

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1971 - 76

HOUSE OF ASSEMBLY

Tuesday, 10th June, 1975.

Pursuant to the adjournment, the House of Assembly met at 12.15 p.m. o'clock.

PRESENT

His Honour C. A. E. HOPPIN, (Deputy Speaker); Hon. C. E. TALMA, C.B.E., (Deputy Prime Minister and Leader of the House); Mr. R. ST.C. WEEKES, J.P.; Mr. W. R. LOWE, J.P., (Chairman of Committees); Mr. W. C. B. HINDS; Mr. J. B. SPRINGER; Mr. E. D. MOTTLEY; Mr. C. L. BOLDEN, LL.B.; Hon. F. G. SMITH, Q.C., S.C., B.A., (Minister of Communications and Works); Hon. P. G. MORGAN, C.B.E., (Minister of Tourism, Information and Public Relations); Mrs. G. L. EASTMOND; Mr. H. deB. FORDE, M.A., LL.B.; Hon. A. MORRISON, (Minister of Agriculture, Science and Technology); Hon. L. E. SANDIFORD, B.A., M.A., (Econ.), (Minister of Education, Youth Affairs, Community Development and Sport) and Mr. E. E. GREAVES, B.A., Ed.M.

Prayers were read.

STATEMENT MADE BY HIS HONOUR C. A. E. HOPPIN, J.P., ON TUESDAY, 10TH JUNE, 1975 re THE COM- MITTEE OF THE PUBLIC ACCOUNTS

Mr. DEPUTY SPEAKER:

Standing Order No. 60 entitled Procedure of Select Committees of the House deals comprehensively with the matter of Select Committees of the Honourable the House of Assembly.

I wish to deal with two (2) matters today,
(1) the matter of the nomination of an

Honourable Member to take the place of the Member of the Committee who has resigned from the Committee; and

(2) the matter of the "lack of a Quorum" with respect to the Committee of Public Accounts.

NOMINATION OF MEMBER TO FILL VACANCY ON COMMITTEE

(1) S.O. No. 60 (9) states that "The Speaker may nominate another Member of the House to take the place of a Member of the Committee whose seat has become vacant or who has resigned from the Committee. Every nomination under this Standing Order shall be announced to the House at its next Meeting.

Pursuant to the above mentioned sub-Rule I have nominated Mr. A. DaC. Edwards the Honourable Member for the Constituency of Saint Andrew to take the place of the Honourable Member for St. George North.

MEETING OF SELECT COMMITTEES

Standing Order No. 60(15) states that the first Meeting of a Select Committee shall be held at such time and place as the Speaker shall appoint. Subsequent Meetings shall be held at such times and places as the Committee may determine: provided that -

(a) if the Committee fails to do so, the Chairman shall in consultation with the Clerk, appoint such times and places; and

(b) no Select Committee shall meet outside the precincts of the House unless power so to do has been given to that Committee by the House.

In my view the main points are as follows:-

(a) The Speaker appoints the time and place for the first Meeting.

(b) *The Committee determines the times and places for the subsequent meetings. It seems that the spirit of the Standing Order is that reasonable and convenient times for all or the majority of the Members who form the Committee, should always be fixed for all meetings of the Select Committees and I need not emphasise unduly that the Committee of Public Accounts is a Select Committee of the House appointed for the duration of a Session of the Honourable the House of Assembly only with the Leader of the Opposition as its Chairman. This obviates the need for the Committee to elect a Chairman.*

If the spirit of the Standing Order is observed, I am sure that all future meetings will be summoned at times and on dates convenient and reasonable for all Members of the Committee of Public Accounts and there will be little or no cause for complaint by any Honourable Member in the future.

C. A. E. HOPPIN
Deputy Speaker.

CONFIRMATION OF MINUTES

Mr. DEPUTY SPEAKER: The Minutes of the Meeting for Tuesday, the 20th May, 1975 have been circulated and are before you for confirmation. There being no amendments, I declare these Minutes duly confirmed.

PAPERS PRESENTED

Hon. C. E. TALMA: Mr. Deputy Speaker, I am commanded to lay the Loan Contract between Barbados and the Inter American Development Bank for the expansion and improvement of the Port of Bridgetown.

Also the Report of the Public Utilities Board for the year 1974.

GOVERNMENT NOTICES

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to give notice of (1) a Bill to provide for the control of the entry of persons into Barbados and for connected purposes.

(2) A Bill to amend the Barbados Citizenship Act, 1967.

On behalf of the Minister of Housing, Lands, Labour and National Insurance I beg to give notice of a Bill to amend the Labour Clauses (Public Contracts) Act, 1952.

NOTICES OF QUESTIONS

STREET LIGHTS

Mr. GREAVES: To enquire of the Minister of Communications and Works:

Is the Minister aware that the following areas in St. Lucy are without street lighting:—Durhams, Greenidges, Hannays Village and Mt. Gay Tenantry in Saint Lucy.

Will the Minister give some indication as to the time when the residents of these areas can expect to have the benefit of street lights?

WATER SHORTAGE

To enquire of the appropriate Minister:

Is the Minister aware of the fact that:

- (1) the residents in the elevated areas of St. Lucy — particularly in Josey Hill and Rock Hall have been experiencing serious water shortages for some time now?
- (2) this is causing much inconvenience to the residents of these areas?

Will the Minister take immediate steps to have this matter rectified?

PLANTATION TENANTRIES

To enquire of the appropriate Minister:

Will the Minister state whether or not the Committee which has been set up to investigate the take over of plantation tenancies in Barbados has handed in its report?

If the answer to this is in the affirmative, will the Minister inform the House of the Government's plans for the acquisition and improvement of these tenancies?

WATER SERVICES

To enquire of the appropriate Minister:

1. Is the Minister aware that the residents of Mt. Gay Tenantry and Hannays Village, St. Lucy, have no convenient water supply and consequently some of them have to walk about $\frac{3}{4}$ of a mile in order to fetch water from the nearest stand-pipe.

2. Can the Minister state whether or not the Government intends to extend the water services to these areas?

If the answer to (2) is in the affirmative, will the Minister state when this will be done.

FIRST READINGS OF BILLS

On the motion of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, the Bill to provide for the control of the entry of persons into Barbados and for connected purposes was read a first time.

On the motion of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, the Bill to amend the Barbados Citizenship Act, 1967 was read a first time.

On the motion of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, the Bill to amend the LABOUR CLAUSES (PUBLIC CONTRACTS) ACT, 1952 was read a first time.

ORAL REPLIES TO QUESTIONS

Hon. F. G. SMITH: Mr. Deputy Speaker, I beg to inform you that the Replies to Parliamentary Questions Nos. 19, 27, 28 and 29 asked by the hon. Member for St. Peter are now ready.

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I beg to inform you that the Replies to Parliamentary Questions Nos. 3, 5, 6, 8, 14 and 15 are now ready.
12.25 p.m.

Mrs. G. L. EASTMOND: Mr. Deputy Speaker, I beg to inform you that the Reply to Parliamentary Question No. 16 asked by the hon. Member for St. George North is now ready.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of today's Sitting with the usual undertaking, that is, that any matter of urgency or of grave importance that the Opposition may wish to deal with can be dealt with at a later stage of the Sitting.

Hon. A. MORRISON: I beg to second that.

Mr. HINDS: Mr. Deputy Speaker, the moving of the suspension of these Standing Orders has now become a part of our Order Paper. The Hon. Leader of the House takes pains on each

occasion to re-state and over-state that the usual undertaking is being given to the Opposition. I wonder, Mr. Deputy Speaker, if the Leader of the House does not see that, at this time in his career as a Member of Parliament, he ought to be placing himself in a position where his words can be taken.

Hon. C. E. TALMA: On a point of order, Mr. Deputy Speaker. The hon. Member will have to withdraw that remark because it is abundantly untrue.

Mr. HINDS: Mr. Deputy Speaker, on the last occasion, the Hon. Leader of the House said that he was moving the suspension of these Standing Orders and that the usual undertaking would be given to us, but, as soon as the Prime Minister came into this Honourable House, the Leader of the House had to ignore the meaning of the words "usual undertaking" and the Business of this House was carried on. You, Mr. Deputy Speaker, sat there through much inconvenience and found yourself unable to say a word about it. (*Asides.*) It is not a question of whether we had something to deal with or not. It is a question of the Hon. Leader of the House giving this House an undertaking and not sticking to it. That is something in the interest of the Opposition, the minority group in this House, and he must not trespass upon our rights, because he has the numbers, by moving the suspension of the Standing Orders.

