence for a person not to comply with a request by the Chief Engineer, a request that he should obtain a valuation from the Commissioner of Valuations, and whereas subsection 6 would allow a person who has a reasonable excuse some sort of locus poenitentiae, yet it seems to me that one is at a disadvantage here in that the letter may well in some circumstances not arrive at all. To make the fact that a letter was properly addressed and put in the Post Office as conclusive proof that a request was properly made is in my submission loading the dice against a citizen because the letter need not arrive at all.

We have known in this country of letters disappearing from the Post Office. We have also known or experienced— those of us who practise in the criminal courts — that letters including registered letters posted under the Road Traffic Act sometimes do not arrive at all, and the way of safeguarding the citizen's rights is to make the fact that the letter was properly addressed and put in the Post Office as merely prima facie proof that the request was properly made. The burden is then shifted on to the accused person to show sufficient circumstances that he did not receive the letter. As section 4 stands, it can well be that section 6 does not come into play because the owner or occupier does not know of the request at all and cannot within the ten days give a reasonable excuse to the Chief Engineer, and since he cannot do this, he would still be liable for having committed an offence contrary to the new subsection 2 of this section.

I urge strongly on the Government that they accept an amendment to read "prima facie proof" instead of "conclusive proof", because in my view, it is unfair to a litigant to deny him a reasonable opportunity of satisfying the burden of proof even although we know that the rule at common law is that the burden of proof of a criminal offence is not on an accused person. 1.45 p.m.

This not only alters that presumption but it goes so far that it is contrary to the best tradition of fundamental rights, and I would seriously urge on the Government to look at that point. If the Minister does not follow me I should like to explain it to him again. There are certain circumstances where the letter is posted and it comes to the man's knowledge but he has an excuse for not complying with the request. The excuse can be that the Commissioner of Valuations did not give him the valuation within

the ten days. There are circumstances where the letter is probably posted by the Department, but let us assume that it is stolen and that mail never reaches the man's home. He has no opportunity within those ten days of giving an excuse so that he can get out of the penalty under the section, and it is that set of circumstances that I think run contrary to the best principle of penal law, and I strongly urge the Government on this point to accept the suggestion that the word "conclusive" be deleted and the words "prima facie" be substituted therefor.

Mr. BOLDEN:

Mr. Chairman, section 4(2) in my humble opinion is a very vicious section. It is vicious in that it does not take into account that the Post Office in this country is now closed from Friday to Monday. It does not take into account, particularly in respect to the Temporary Minister of Communications and Works who knows it full well that letters posted on a Thursday in Bridgetown generally do not reach St. Philip until Tuesday or Wednesday of the following week. I have had to give examples in this Chamber of letters which were posted from Government Headquarters and arrived at my House after the event to which I had been invited. The way this section is drafted, if the Chief Engineer dates a letter, let us say, on a Wednesday or Thursday and puts it in his "Out" tray it does not reach the Post Office until Friday midday, it cannot reach St. Philip or St. Andrew till about Tuesday. They are being asked, within then days after being requested, to obtain a Certificate of Valuation from the Commissioner of Valuations and to produce it to the Chief Engineer. You cannot do it, even the Motor Vehicles and Road Traffic Act allows 14 days in which to give you a notice of intended prosecution, but this says you shall do all these things within ten days after having been requested to do so. If that letter goes astray, the person to whom it is addressed will not know anything about it, if it is by registered post, it is worse because some postmen, particularly in the country districts, do not go into residences where there are dogs, and I say that this is a very vicious section.

The whole section in my humble opinion is badly drafted and cannot operate. The poor citizen's life is now at stake, because if you do not know of the request, you cannot reply. I do not even think the Waterworks Department will reply to a letter within ten days, you do not even get an acknowledgement of a letter within ten days and they are telling you now that you must within ten days produce a certificate. This is humanly impossible in Barbados.

Mr. HINDS:

Mr. Chairman, I just want to make this point from where the hon. Member just left off. It is quite all right to state in section 4 that you must do certain things within ten days, but let us ask ourselves this question. Is the Land Valuation Division in a position to service the number of applications that will be made and can be made from time to time on that Department? I have seen that there is so much confusion obtaining in that Department that this section here is merely making a mockery of people because before one can legislate that certain persons, members of the public, must do this within ten days, you must make provisions where the persons who have to comply with this section can receive the service and that it can be readily attended to. The Land Valuation Division cannot meet with the demands which will be made from time to time and we are submitting that Government must review this entire section and see wherever possible that we just do not pass legislation to place people in difficulties and care not how they get out of them. I do not want to be a party to this and we believe that the Government would be well advised to give this matter very careful consideration.