Hon. C. E. TALMA: Mr. Deputy Speaker, the hon. Member has a very bad memory. Two meetings ago I did not suspend the Standing Orders. On the few occasions over the last two or three meetings when I moved the suspension of the Standing Orders, they had nothing to deal with. It is not true to say that I am in the habit of suspending the Standing Orders of the House. I do not understand what he is trying to say.

Mr. HINDS: Mr. Deputy Speaker, the point I am making is this: when the Leader of the House moves the suspension of Standing Orders and gives this Honourable House the usual undertaking that —

A will be complied with as usual notwithstanding the suspension of the Standing Orders; and

B will be as usual notwithstanding the suspension of the Standing Orders —

that is the type of thing that we look forward to. Let the Leader of the House say that he has been able to observe these undertakings that he had

promised this Honourable House he would give us whenever he attempted to move the suspension of the Standing Orders.

Mr. Deputy Speaker, it is all right for the Leader of the House to tell us that on this occasion he did not move the suspension of the Standing Orders and that on another occasion he did not move the suspension of the Standing Orders. What we are concerned with is that on those occasions when he moved the suspension of the Standing Orders and told us that he would observe this and that, we are maintaining that the records of this Honourable House will support us that he did not carry out the terms of his undertaking. The Hon. Leader of the House has the numbers over there, but he must not ram things down the throats of the Opposition. This is being done at the expense of the minority group in this House. We are here to show the Leader of the House and all concerned that we are made of sterner stuff than he has ever witnessed before.

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

Hon. C. E. TALMA: You cannot put the question yet, Mr. Deputy Speaker. The hon. Member who has just sat down is closing his eyes to facts. Two meetings ago I did not suspend the Standing Orders. On the last few occasions when the Standing Orders were suspended, hon. Members on the other side had absolutely nothing to deal with. I cannot give them business to deal with. He cannot quote one occasion on which I gave an undertaking and we did not remain to see it through. He is just speaking in a general way. The fact is that we give the undertaking and we are willing to stay in here....

Mr. HINDS: On a point of order, Mr. Deputy Speaker. Let the Leader of the House explain what took place on the last occasion when this Honourable House met.

Hon. C. E. TALMA: Mr. Deputy Speaker, what took place the last time was that a lot of nonsensical ignorance was exhibited.

Mr. BOLDEN: On a point of order, Mr. Deputy Speaker. If the Leader of the House wants to talk about nonsensical ignorance, he must look at himself first. He cannot accuse anybody on this side of talking nonsensical ignorance.

Mr. DEPUTY SPEAKER: Please take your seat. The Hon. Leader of the House did not

accuse anybody on either side of the House if we go by what he has just said. Maybe, he is referring to Members on his side, but he did not accuse the Opposition.

Hon. C. E. TALMA: I still maintain that a lot of nonsense went on and prolonged the Sitting. When we should normally have stopped at two o'clock we.....

Mr. FORDE: On a point of order, Mr. Deputy Speaker. I submit that it is unparliamentary to refer to the proceedings of this Honourable House as nonsense, regardless of whether the proceedings on that side or on this side were being infringed.

Hon. C. E. TALMA: I will amend it by saying that a lot of filibustering went on which prolonged the Sitting. It served no useful purpose and only deprived Members from having their lunch at two o'clock. The Sitting went on until after three o'clock, and the question of the Standing Orders did not arise then. No one intimated that he had any matter of importance or of urgency to deal with, neither on this side nor on that side. When this undertaking is given it is to enable Private Members' Business, or any matter which is moved normally when the adjournment is being taken, to be dealt with. I refer to any matter of urgency, or of public importance pursuant to the relevant Standing Order.

Mr. BOLDEN: Mr. Deputy Speaker, the Leader of the House must not try to mislead this Chamber or to correct matters when he is wrong in that manner. He should know, as well as the world, that a man can condemn himself easily, and that is what he has done. If he says that the Standing Orders were not suspended then he is either untruthful, or he is saying that the proceedings of the House were not correct. Standing Order No 6(2) states:

"At 2.00 p.m., Mr. Speaker shall suspend the Sitting until 2.45 p.m....."

It means that the Standing Orders were suspended; therefore, we could have gone on until three o'clock.

Hon. C. E. TALMA: Mr. Deputy Speaker, I said that the only useful purpose it served was to prolong the Sitting of the House. Instead of being suspended at two o'clock, the luncheon period dragged on until three o'clock.

Mr. BOLDEN: Mr. Deputy Speaker, it seems as though the hon. Member has lost his senses. If

he says that the Sitting was prolonged until three o'clock, as long as the Standing Orders had been suspended, the Sitting could have gone on until eleven o'clock in the night and nobody had any right to lunch.

12.35 p.m.

Let him get it straight. He cannot say he is suspending the Standing Orders on the one hand and still wants to eat lunch at 2 o'clock. He has to decide which side of the fence he is sitting on; so he must get it right. It shows a break-down in relationship between the Leader of the Government and who is the purported Leader of the Opposition at the given time, because if as had been said on several occasions, they had met and agreed on procedure if he is going to suspend the Standing Orders, we would never get all these arguments. The Leader of the House cannot hope to straddle the fence on both positions and say he is right. If you suspend the Standing Orders you must be prepared for what happens, or leave the Standing Orders and let things follow through. He cannot hope to give an undertaking and when the Prime Minister walks in, he cannot keep the undertaking. That is exactly what happened in here.

You, Mr. Deputy Speaker, remembered what happened in here on the last occasion. When I rose and asked that the Dogs Bill be postponed until the next meeting because we were given amendments during the proceedings which did not afford us adequate time to look at them, the Minister of Health wanted to ram it through, but the Prime Minister came in and took over the show and said this was a serious Bill and that is how the postponement came. The hon. Member therefore must not try to be right when he is wrong.

Hon. C. E. TALMA: Mr. Deputy Speaker, the Standing Orders were not suspended on 22nd April, 1975, nor on the 6th May, 1975, but we hear all this noise going on as though we always suspend the Standing Orders.

The question that Standing Orders Nos. 6, 16, 18, 20, 42, 43, and 44 be suspended for the remainder of the day's Sitting was put, and resolved in the affirmative, the House divided as follows:—

Ayes: Hon. C. E. TALMA; Hon. A. MORRISON; Dr. the Hon. R. B. CADDLE; Hon. L. E. SANDIFORD; Hon. P. G. MORGAN; Mr. W. R. LOWE; Mr. E. E. GREAVES; Mrs. G. L. EASTMOND; Mr. J. B. SPRINGER and Mr. R. ST. C. WEEKES — 10.

Noes: Mr. L. S. CRAIG; Mr. W. C. B. HINDS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 4.

GOVERNMENT BUSINESS

Hon. C. E. TALMA: Mr. Deputy Speaker. I beg to move that Government Business be now taken.

Hon. A. MORRISON: I beg to second that.

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

THE INCOME TAX (AMENDMENT)(NO. 2) BILL, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker. the first Item stands in the name of the Minister of Finance and I am asking leave to deal with it. It is to move the Second Reading of a Bill to amend the Income Tax Act, 1968.

As the Objects and Reasons set out, this Bill would amend the Income Tax Act, 1968 to allow payments of Income Tax refunds to be made by the Commissioner of Inland Revenue. This matter has been under consideration by the Ministry of Finance for some time that this Section 68, subsection (2) of the Income Tax Act, 1968, should be amended in order to permit refunds and repayments to be made by the Commissioner of Inland Revenue instead of the Accountant General as the law now requires. The position, Sir, is that Section 68(1) pertains to the refund of overpayment of income tax on application to the Commissioner of Inland Revenue, and subsection (2) states that a repayment under subsection (1) shall be made by the Accountant General on the certificate of the Commissioner of Inland Revenue.

On the representation of the Accountant General's Department, a meeting was held to go into the entire matter. At present repayment cheques are issued to the payees by the Commissioner of Inland Revenue even though the repayments account is in the Accountant General's name. This has proved to be unsatisfactory and at times has caused embarrassment to the Accountant General and even to the Government, because cheques are issued by the Commissioner of Inland Revenue to the payees before the relevant release has been made by the Accountant General. So the object of this is to avoid this duplication and confusion by these two people having to administer this matter. The amendments which we are moving here today will avoid this state of affairs. On

granting of this statutory power to the Commissioner of Inland Revenue to make refunds of tax overpaid, a new system of reimbursement will be introduced which should ensure that funds are released before repayment cheques are issued by the Commissioner of Inland Revenue who will also be responsible for reconciliation of the bank account. In other words, the bank account will be regularised by the Commissioner of Inland Revenue who will see after the entire matter. It is a very simple amendment.