The Department where you have to apply for this certificate is not in a position to deal with these

things. They are now even prepared to make themselves less available to serve the public in a respect such as this, because already many people have not received tax bills for their land. Some people who do not have land, have received tax bills, but instead of correcting this situation, they are now carrying out another survey to levy taxes on people's houses and the place is in just one mess, so we are urging upon the Government to try to save the members of the public who might be called upon to make this request within ten days and supply the chief Engineer of the Waterworks Department with this valuation certificate, to make it abundantly clear and to create the establishment that is necessary first at the Land Valuation Division that they can cater to the request which will be made. We do not want to put the public to any more inconvenience than they have already suffered at the hands of the present Government.

The Question that Clause 4 stand part was put and resolved in the affirmative, the House dividing as follows:

Ayes: HIS HONOUR N. G. A. MAXWELL, Hon. C. E. TALMA, Hon. R. St. C. WEEKES, Hon. A. MORRISON, Hon. P. G. MORGAN,

Hon. G. G. FERGUSSON, Hon. P. M. GREAVES, Hon. L. E. SANDIFORD and Mr. J. B. SPRINGER- 9.

Noes; Mr. J. M. G. M. ADAMS, Mr. W. C. B. HINDS, Mr. C L. BOLDEN and Mr. H. de B. FORDE -4. 1.55 p.m.

Hon. C E. TALMA:

I beg to move that Clause 5 stand part.

Hon. R. St.C. WEEKES:

I beg to second that. The Question was put and resolved fa the affirmative without division.

Hon. C. E. TALMA:

I beg to move that Clause 6 stand part.

Hon. R. St.C. WEEKES:

I beg to second that.

Mr. CHAIRMAN:

The question is that...

Mr. ADAMS:

Mr. Chairman, you are going too fast on this part of the bill. I will speak about these markups. The whole point of a markup is that it needs not be changed very much. If you have a percentage and it is a reasonable percentage, whenever it is set for doing something, the markup is increased because the basic cost of the service or product is increased and your markup brings in more revenue without increasing the cost of the markup.

But, Sir, I want to emphasise something to hon. Members. All that we have done since April has made

the Waterworks Department a full scale commercial undertaking that will bring in more money than the Government spends on it. Do not let us fool ourselves. All these things that have gone through, the whole estimate of the cost of the Waterworks for the current year, is just under \$4.9 million. The estimate of revenue, coupled with what the Prime Minister increased in taxation is over \$5 million.

This is a very important point, Sir, because the Waterworks is treating Barbadians worse than the Barbados Light and Power Company. We have always regarded water, as I said in my Second Reading speech, as a service to be provided; but we are now using water as a means of raising money for the Government.

I personally disagree with the Prime Minister. I do not agree that the additional revenue will be only \$2 million. I believe that since the Waterworks cannot supply meters that the figure of around \$600, 000 which is the amount which the fixed rate brings in, that by itself will bring in \$2 million increase as well as meter rents bringing perhaps over \$1 million. So I believe that the Waterworks is going to take in between \$5 million and \$6 million this year and spend less than \$6 million.

The Government is using the Waterworks to subsidise its other services and I do not believe that this is necessary to have what I call an increased markup in this section. Section 43 is a straight Section. It was passed in 1895 and 10 per cent was the same then as it is now This is probably more than the Minister of Trade gives on the supply of many commodities.

Why should the Waterworks Department wish to crucify the taxpayers for a bigger markup than is customary in commercial life as a whole? Contractors, when they build a house, it is the materials and 10 per cent. That is a known fact. Why does the Government suddenly want cost plus 20 per cent? Do not make any mistake, Sir, until now the cost of plumbing and installation was the greatest single source of revenue to the Waterworks. I do not know what it will be, but I believe that unmetered supplies will be greater now; but plumbing was projected at \$11/2 million. I cannot understand why all of a sudden — I can only say that the Government is determined to crucify the people of Barbados on the cross of utilities, —the Electric Company, the Telephone Company and now the Waterworks Department are increasing their rates.

Why all of a sudden should we have this increase markup when this is a department that has always made money? If I can recite it to your Honour, the projected cost of plumbing is \$450, 000. The projected revenue, even without this increase, is \$1.4 million. Why now is the Government, already making all that money on its plumbing services and its repairs and renewals supplied or about to be supplied — the original Bill reads "the department shall furnish any person who, or any of whose property or premises is supplied or about to be supplied by them with water and from time to time renew, repair or alter any such meters, cisterns, pipes, valves, ferrules, cocks, soil pans, water closets, apparatus, receptacles, fittings and appliances as are required to be provided."