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

Hon. A. MORRISON: I beg to second that.

Mr. FORDE: Mr. Deputy Speaker, as I understand the reason behind this Bill as enunciated by the Hon. Leader of the House, it is merely a routine measure for the administrative convenience of two Departments of Government, and to that extent, it appears on the face of it to be a very simple measure. I would like to think that its purpose would be to improve the efficiency of both Departments and to ensure that people's monies are not held by the Government for longer than is necessary. I think the historical records will show that during 1973 and 1974 in particular there was great delay in many cases in making refunds to taxpayers who had overpaid their tax. I doubt whether this was due to any lack of efficiency on the part of the Inland Revenue Department. I myself have seen a cheque written by that Department in July of one year and not sent for encashment purposes until November of the year, and I believe it was not because the cheque had gone unnoticed in the Department of Inland Revenue, but rather that during that year the Government had tremendous cash flow problems and taxpayers' monies were not being repaid to them with the same amount of urgency that one would have expected.

With the various amendments to the Income Tax Act, it must be obvious now that the taxpayers, people who pay direct taxes in this country — not those who do not pay — are carrying an increasing burden of taxation.
12.45 p.m.

Where because of the high deduction or generous repayment of tax the Government has had the benefit of the taxpayers' funds, I believe there is a heavy onus on the Government to make sure that the taxpayer receives back his money as soon as possible. I want to deal with one of the reasons why this must be so. Under the Income Tax Act of 1968 and the various

amendments, if a taxpayer does not pay on time there is a penalty for his failure to pay on time, but there is more. There is also a monthly interest which works out at a much higher rate of over one per cent per month, so it means that the defaulting taxpayer is rendering to the Government who is Caesar, not only what is due to Caesar but also more than what is Caesar's due.

What is so inequitable about the taxation system in this respect is that where the Government has got a refund for the taxpayer, the Government can hold on to that money for a long period of time without the taxpayer being entitled to interest on his money. Now that refund may be due through no fault or neglect on the part of the taxpayer; it may well be that the Commissioner of Inland Revenue considers that the taxpayer is liable to tax in law and has been so advised by the Attorney General's Chambers, but the taxpayer contends otherwise.

Under the Act, the taxpayer must pay promptly, until the final Court determines his entitlement to his money; so if it takes the Commissioner of Inland Revenue, the Tax Appeal Tribunal, a Judge in Chambers, the Court of Appeal and finally the Privy Council 18 months to two years to come to a final determination of this issue, our Act is such that although the taxpayer has been justified in law he is not entitled to have interest on his money. I believe that the next two years is going to be a challenge for the just society in this country. There can be no justice in a taxing statute which operates down a one-way street in such a way. The result is that it causes honest people to be dishonest, unless there is justice in this statute; and I would have expected that at this time the Government would be looking for major amendments to the Income Tax Act in order to have some form of proper equity between itself and the taxpayers, and this is in one respect that I am appealing to the Government to put an end to this matter, not merely to bring a routine amendment to the Act but to bring a substantial amendment which would rectify one of the harsh omissions from this Act.

Sir, it is not only in this respect that I think that the Income Tax is very unsatisfactory in this country at the moment. It is highly unrealistic to admit to a high inflation rate and a rise in the cost of living in the country, and keep family allowances for children and for married women — if you still want to have a conjoint taxation — at the low level that we have it in Barbados. How can a Government feel happy with merely conceding \$300 to a man for the maintenance of

his child during the whole year — a figure that was revised or fixed in 1971 just prior to elections — and wait for four years, where they admit to a 40% inflation rate in this country and a tremendous rise in the cost of living — a leaping cost of living; I believe the cost of food between 1971 and today is almost double on most food items — and at the same time maintain a taxing statute that gives no ease to the genuine taxpayer.

I believe the Government should seriously look at the taxing Act. There are many other amendments that are necessary in order to make people feel that they can pay taxes properly and without resorting to legitimate and sometimes even illegitimate methods of beating the laws of the land. This certainly is not encouraging.

I would stress another point. In 1971 just prior to the elections, the hon. Member for the City then, so now is, and in future will be, introduced a Resolution in this House for amending the Income Tax Act to separate husbands' and wives' incomes. The Government in its political wisdom and expediency saw the beneficial effects of the measure, and brought down legislation on it, and I have heard some argument in the House between the hon. Member for the City and the hon. Member for St. Michael South Central as to whose idea it was, the contention being that the Government had been working on this for a long time but they only managed to conclude the work after the hon. Member had introduced the Resolution. *(Aside)* I will tell you what is not coming now but they will get it in time for the coming elections, any time between now and the end of October. Take a note of it.

Despite the fact that this was put forward to the country as a tremendous tax reform measure, what did the Government do? It fell short in looking after the interests of women on this measure. The old lady who has worked at Cave Shepherd, let us say, or any of the stores, and has accumulated a few shares so that she is living on the income accruing from her shares as pension; her old husband who has worked in the Civil Service and has retired and is now a pensioner — and we know pensions are still scandalously low both in the public sector and in most of the private sectors — finds that that measure brought no relief to them because the amendment of 1971 did not allow unearned income to be separated from the taxation measure, and for her to maintain even one-third of her former standard of living the same old lady would have to get divorced in her old age.

12.55 p.m.

There is still joint taxation of the incomes of husbands and wives on unearned income in this country, and this is a discriminatory measure against women. I like to hear the Government and everybody speaking at the last minute and jumping on the women's bandwagon. The Hon. Prime Minister and Minister of Finance himself said that there was nothing wrong with women's rights, that they had equal status. He did not understand that even in his own Ministry there is legislation discriminating against women.

If the Government wants to be serious, amend the law. People in Barbados do not seem to understand, and when I see some of the editorials and the comment about the role of the Opposition, they do not seem to understand that none of us can bring into this Parliament to be accepted by you an amendment to the Income Tax Act because the Standing Orders do not allow Members of the Opposition to introduce a Bill that imposes taxation or reduces taxation. So, the only opportunity on which we can point this out to the Government is now.

I have frequently reminded this Hon. Chamber that the Opposition is constitutionally founded in the country as part of the Government of the country. It is not a member of the governing party.

If they review the debates during the last four years, they will find many measures brought to this House, some of which they have taken and got the benefit of. Her Majesty's Loyal Opposition is recognised by the Constitution. The DLP was in exile for several years from the country. They did a few good things, but they have done a lot of bad ones too.

When I stand on the floor of the House, I do not practise politics by cutting off anybody's head. When a measure is good, I say so. I make speeches conscientiously, and if the party's view offends my conscience, my conscience comes first. I am not like Members on either side of the House in that respect.

The point I am making is that the DLP must recognise the fact that when it becomes the Government of the country, it becomes the Government of the whole. So, when it gets ideas like these, it is not only getting ideas from us, but from the country as a whole. There are several measures in which they are deficient. What about giving a proper allowance for married women who are out to work, or rather for women in general who, when they have to go out to work, have to have their children attended by someone at

home? A widow, or a former married woman or a single woman who is the bread winner of the family — what about proper taxation measures in order to help her?

A just society, and that is what we are talking about, demands justice for all, and it demands a constant watch on those of our laws or administrative practices or ideas or thoughts which impede the proper standard of justice in the country. It demands that we should be ever constant in not discriminating against people on the basis of colour or creed or sex, and I trust that our Parliament has not started this trend and will not continue the trend in the Income Tax Act which we are now debating.

I invite the Hon. Leader of the House — I do not know if he is Acting Minister of Finance — to take serious note of these defects and deficiencies in the legislation and in due course, as soon as possible, to bring amending legislation before this House; and I am sure that as long as it is in the interest of the country, all six Members of the Opposition here and including those of the Senate, will give them full support.

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. A. MORRISON: 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 3 inclusive of the Bill were called and they stood part.

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. DEPUTY

SPEAKER resumed the Chair, and reported accordingly.

On the separate motions of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, the Bill was read a third time, passed and cited as THE INCOME TAX (AMENDMENT) (NO. 2) ACT, 1975.

BILL TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE POST OFFICE

Hon. C. E. TALMA: Mr. Deputy Speaker, the next item which the Government proposes to deal with is Item No. 3 standing in the name of the Hon. Minister for Communications and Works. It is a Bill to amend and consolidate the law relating to the Post Office.