It seems to me that the section absorbs the cost of material supplied to the Government and the Government always seems to make a profit on its plumbing services. So why at this stage is it thought necessary to increase not only the cost of the supply of water, but of every aspect of water to people's premises?

As I see it, the cost of living is high enough. Why should the Government have to force a yet greater,

and I would like to say, unnecessary increase upon the public in this regard?

Mr. BOLDEN:

Mr. Chairman, this section is going to seriously increase the cost of building and the cost of maintaining a home to Barbadians, and more so those Barbadians who are trying to establish their own homes. We are in a serious situation where the Government itself cannot build enough houses to supply the demand. Barbadians are known to be very independent. At least every Barbadian likes to know that he owns his own home.

This amendment is primarily aimed at new developments, and the Government should understand that any developer, no matter who he is, is going to absorb the 20 per cent cost of laying the new mains. If a hotel has got to pay 20 per cent on its plumbing costs, it is going to carry that 20 per cent into the cost of operations; but it is the householder, the man into whose house the Waterworks' pipes run, and which he cannot dig up and who has got to call the Waterworks Department who will find the 20 per cent onerous and burdensome.

Why 20 per cent? This is contrary to the Price Fixing Commission, If the Government is setting out to give a commercial dealer in Bridgetown 10 per cent, 7 per cent or 12 per cent markup, why must they exempt themselves by giving themselves a 20 per cent markup? they might say that the cost of borrowing money is now 16 or 18 per cent, but they have given themselves 2 per cent over that cost. Why is it that the average man in Bridgetown must be kept under the cost of borrowing money? It is not justifiable. It is in conflict with everything that they are doing.

I submit that this is all wrong, because this 20 per cent must increase the cost of building to the man in the street who has no means of getting it back; and I do not see why the Government can say that they want this 20 per cent. When you are spending to build a government building, as the Hon. Leader of the Opposition has said, the practice is cost plus 10 per cent, and whenever the cost goes up the amount and the 10 per cent automatically goes up.

Ten per cent of \$500.00 is \$50.00 and 10 per cent of \$600.00 is \$60.00; so if the cost goes up and this attaches to labour it means that you charge your cost for material separately and you charge your cost of transportation separately, and every time that your workmen get a rise in salary you charge the extra 20 per cent on the top of that.

The Government is now increasing its economy from this aspect of the Waterworks by 100 per cent, because when you realise that labour cost has gone up in 1974, and when you add a further 10 per cent over and above what it was before, you can see the revenue that the Waterworks Department is taking in.

Sir, I well remember the "true true" Minister of Communications and Works saying that when we raise it by 500 per cent, you got to drink water, because when you eat a piece of potato and it sticks in your throat, you have to run for water. The Government is taking advantage of the situation. Water, in my humble opinion, is part of the infrastructure of any community. 2.05 p.m.

You can live without a telephone, you can live without electricity, you can live without a bus because you can walk, but you cannot live without water. The next thing we will be charged for now, will be the

fire service and the ambulance service. That is the next thing that will be coming, because the moment you begin to tax the water, that is the end. Everything will be gone as of now, and it is the poor man in the street who is going to feel it most. It is, Mr. Chairman, the poor man who has just scrambled and paid down \$200 on a small \$5, 000 spot of land. He has to pay to run in the water to get a building meter first and he has to scramble even more, because labour costs have gone up, material costs have gone up, and the Government is taxing him another ten percent over and above what he would have paid before, so he is bound to be one rung lower. This is the signal; the standard of living of Barbadians is being reduced daily as a result of the Government's action with the water rates.

You are bound to drink water, and no man is going to build a house - you see, the whole point I find out is this, that one finger of the Government's hand does not understand what the other nine are doing, because in this very Bill you have to get a certificate — you have to pay increased water rates. The valuation cost — because if the cost of the house goes up, the taxes on the house must go up too, will obviously include the cost of water services and therefore as you increase the cost of the hereditaments, — as the Prime Minister will tell you, - your taxes will also increase. So Barbadians must understand as of now that the Government has started to reduce their standard of living and it will go down further. Those people, who have got developments, who intend to bring them into operation, and who are now applying for water, will always tack on the rates that the Waterworks Department charged. Bank rates have gone up, water rates have gone up and materials have gone up in cost, We do not have any more "Jesuses" down here. Those days of miracles and Godfathers are over, get it straight. The Government is breaking for itself via the Waterworks. Water is a commodity that man must drink. From time immemorial, you always heard that man can go for a few days without food. You do not fast without water; you fast without food, but you must drink water, and the Government has used the commodity that man requires for life to place a tax on it, and an onerous tax, and therefore we must all accept the fact that our standard of living is being reduced daily. We are not advancing any more. As I said before, we are all advancing backwards. We are now paying dearly for advancing, and we are paying with our lives for the standard of living we once enjoyed.