Hon. F. G. SMITH: Mr. Deputy Speaker, after many years of toil, the Government is now introducing a new Bill to amend and consolidate the Post Office Act of 1911-8. As you would appreciate, this Act of 1911-8 was passed in this country even before mail was carried by aircraft. Like lots of the other legislation in my Ministry, the Waterworks Act of 1895, the Road Traffic Act and the Wireless Telegraphy Act — my Ministry is making a very serious attempt to modernise and consolidate these various bits of legislation.

There have been countless amendments to this Act over the years because of the development of the Post Office and the carriage of mail by air which has taken place.

Barbados, as you know, is a member of the International Postal Union which is established in Geneva; and as a result of that, Barbados has acceded to and has endeavoured to carry out the terms and conditions of such Conventions governing the carriage of mail.

In addition to rapid expansion of the postal services of the country, the Post Office is now faced with quite a vast area of problems such as letter bombs and sophisticated techniques by persons with criminal minds who are intent on tampering with mail and stealing the contents of letters and parcels.

1.05 p.m.

Therefore, it is vital that legislation to deal with these changing attitudes and this attempt to interfere with the mail should be modern and comprehensive. I think you will appreciate that nobody can fail to understand that in a small

community like ours where a large portion of our population is abroad in England, Canada and the United States, the efficient functioning of the postal services as well as the importance of letters to the community is something which the Government must seriously safeguard. Where a husband, a brother, a sister or a mother is abroad and is sending remittances to maintain a child, a grandmother, a brother or a sister, failure to receive those remittances can lead to social, economic and even mental problems, and that is what I have been dedicating myself to, since I have been appointed to this Ministry, to make sure that the Barbados postal service is as efficient as is humanly possible. Of course, like any other organisation, Mr. Deputy Speaker, we have to rely on human beings, and where you employ hundreds of people in any organisation it is to be expected that you would come across some dishonest people, and the Government employs 13,000 odd people, I believe, and I am always amazed when you hear that somebody is caught out stealing from the Government that the Government is either corrupt or is the worst run organisation in the world. This is nonsense, because the Government has to rely on human beings and human nature being what it is you find those bad eggs who will give any organisation, whether it is in the public or private sector, a bad name.

I remember when I was at Harrison College one of the sayings of the Headmaster was that the boy who makes a fool of himself at Speech Day was going to give the school a bad name. He was perfectly right. The Post Office attendant or the postman who steals and does not deliver letters and is discovered gives the Post Office a bad name and as a result the whole postal service is condemned. The Ministry of Communications is one Ministry in which one pot hole in 800 miles of road can lead to condemnation of the Ministry. I am accustomed to that, and I would like to go on record at this point in saying that Barbados has a postal service of which it can be extremely proud, making allowances for what has happened from time to time. I think you all know what has happened at Seawell and I think that the Government is doing all it can to make sure that the mail gets through. There comes a time when human ingenuity can provide means to cheat the whole fool-proof system, but the Ministry is doing all it can to make sure that the mail can continue to be efficiently and honestly delivered.

In order to bring about this modern piece of legislation we invited from the Universal Postal Union a Postal Services Adviser, and he was in Barbados from September 1973 to August 1974.

I should like to go on record as paying tribute to Mr. Harold Smock, a retired employee of the United States Post Office Department, who rendered yeoman service in drafting this Bill, and the necessary legislation which is before this Hon. House today. His duties when he was here included the revision of all postal legislation in Barbados. The existing postal legislation that was then in force also came under his scrutiny. He had the Post Office Act of the United Kingdom, the Post Office Law of Jamaica and the Post Office Act of the United States, and in drafting this new legislation, such provisions from these Acts of those countries I have mentioned as are relevant and would ensure a greater efficient control and delivery of the mail were taken into account. Also, in addition to the Post Office Bill Mr. Smock assisted in the preparation of draft regulations which cannot come into force until this Bill is passed, and he drafted a new Post Office Guide for use by the staff of the Department. The existing Post Office Guide was prepared in 1935, and you will appreciate, Mr. Deputy Speaker, that such a Guide would have been inadequate.

Like all pieces of legislation I submit with respect that this Bill will meet the ends and needs of running a modern service, and I would just briefly give some idea of the important provisions of this Bill which were not included in the existing legislation. Section 9 gives the Postmaster General the authority to provide postage stamps, stamped envelopes etc. and to store such, and section 16 gives him the power to intercept postal articles in the interest of public safety or tranquility, the power to detain and open mail packets, and other powers without which, you cannot efficiently operate the service.

I repeat that the legislation which is sought to be passed today is nothing revolutionary, it is not anything that is not in legislation in other progressive countries. I should just like before I sit down, because for me it is non-controversial — I think we are all concerned, even the Opposition must be concerned with the efficient running of the postal service because even they can see that the importance to the community, especially a community where we have over 70,000 people in the United Kingdom, the importance of getting remittance communication going — but we are endeavouring and putting the final touches to the Post Office which we hope to build in Cheapside. We have had experts down, postal advisory experts who are assisting us in design with a view to the mechanical installation of modern equipment for this particular Post Office. If all goes well we hope to make a start with that new Post Office which is long overdue before the end

of the year. Apart from that, we are looking at the question of postal agencies, because throughout the country most of the Post Offices you will find, are in places to which people have long distances to travel to reach them.

We are looking at the possibility of utilising in certain districts wherever possible, and it needs proper investigation, homes or businesses to do a limited amount of postal work. We are working on that because, for instance, the Post Office in St. George is by the Church and people have to come from miles and miles away, old people have to walk in order to draw pension or in some way to be attended to at the Post Office, and we are looking at the question of providing the conditions which we lay down and we may be able to have limited services in places like Ellerton, Superlative, Market Hill, etc., so we are constantly endeavouring to improve the postal services of this country.

I have made a tour of all the Post Offices, and I am endeavouring to improve the quality of the Post Office. I have been to Post Offices where there are no toilet facilities for old people who go to collect their pensions, and my Ministry is drawing up plans to improve this. There are no benches for old people to sit on. It is a question of money and a question of time. (Mr. HINDS: Elections!) It is not a question of elections, elections do not worry me, I am not that type of politician, I am endeavouring in my Ministry to serve my people for as long as I can. If the people think I have not serve them, they have the votes and they can do what they like. Thank God I have reached the stage where if I get in, I get in, that does not worry me.

1.15 p.m.

I am tired of this sort of elections criticisms. (*Asides.*) You have to get in in order to exist, but I do not. Be that as it may, Mr. Deputy Speaker, we are going to build a new Post Office at Brittons Hill where the old Police Station was, in order to relieve the congestion from that general area. We will start on the construction of the new Post Office on Dalkeith Hill — it is not in my constituency — in the month of July and that is an improvement. That area from the whole of Christ Church apart from Worthing, Brittons Hill, Clapham, the constituency of the hon. Member for Christ Church West will also get a piece of the action, too. We are not concerned with petty politics. We are concerned with improving the postal services for the convenience of the people in the community.

Mr. Deputy Speaker, I cannot see any opposition to this. I think the Opposition, especially the hon. Member for the City, will agree that this Bill, like the Road Traffic Bill and the Waterworks Bill, is long overdue. Let us praise Heaven that, as far as the Post Office is concerned, we have made progress and we are introducing this piece of modern legislation to ensure that there should be a marked improvement in the service.

Mr. Deputy Speaker, this Bill is not seeking any extra powers for the Minister. I am not interested in power. I am interested in being in a position to meet situations that may arise so that every citizen in this country can seriously know and accept that when he puts his letter in the post box in St. Andrew, or in Crab Hill, it will reach its destination, whether he puts money in it or not, untampered and with the maximum speed.

Mr. Deputy Speaker, in this country it is amazing that Barbadians do not appreciate what we really have. People are amazed when they come to Barbados and find that some days they can post a letter in the morning and in the afternoon it is received. This is as it should be. I think that Members on the opposite side will agree that this is basically true. Occasionally you will get a letter that does not arrive at its destination for five days, and I am not condoning that. The Postmaster General and his staff will endeavour to investigate every single complaint and try to find a solution for it.

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

Hon. A. MORRISON: I beg to second that.

Mr. FORDE: Mr. Deputy Speaker, while welcoming the updating of the legislation governing the operation of the postal services in this country, one must yet express certain reservations concerning parts of this legislation. The hon. Member, as he began his speech, started to give certain sections of the Act which he said contained new provisions. I regret very much that, in his anxiety to show how noncontentious this legislation may be he did not pursue this exercise to its conclusion. For one thing, it would have assisted hon. Members of the House by showing them what are the real new ideas, if any, which made this legislation necessary and, secondly, it would have brought forcibly before this House and before the public what additional powers, or what decrease in powers would take place as a result of this bit of legislation.

I have scanned the Post Office Act of 1911 and some of its various amendments. Although I will concede that under Section 42 of the existing Act, there were certain powers given to the Minister as well as to the Postmaster to open postal packets and to delay them, yet it seems to me that if we were going to modernise this legislation then, in the interest of privacy of persons, these powers, or the powers given to the Minister under Section 42, should be circumscribed rather than extended. I am not satisfied with the drafting of some of these Sections of this Act which confer powers both on the Postmaster General and, indeed, on any officer designated by the Governor General. In particular, I should like to draw this House's attention to Section 19.

Mr. Deputy Speaker, under Section 19 the Postmaster General is now being given the power to withdraw from transmission by post —

- “(a) any postal article of a seditious character or having thereon any words, marks, or design, of a scurrilous threatening, indecent, obscene or grossly offensive, character;
- (b) any articles prohibited by the regulations from being transmitted by post, and to dispose of them as the Minister directs.”

Now, with all due respect, that is a very wide power

Mr. Deputy Speaker, *Lady Chatterley's Lover*. (Dr. the Hon. R. B. CADDLE: What has that to do with the new Post Office?) *Lady Chatterley's Lover* is the name of a book, for the benefit of the hon. Member who wants to know what it has to do with the Post Office. The hon. Member for St. Michael South who is, like myself, I believe, well read in letters at least when we were young, will recognise the term *Lady Chatterley's Lover* immediately. Now, *Lady Chatterley's Lover* is a book which was considered some years ago as scandalous. The current trend and movement of thought has proved that there was nothing scandalous or obscene in the book.

Now a publication of the Revolutionary Government of Cuba, which was a regular monthly magazine up to a few years ago prior to 1971, would have been considered seditious in Guyana, Trinidad and Barbados because the Western countries like ourselves had an innate

fear of anything coming from a country that did not have the same political system as we had and, therefore, you would have found that sort of publication, if you sent it through the post to be read by somebody else, being banned under this Section. I do not believe that we should have either in the existing law, as there were similar provisions in the existing law, or in this Act, any such legislation. If the Minister wants to improve the legislation, then he cannot take some of the provisions of the old Act, which was drafted in the Nineteenth Century when the climate of political opinion, the value, judgment, and different systems of Government were such that they prohibited anything other than the classic Westminster-type model democracy.

1.25 p.m.

He must move forward beyond that point and in my submission, this Section is a serious Section which is liable to be interpreted in such a way as to be a restriction of freedom of thought in the country. Now what I am suggesting to the Minister is that although I can see that Government needs certain powers, particularly the type of Government that cannot even contemplate its own demise or its succession — it must rule forever and ever Amen; it does not believe in change — as a citizen of Barbados, I object to such total powers being put in the hands of any Postmaster General regardless of who he is. I am not like some Barbadians who tell you that because the Prime Minister is the Head of the Government and responsible for the country that you can have bad legislation. A principle is a principle. We do not legislate for this Minister or that Prime Minister; we legislate on principle. And I am suggesting seriously that Section 19 needs qualification. If the Minister needs to continue this type of power, there must be limitations, and the subject should be given the right of appeal in such instances. What the Minister needs to take on here is that if the Postmaster General withdrew the article from circulation, then it should be kept and the citizen who was transmitting the article or to whom it was being transmitted should be able to appeal either to a tribunal if the Minister does not want a court action on the thing or to a high court in order to determine whether or not the article is of a seditious character.

Mr. Deputy Speaker, I am very concerned about the invasion of the privacy of the people of this country. The Government has given us an assurance, for what it is worth, that there is no interference or that they know of no interference with telephone calls. Now, Sir, in the United Kingdom when that assurance was given, the

Government went a bit further and appointed a group of Privy Councillors to look at the question of wire-tapping. I say I do not believe the Government on that. In fact, I know for a fact that there is interference with people's telephone calls, and the Telephone Company can deny this a million times. (Dr. the Hon. R. B. CADDLE: Bring the facts.) It is like bringing the facts on housing. If the Government will make available its security files under the Official Secrets Act in order for proper persons to have a look at them, we would bring the facts if you can set up a Commission as they did in England by a highpowered Monckton Commission. He set out rules controlling the interference with wire-tapping and what not. People were asked to bring the facts in the United States. In the United States it did not happen until the Nixon exposure came, and I am going to be told here that it is not true. The facts lie within the bosoms of the Government and the Telephone Company, and one of these days, it may be that we may not get the opportunity to do it, but our children might expose it. I have heard conversations repeated on the Democratic Labour Party platform that could only have come from listening to private conversations. Those are the facts I will bring. (A VOICE: That is a false premise.) That is no false premise. I have already said on the floor of this House that in the last election I had to resort to the technique of getting other people to make telephone calls in other places to prevent wire-tapping on my telephone.

Mr. DEPUTY SPEAKER: May I remind the hon. Member that we are dealing with the Post Office Act.

Mr. FORDE: I am dealing with the Post Office Act and I am talking about the transmission of mail and messages, and I am coming to the point. What we need in this type of legislation is legislation which if the Government must have the power, it must have it subject to a reasonable safeguard for the normal citizen in this country, and I am not satisfied that Section 19 does that.

I go further: when I look at Section 16, it is an extremely wide section, and I want to read it for the benefit of this House.

"During any period of public emergency within the meaning of Section 25 of the Constitution....." That is all right because I imagine that there would be something really justifying the emergency and under the Constitution we can challenge that; but it goes on to say....."or in the interests of public safety or

public order, the Governor General may, by an order in writing addressed to the Postmaster General direct that any postal articles or class or description of postal articles shall be intercepted or detained or shall be delivered to any officer of Government mentioned in the order to be disposed of in such manner as the Governor-General directs; and if any doubt arises as to the existence of a period of public emergency or as to whether any act done under subsection (1) was in the interests of public safety or public order, a certificate signed by the Governor-General shall be conclusive evidence of the fact."

I challenge that Section as a tremendous infringement on freedom of communication in this country, and an unjustified and unwarranted want of power by the Government of the day. It is a complete infringement on the privacy of people and their communications. Whereas the Government may be able to justify the use of this power in an emergency, it is unfair and contrary to the best freedom of the subject to give to the Governor-General a power of this nature in times for him to determine what is in the public interests or public safety without making his powers challengeable in a court of law.

In a country where freedom of expression is denied people on the public corporation owned by the people, in a country where victimisation is known to take place, you are going to give a Governor-General which means the Cabinet the power to determine whether or not the public interests or public safety has been offended without my having the right to challenge that. I expect the Government to get up and ask what is wrong with that; we are the Government, to whom are we going to give it? Must we give it to "Tala Lala"? It is the usual expression you get from Government in an instance of this nature but any true democrat will not want an extensive power such as this unless there were safeguards for the freedom of the citizens of this country. All I say to Barbadians sometimes is that they really deserve what they get; the silent lot of them deserve it. I am not talking about this Minister; I want to make it quite clear. I am not being personal to the Minister, but I challenge any Government who will pass a provision of this nature with such wide and extensive terms without giving the citizen an opportunity to challenge whether or not the reasonable suspicion which the Governor-General had, was justified. This is an infringement of the liberty of the subject, and I will bet you that eventually this section is going to be challenged as against the Constitution of Barbados.

There is all the difference in the world in a public emergency, Mr. Deputy Speaker. In a public emergency undue powers are taken by the Government because of the nature of the emergency and persons can justify this, and even in a public emergency under Chapter 3 of our Constitution there is a certain procedure one has to follow, and indeed the emergency must be subject to legislative approval and is also challengeable in the Courts of Law under the fundamental rights provision. We are having no limitation now on this power. The Minister can research it. It is a good colonialist concept to have section 25. This is the sort of power the English imperialist took when he was ruling over us all the time, and it is continuing in the Democratic Labour Party. I do not know if they are so tinged by the concept of English colonialism that they must continue with this sort of thing. Information, communication, freedom of expression are having this type of limitation to them. I believe so passionately in freedom of expression that I consider it a total insult to the intelligence of the people of this country. You cannot use the radio, your Governor-General is to tell you whether or not something is in the interest of public safety or public order. Why don't you go for total dictatorship? That is all I ask. (A VOICE: Do you like it?) I do not like it. I will stand up to it. You will have to shoot me. I am not going to run away from Barbados like some people or keep quiet; I will speak out whenever the time comes, and that is why I am speaking out on this. This is a typical provision that you found in England and you now see in Northern Ireland dealing with terrorists. We have no terrorists here. I do not understand why the Government must go beyond the position of a public emergency or if they must have these additional powers. Give the citizen the right to challenge the determination at the appropriate time and in the meantime you keep the thing in the control of the Minister until some objective determination takes place.