Hon. R. St. C. WEEKES:

Mr. Chairman, as far as I am aware, Sir, the election is approximately two and a half years off, but today I was sitting here, and the hon. Member has given me the impression that it is only a few days off. I consider it my duty, Sir, as the temporary Minister, to "clear the air" and to refute certain statements which have been made in here today. Those allegations are without any foundation whatsoever.

Now I have before me here, Sir, some figures, and I am here to prove to you that the Government, regardless of the increase in the water rates will still be called upon to subsidize the Waterworks Department by about 43%. Sir, I can also prove to you that the amount which we paid the Barbados Light and Power Company was \$1.2 million. This year, with the increased cost of fuel, the Government will be called on to pay the Barbados Light and Power Company approximately not less than \$3 million. Now in the past, we would subsidize the department by 62% but I repeat again, we will now subsidize it by 43%, and that, Sir, is only the recurrent cost. It does not include capital cost, and therefore when one sits here today and listens to the hon. Members who have attempted, if they have not done it, to mislead the public, I consider it my duty, Sir, to let you know that we are the people who are Members of the Government and that the figures which I have given you are accurate and can be proven at any time by the Members of the Opposition if they can get in direct contact with the Ministry. Therefore, I feel Sir, that we should let the public know that regardless of the increase, they have to pay, we still have to

subsidize the department by 43%.

Let us take Barbados Rediffusion Service Limited, Sir. You have to pay \$3 or more a month rental - \$9 a quarter rental - and the average man, people at the bottom of the ladder, are called on to pay only \$6 per quarter for water which is \$2 per month. Now they are paying Barbados Rediffusion Service Limited which in many cases we can do without — but water is so essential, — more than they pay for water. Those people are in the lower bracket, 2.15 p.m.

When you consider, Sir, the amount of money people have to pay for water in certain countries, you must come to the conclusion that we in Barbados are very fortunate. Therefore, I would like the Opposition to know that in making such statements, that election is not around the corner. We still have over two years before we have to face the electorate again, and we will then be able to put all the facts to the electorate.

Mr. HINDS:

Mr. Chairman, it is regrettable that we had to sit here and listen to the Temporary Minister making comparison between our water system, a Government-operated service, so vital to the people of this country, and Rediffusion or C.B.C. That is nonsense. What we are particularly concerned with is that the Waterworks Department should be performing in a creditable manner in every respect. One thing that must worry us is the work attitude of some of these work-teams that go on sites from time to time. There need to be stricter control at the Waterworks Department of the materials requisitioned to be sent on jobs. I am in a position to say that not all of the materials sent out for a particular job will go into that job.

Mr. Chairman, from time to time we hear of the numerous applications and the number of services the Waterworks Department has put in. In the majority of cases, these services are connected to the homes of very poor people. In my own constituency, the majority of these services are connected to the homes of poor people. We, as legislators, have to be concerned with this matter because these poor people have to make a supreme sacrifice to rake and scrape to deposit money at the Waterworks Department in order to get the service connected to their homes. As a result of the indifferent attitude of the people who have to provide the labour and the materials, etc., the real cost of the service supplied is sometimes trebled, but, nevertheless, the people are so glad to get water in their homes for their own convenience that they have to pay the bill over a period of time.

Mr. Chairman, we are asking the Waterworks Department to see what can be done to reduce the cost of this service, particularly in the case of poor people and not in respect of the land developers who will get back their money somehow. We are asking that some method be found to give some relief to the poor people who are trying to have a water service connected to their homes. We believe that greater supervision on the site would help to remedy the position. We ask that consideration be given to this matter, bearing in mind that 20% in addition to labour and so on is too high. We agree that labour costs have gone up in recent months, but we are asking that as labour costs go up, the supply of labour should also go up.

The Question that Clause 6 stand part was put and resolved in the affirmative without division.

Clauses 7 to 12 inclusive were called and passed.

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill in Committee.

Hon. A. MORRISON:

I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. CHAIRMAN reported to Mr. SPEAKER who resumed the Chair and reported accordingly.

Hon. C. E. TALMA:

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

Hon. A. MORRISON:

I beg to second that.