1.35 p.m.

Going to another section of the Bill. I serve notice now that I am voting against that section of the Bill. It must be amended; it is totally unsatisfactory. In fact the Minister should send this Bill to a Select Committee so that Members may see where their freedoms are threatened.

Let us look at Part 7, Section 13(1). Now the Government sees to it that no liability attaches to it for the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post, except in so far as such liability may in express terms be undertaken as provided by this part of the Act. Now again in

the old legislation of Barbados always had, including the Harbours Act, this type of provision — a limitation on the liability of the Crown — but in some of them, you will find that the compensation allowed to the subject, although not being very large in the nature of damages, as in the Harbours Act they are entitled to get some compensation. I do not see in anywhere under this section that you can get any right at all in a court of law where the post office is absolutely negligent, completely negligent, and you have no right in a court of law. If I am wrong, I will ask the Minister to tell me and let us argue about it.

If you look at the Customs Act and the Harbours Act, you will see that some compensation is granted. Now I cannot find this in any part of this Act, and I am becoming very concerned about legislation that continues to limit the liability of the Crown. The Crown is one of the biggest land owners in this country. The Crown spends more money than anybody else in this country. The Crown deals with people's property in a much wider way than anybody else in this country, and the Crown wants to always limit its liability to the citizens where the Crown is right. We saw the Crown in this Parliament exempting itself from the Control of Tenancies Act. We see the Crown limiting its liability completely where it is in a monopoly position; more, and more, and more power; and people are getting to believe that the Crown is greater than God or greater than the community as a whole. I do not buy that concept at all. The Crown must subject itself to expanding liability and if the Crown is wrong the Crown must by law also be liable as any other citizen should be.

I concede that for Government to continue the Crown must have sometimes, extensive powers and must interfere with some liberty in the interest of people as a whole but wherever the Crown does that, it must make sure that it goes for the just society, and the just society means a greater respect of the public as a whole. That is what it must go for. (*Aside*: Where did you find that phrase 'just society'?) You need not mind where I find that phrase. I have it implanted and embedded in my heart and in my mind, and I live the phrase. (*Aside*)....

Mr. DEPUTY SPEAKER: Order.

Mr. FORDE: It cannot be a just society where you cannot speak on the radio. It cannot be a just society where when the Crown commits a wrong, the Crown has no liability attached to it. It cannot be a just society which discriminates between its subjects either on the basis of colour,

you cannot get a job or something else, or some other means — that is not just society. That is what I am quarrelling about. (*Aside*)

Mr. Deputy Speaker, I want to make it clear that I will not be pressurized or depressurized either, unfortunately, for the Government. I am not in that category, but I am talking for the others who can be.

I am appealing to this Minister to consider the objections to these. Do not get up and tell me that this used to happen in 1910. Do not tell me that. Don't tell me either that it is necessary now. I am appealing to the Minister on this part of this legislation, to seriously look at it. The Minister has the right, Sir, under a section of this Act to sanction the opening or returning of any matter — postal article — delivered to the post office; a limitation on no officer of the post office. Now who can open these articles....

Mr. DEPUTY SPEAKER: The hon. Member has three minutes more.

Mr. FORDE: That is a great tragedy sometimes. The Rules of the House need changing in this respect, with a serious Bill like this.

The Minister may in the interest of justice — let us see what else he wants it in the interest of, Sir — or in any particular case which appears to him to require such action; now, is not the interest of justice a sufficient test? Why do you want a further section in this Act, 'or in any particular case which appears to him to require such action, grant a warrant for the opening or returning of any postal article specified in the warrant'? Now it does not say 'for the person opening in any other case.' This is a wider section than the note at the corner of the section says.
1.45 p.m.

In my submission, the Minister does not need that power under the Act; but I do not believe in legislating for the hon. Member for St. Michael South Central, for whom I have the greatest respect, merely because he is Minister nor indeed for any hon. Member; and I am not challenging people on their personalities. I am challenging this on the basis that in any democracy-loving Government, this is an unwarranted and extensive grant of power that is totally unnecessary for the efficient functioning of the Post Office, and if it exists, it should be possible to have a limitation on it.

I regret very much that a piece of legislation that should have been updated a long

time ago has come to the House with features that as a democrat, one who believes in the liberty of the subject, I cannot support parts of this Bill at all. I wish that the Government would not continue to impinge, by these extensive discretionary powers, more and more on what is happening.

Finally, I commend to the Minister a recent speech by Lord Justice Scarman. Indeed, I think that I will buy him a copy and send it to him, because he is a preacher like me and justice will eventually percolate through, and he might persuade his Cabinet colleagues.

Lord Justice Scarman made this point: "Whereas the Welfare State has become a necessity and something that even the most diehard and harsh people will have to accept today, yet the Welfare State is tending to concentrate again in the hands of a few all the powers that impinge on liberty."

This is the danger that we find happening because of our desire to do good, sometimes we can miss the whole point of doing good by believing that only we alone are arbiters of good; and these are the provisions that convince me that this Government is now reaching that stage.

Mr. BOLDEN: Mr. Deputy Speaker, I do not hope to be as long as the hon. Member who has just sat down; but I must join with him to say that any tendency in this particular piece of legislation or legislation now coming before the Chamber seems to mean that the Government is moving swiftly into a dictatorship which not only affects the people of the country, but an example in this Act will show that they are also seeking to interfere with the rights and privileges of people who happen to trade with people of this country.

If we look at Section 22 of the Act before this Chamber, Mr. Deputy Speaker, you will see what I consider a rather strange provision in this law. Section 22(1) reads: — "Every master of a ship or commander of an aircraft outward bound shall receive on board his ship or aircraft all mail tendered to him by an officer of the Post Office for conveyance, and having received it, shall deliver it, on arriving at the port or place of his destination, without delay."

Sub-section 2 goes on:-

"A master of any such ship or a commander of any such aircraft who fails to comply with this section, is guilty of an offence

and liable on summary conviction to a fine not exceeding \$500."

Now, Sir, it would be very strange if any officer of the Post Office goes to the wharf or goes to Seawell Airport and finds a ship or aircraft leaving the island and going to another part of the world, and tenders to him mail for carriage and the man, because he refuses, will be liable to a conviction.

Section 23 goes on in the same light, and it goes further. If you look through the whole of the Post Office Act, it goes so far that if any officer of the Post Office requires any person to come and open a package or give certain information and that person refuses, that person is guilty of an offence.

I cannot see how one can talk about updating an Act dealing with the Post Office and in the breath they have sections which clearly work against the freedom and liberty of the citizens of this country and not only the citizens of this country, but it also deals with masters of ships and aircraft who happen to ply their business in and out of Barbados.

I cannot see how this could be right. I join with the hon. Member in asking the Minister to be good enough to allow this Bill to go to Select Committee. This Bill has serious implications. It raises grave doubts in my mind as to the reason for introducing such legislation at this time. I do not see how one could seek to impose such liabilities on any member of the society, when you talk about a democratic society and a freedom loving society.

I repeat what the hon. Member has said about the liability of the Post Office. I say that the Act is incomplete. If the Act has been drafted, somebody has done a pruning job and has pruned out too much. They have not put back in what they have taken out. It is clear that this is not the Bill which was suggested to the Government by the expert who investigated the Post Office.

The Hon. Minister will have to explain what are the rights of the citizens whose mail has been tampered with in the Post Office. I have drawn to his attention and to the attention of the Postmaster a packet which came to the Post Office; and when it was collected only two items out of 150 were in the packet and on one of the two were writings made by an officer of the Post Office — somebody's private telephone number etc. on the back of the item.

Now, can the Minister tell me that the Crown is seeking under this to exempt itself from the liability of its servants? Is it trying to make itself so much different from private enterprise? The Minister will have to tell us what Paragraph 13(1) in Part VII refers to. It is incomplete. I would invite the Minister to take a very clear look at this Act before he tries to force it through.