The Question was put and resolved in the affirmative, the House dividing as follows:—

Ayes: Mr. W. R. LOWE; Hon. C. E. TALMA; Hon. A. MORRISON; Dr. the Hon. R. B. CADDLE; Hon. P. G. MORGAN; Hon. G. G. FERGUSON; Hon. R. St.C. WEEKES; Hon. L. E. SANDIFORD and His Honour C. A. E. HOPPIN - 9.

Noes: Mr. C. L. BOLDEN; Mr. W. C. B. HINDS; Mr. J. M. G. M. ADAMS and Mr. H. deB. FORDE - 4. 2.25 p.m.

On the motion of Hon. C. E. TALMA seconded by Hon. A. MORRISON, the Bill was passed and cited as the WATERWORKS (AMENDMENT) ACT, 19 74.

RESOLUTION TO APPROVE THE WATERWORKS (GENERAL) (AMENDMENT) REGULATIONS, 1974

Hon. C. E. TALMA:

Mr. Speaker, the next Order is Item 5, a Resolution to approve the Waterworks (General) (Amendment) Regulations, 1974. The Regulations have been laid in Parliament.

As the Addendum sets out, the purpose of the Regulations is to revise the rates chargeable for the supply of water in accordance with the Budgetary Proposals made by the Minister of Finance to the House of Assembly on the 5th day of April, 1974.

We have just passed the Act and discussed the entire matter, and this is merely implementing the Budgetary Proposals.

I beg to move that this Resolution do now pass.

Hon. A. MORRISON:

I beg to second that.

Mr. FORDE:

Mr. Speaker, I merely held my speech on the main Bill since I think although some of the proposals in that Bill are merely amending sections, I think it is in the Resolution that the teeth of this matter lies. I would like to say that I have the greatest admiration for the hon. Member for St. Philip South, but I think he really misunderstood the attack which was being made on the increase in water rates.

Mr. Speaker, this Resolution in my view perpetuates what is obviously a wrong system of approaching the charging for water rates in this country. We are now going to have something like a three-tiered system of the collection of rates under this system where you are going to have some that are metered, some that are unmetered, some that are metered for domestic purposes and some that are metered for commercial purposes, and different charges in respect of each. My experience teaches me that at present this system is discriminatory and is not equitable, and I believe that any system of taxation or indeed any system of charging for services should be equitable. This Government made an error in 1961 prior to coming into power in preaching to the people very strongly that it believed in not having a metered system of water in this country. It is hoisted with its own petard. I have heard too often in this House that we must begin to tell the people the truth, and I think the Government must stop being afraid to recognise that it made a mistake in 1961 and prior thereto. If it had recognised this and faced the prospect of moving towards an equitable system of metering water, we would not have had the problems that have resulted, nor would we have had the sort of increases that are now being clamoured against under this Resolution. I do not anticipate, Mr. Speaker, that this Resolution will be defeated. The Government has the numbers. Nor do I anticipate that between now and the coming election that very much will be done to correct the system.

The country has got to a stage and indeed the politicians of this country have got to the stage where expediency has become principle and principle has become expediency, and I would urge on this Government seriously that if we are really to be true and to tell the truth and "get with it", we have to make our people recognise that they have to pay reasonable rates for services, and those of us who are better off must carry the burden of helping those of us who are worse off. In my view this Resolution does not achieve that. It continues a bad system of regulating the water distribution of this country, and for that reason I personally, as indeed I believe the hon. Members of my party, will be voting against the Resolution. The Government is not prepared ever to concede on the floor of this House or outside, that the Barbados Labour Party had any idea that was correct, because it is afraid for the political implications of such a thing. It is a pity that this should be so because, as I understand it, good politics is the sort of politics which recognises the strength of another man's idea and capitalises on it in time, and if they keep failing, we will continue not having good policies in Barbados.

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

AYES:

Mr. W. R. LOWE; Hon. C. E. TALMA; Hon. A. MORRISON; Dr. the Hon. R.

B. CADDLE; Hon. P. G. MORGAN; His Honour

C. A. E. HOPPIN; Hon. L. E. SANDIFORD; Hon. R. StC. WEEKES and Hon. G. G. FERGUSON - 9.

NOES:

Mr. W. C. B. HINDS; Mr. J. M. G. M. ADAMS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE - 4.

THE ADJOURNMENT

Hon. C. E. TALMA:

Mr. Speaker, this concludes Government Business for this Special Sitting and automatically the House will adjourn.

Mr. SPEAKER:

This Special Sitting has now come to an end. 2.35 p.m.