Hon. F. G. SMITH: Mr. Deputy Speaker, just as in the recent Constitution Debate all you hear are a lot of scare tactics. Nobody has been affected by the changes in the Constitution up to now. (*Laughter.*) But they run around as usual, trying to scare people that somebody is taking away fundamental freedoms. The last person that I expected to hear that from is the Member for Christ Church West. I will read him the Constitution which circumscribes all the fundamental freedoms by the phrase "public safety" or "public health."

Mr. FORDE: On a point of order. The hon. Member, before he reads the Constitution, must recognise that I said that the Constitution contains similar provisions subject to limitation. Do not let him waste time replying.....

Mr. DEPUTY SPEAKER: Point made.

Mr. FORDE: I helped draft the sections, you know. The hon. Member was not there.

Hon. F. G. SMITH: But they get around and give the impression that the Government is the Minister through this Act which is a modern Act. I defy any of them to have read the Convention which governs the carriage of mail. I spent three and a half weeks last year at a convention updating the Convention which binds and governs the carriage of mail, the rights aircraft must exercise, and the duties they must perform in the carriage of mail.

None of them know that under the Convention, unless you have a booked ticket, a confirmed booking mail takes priority over economy passengers. They have not taken the time to read the International Convention which is part of the Act. How can they come in and criticise?

Mr. BOLDEN: Mr. Deputy Speaker, on a point of order. The Minister has lost his senses. Not now, long ago. (*Asides.*)

Mr. DEPUTY SPEAKER: Order.

Hon. F. G. SMITH: That is a point of ignorance. What point of order is that?

Mr. DEPUTY SPEAKER: Both Members must take their seats.

Hon. F. G. SMITH: I am not giving way for points of ignorance or interruption.

Mr. DEPUTY SPEAKER: I am the person to decide that. What are you standing on?

Mr. BOLDEN: I am on a point of order.

Mr. DEPUTY SPEAKER: Let me hear your point of order.

Mr. BOLDEN: Mr. Deputy Speaker, we are not dealing with the Convention. We are dealing with the rights and provisions which are now embodied in this Act and which affect captains or masters of ships and aircraft. The Hon. Minister should know full well that we have to legislate to bring the Convention into play if we want to rely on it.

1.55 p.m.

It must be subject to our Constitution, so do not let him bluff you about when he said something out there. Let him deal with it as the law requires.

Mr. DEPUTY SPEAKER: You have already spoken.

Mr. BOLDEN: I am not finished. You cannot tell me whether I am finished or not. I am on a point of order and when I am finished I will sit down.

Mr. DEPUTY SPEAKER: You have made your point.

Mr. BOLDEN: I am not finished.

Mr. DEPUTY SPEAKER: Are you arguing with the Chair?

Hon. F. G. SMITH: There is no point of order here. Have I got your ruling, Sir, that there is no point of order here?

Mr. DEPUTY SPEAKER: I said the point was made.

Mr. BOLDEN: Mr. Deputy Speaker, on a point of order, may I finish my point, Sir?

Mr. DEPUTY SPEAKER: Have you a further point to make?

Mr. BOLDEN: Yes, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: May I hear your point of order?

Mr. BOLDEN: Would the Minister tell us whether this Act incorporates a Convention?

Mr. DEPUTY SPEAKER: That is no point of order. The Minister will continue.

Hon. F. G. SMITH: Let me read section 17 of the Constitution, because in the same section that the Member for Christ Church West complains about, public safety, public order and public emergency, he is endeavouring to say that this Government is taking away fundamental freedoms. Let me read the Constitution where the fundamental rights of the citizen are enshrined, and were not interfered with when the Constitution was discussed.

Section 17(1) states: "Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises." That is a right. Subsection (2) states: "Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision that is reasonably required—

- (a) in the interests of defence, public safety, public order, public morality, public health, town or country planning, the development or utilisation of mineral resources,..."

They give you the impression, or try to give the public the impression that the mere fact that a Bill contains a provision giving a Minister or the Government power in the case of public safety or in the case of public order to do something, some one is taking away the fundamental rights of somebody. That is nonsense.

Mr. FORDE: On a point of order, Mr. Deputy Speaker, he obviously either does not appreciate the significance of certain words in the Constitution or he misunderstands my speech. The Minister will see that in every section of the fundamental rights provisions, other than in a public emergency, there are the saving words whenever that phrase is used in the interest of public safety or public order, "that is reasonably required," and that the person who determines that in the ultimate resort, is the Courts under the very fundamental rights provisions in Chapter 2 of our Constitution.

The point we are making on section 16 which the Minister must address his mind to is

that section 16(2) makes the Governor General's certificate conclusive as to whether it was reasonably required. He does not understand the point.

Mr. DEPUTY SPEAKER: The hon. Member has just made a point of explanation but he rose on a point of order. I would hope that when any hon. Member rises on a point of order, I will hear a point of order.

Hon. F. G. SMITH: They are trying to give the impression that this Government has come down with a Post Office Bill — either they feel that an election is in the air or they are out to make political capital and start some scare tactics — but I am running the Post Office as it is without all these provisions. What do I want power under the Post Office Act for? To do what? Any responsible Minister does not want this sort of power to look into people's mail, but you are either running a country or you do not want to give Ministers power, or you do not want to run any Department properly. You are asking for powers which are basically necessary for the proper functioning of a Post Office, and these powers are not taken from the sky, these are contained in the legislation to which I have already referred. Do you think any responsible Minister wants to look into a letter which the hon. Member for Christ Church West is receiving and would declare a public emergency to do so?

As for the Member for St. Joseph, he does not know what is going on at all, he is not with it. You are running a country, you have mail of every citizen, little Miss Jane Doe in St. Andrew should be able to get her mail out, and mail can only go by aircraft or by boat, and you get letters from poor people in this country and he is going to quarrel about making aircraft and ship owners carry out mail. How else can mail leave Barbados, by floating on the sea or by bottle? You can only send out mail by sea or by aircraft, and if when the Post Office has bundles tomorrow to go to St. Lucia, St. Vincent Trinidad or England and the people have paid for it and every boat owner or agent you go to says he is not carrying it, the aircraft owners says he is putting on passengers and not carrying the mail, how can he get up in here and talk about his representing poor people in St. Joseph and then quarrel with a right which gives a Minister of Government the power to compel the only two sources by which mail can leave Barbados to carry the mail for the people of Barbados?

That is the type of representation they want. He is going to get up and quarrel about a clause in modern legislation which is the basis of

the international Convention where mail takes priority over economy passengers; and this is laid down. This is why I am saying they have not read the international Convention which lays down that mail must be taken by aircraft.

The International Air Transport Association attended the conference, we pay them for mail, the aircraft is responsible under the Convention for the security of mail. He is going to get up, a representative of people who have relatives from St. Joseph, who send out letters by mail and aircraft, he is going to quarrel with a Minister who is claiming in the Act power to compel the only means by which Barbadian mail can leave the island by fining or having captains prosecuted for not taking the poor people's mail abroad. Do you see the mentality? Do you see what we have to put up with? He will come in here and defend big international steamship companies but a Minister of the Government, elected by the people must not have the right to say to Pan American or Air Canada 'here are three packets of mail from people of Barbados which must go to America or Canada. You have room for them, take them.' The Minister must be at the mercy of these people and go down on bended knees to the agents and say "please, Sir, the poor people of this country would like to send some mail to America and Canada; can you oblige me, Sir, by taking my mail?" What stage have we reached in this country when you can get the Opposition getting up to defend shipping lines and aircraft using Barbadian air space and the Barbadian port, and he is telling me that their refusal to carry our mail is something which this wicked Government is doing to the detriment of the people of Barbados. God help this country if you all ever run it. If this is your thinking of how poor people who depend on mail for their living...

Mr. FORDE: On a point of order, the Member may fulminate as much as he likes, the Member is not representing the hon. Member's speech fairly. Then he is saying that the Opposition is defending big interests, but this Government defends more big interests in this country than anybody else. The hon. Member is not making that point at all.

Hon. F. G. SMITH: I am objecting to that, he cannot make a point of explanation on another Member's speech. He can make it on his speech, not on the speech of the hon. Member, so I am not giving way.

2.05 p.m

I am only pointing out the dangers in this society. I can be castigated by the Opposition for a provision in an Act which gives me power to

ensure that the poor people's mail leaves the Island, and the hon. Member for St. Joseph says that is a wicked provision! I have no intention of sending this Bill to a Select Committee. This Bill will be passed as it is, and it will be administered by all who, from time to time, exercise the functions of Minister of Communications and Works. This Bill has nothing to do with power. This Bill deals with the efficient administration of a vital Department of the Government which affects the lives of every single Barbadian some time during the week, or some time during the day.

I am concerned with people getting the mail, and if I have to use dictatorial powers to make sure that people get the mail, I will do so. I do not want the power to search anybody's mail. I want power to be in a position to meet emergency situations. The other day when mail was missing at Seawell, who was getting the blows? The Minister. Mail coming in from Canada as well as mail due for St. Lucia was not arriving. The mail was found on pastures at Paragon and Spencers. Whose throat was being cut for that? The Minister. Now that the Minister comes with powers to meet such emergency, what does a weak-kneed Opposition get up here and say? I want power. (*Asides.*)

Mr. DEPUTY SPEAKER: I would ask the hon. Member to withdraw the words "weak-kneed Opposition", immediately.

Hon. F. G. SMITH: There is nothing wrong with weak-kneed. I am not withdrawing it. If the Deputy Speaker will tell me...

Mr. HINDS: He cannot argue; it will have to be withdrawn.

Hon. F. G. SMITH: Withdraw what? Weak-kneed Opposition? Is that unparliamentary? If I had said yellow-bellied...

Mr. DEPUTY SPEAKER: I ask the hon. Member to withdraw the words "weak-kneed Opposition".

Hon. F. G. SMITH: All right, I withdraw "weak-kneed". What is Parliament coming to now? I say the courageous Opposition. If I had said the courageous Opposition, you would have liked it because it sounds big. Do you want me to withdraw that, too?

Mr. MOTTLEY: On a point of order, Sir.

Mr. DEPUTY SPEAKER: May I hear this point of order.

Mr. MOTTLEY: The hon. Member also referred to "yellow-bellied".

Mr. DEPUTY SPEAKER: I have not heard that.

Mr. MOTTLEY: The hon. Member said that and you can ask the Clerk-at-the-Table.

Mr. DEPUTY SPEAKER: I have not heard "yellow-bellied" at all.

Mr. MOTTLEY: I am objecting to the use of the words, Sir. I am objecting to that statement.

Mr. DEPUTY SPEAKER: What statement are you objecting to?

Mr. MOTTLEY: Yellow-bellied.

Mr. DEPUTY SPEAKER: Mr. Clerk.

Mr. MOTTLEY: Not the Clerk. As the Clerk to get the words from the Reporter.

Mr. DEPUTY SPEAKER: All right, we know what has to be done in here.

Mr. MOTTLEY: You do not know at all, Sir, because you stopped the hon. Member from talking, and you were wrong.

Mr. DEPUTY SPEAKER: Are you advising me what to do now?

Mr. MOTTLEY: On a point of order, Sir. You stopped the hon. Member for Christ Church West when he was talking, and you told him that his speech was limited when under Order 30(1) he was entitled to talk as long as he liked. You were wrong in that respect, Sir.

Mr. DEPUTY SPEAKER: Mr. Clerk, will you ask the Reporter if he has the words "yellow-bellied".

Mr. MOTTLEY: You were wrong to stop the hon. Member for Christ Church West from talking.

Mr. DEPUTY SPEAKER: These are the words the Reporter took down. "If I had said the yellow-bellied Opposition" — I say the courageous Opposition. This a condition, and I cannot and would not ask the hon. Member to withdraw it since it was used hypothetically.

Mr. ADAMS: On a point of order, Sir. If I say that a man is a real yellow-belly because he is afraid to resign from the Cabinet and is only

abusing the Prime Minister behind his back in order to try to obtain the favour of people who are afraid of the Government, I would not have to withdraw that, Sir? If I said that in those circumstances a man is a real weak-kneed yellow-belly, I would not have to withdraw that, Sir?

Mr. DEPUTY SPEAKER: That is also hypothetical.

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

SUSPENSION OF SITTING

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that this Sitting be now suspended for one hour.

Hon. A. MORRISON: I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER suspended the Sitting accordingly.
2.15 p.m.

On Resumption:

QUESTION TIME

Mr. DEPUTY SPEAKER: It is now Question Time.

Question No. 3 stands in the name of the hon. Member for Bridgetown.

SCHOLARSHIPS

Mr. MOTTLEY: Mr. Deputy Speaker, the question reads as follows:

To ask the appropriate Minister: How many National Development Scholarships have been awarded by the Government during the year 1974 and for the year 1975? Will the Minister state: (a) the subjects for which scholarships have been awarded; (b) the number of persons who were awarded scholarships in each subject?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the reply to Parliamentary Question No. 3 is as follows:

During 1974, thirteen (13) National Development Scholarships were awarded in the following subject areas:—

Architecture	2	Accountancy	1
Art and Design	1	Hotel Management	1
Pharmacy	1	Business Administration	1
Dentistry	2	Mechanical Engineering	1
Land Surveying	2	Petroleum Engineering	1
			<u>13</u>

For 1975, it is proposed to offer six (6) awards to the best applicants from the following subject areas:—

Accountancy	Pharmacy
Agriculture/Animal Science	Quantity Surveying
Land Surveying	Hotel Management
Graphic Arts.	

Mr. MOTTLEY: Mr. Deputy Speaker, could the Minister state whether or not any survey was done in 1974 to see the areas in which the scholarships were needed, and if so, would the Minister state the areas of the survey?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, there was no specific survey done in 1974.

Mr. MOTTLEY: Mr. Deputy Speaker, will the Minister state the basis upon which the awards were made, whether on an *ad hoc* basis, or whether it was based to meet the needs or the requirements of the society, and if so, how did he establish the needs of the society?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, it is known to this Government that there are requirements for architects, pharmacists, dentists, land surveyors, accountants, persons qualified in hotel management, business administration, engineering and petroleum engineering as well as in the fields of art and design, and it was on this basis from the information available to the Government that these awards were made.

Mr. HINDS: Mr. Deputy Speaker, does the Minister find that the need for pharmacists greatly outweighs the requirements in some of the other fields to which these awards were made?

Mr. MOTTLEY: Mr. Deputy Speaker, can the Minister state whether any survey has been carried out for this year, and if not, whether it is proposed to carry out a survey to see which of the fields in which he sees scholarships would be awarded would need more and state the reason why these scholarships are being awarded this year?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, since 1971 some forty-one National Development Scholarships have been awarded and we will continue to award National Development Scholarships in those areas of priority as determined by the Government. For this particular year some six scholarships are being awarded and these are new awards in addition to those which are being pursued already.

Mr. HINDS: Mr. Deputy Speaker, can the Minister give us some reason why the number this year is limited to six?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, these are the awards to which funds

have been made available. There are six awards this year, but as more funds become available, more awards will be made. If it becomes clear during the course of the year that other awards are required and funds are available, additional awards will be made.

QUESTION RE INFANT SCHOOLS

Mr. DEPUTY SPEAKER: Parliamentary Question No. 5 stands in the name of the hon. Member for Bridgetown.

Mr. MOTTLEY: Mr. Deputy Speaker, the question reads as follows:—

To ask the appropriate Minister: 1(a) Would the Minister state the number of infant schools? (b) Would the Minister state the number of children in each school as of 31st December, 1974?

Hon. L. E. SANDIFORD: I will lay the answer to that Question.

QUESTION RE PRIMARY SCHOOLS

Mr. DEPUTY SPEAKER: Parliamentary Question No. 6 stands in the name of the same hon. Member.

Mr. MOTTLEY: Mr. Deputy Speaker, this is a similar question and I will ask the Hon. Minister to lay the Reply, as well as to No. 8.

Hon. L. E. SANDIFORD: I should be happy to lay the information subject to the clarification that the question relates to Barbados.

Mr. MOTTLEY: I can only ask the Minister that question on schools in Barbados. Is the Minister responsible for the Ministries of Education in St. Vincent and St. Lucia?

Mr. DEPUTY SPEAKER: The Replies to Parliamentary Questions Nos. 6 and 8 will be laid.

QUESTION RE ST. LUCY'S SECONDARY SCHOOL

Mr. DEPUTY SPEAKER: Parliamentary Question No. 14 stands in the name of the hon. Member for St. Lucy.

Mr. GREAVES: Mr. Deputy Speaker, the question reads as follows:—

To ask the Minister of Education, Youth Affairs Community Development and Sport: 1. Is

the Minister aware that there is no Assembly Hall at the St. Lucy's Secondary School and consequently assembly is held in the open air? 2. Is the Minister aware that this situation affects the smooth functioning of the school? 3. Can the Minister state whether or not the Assembly Hall will be provided before the end of the current financial year?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the reply to Parliamentary Question No. 14 is as follows:

The space provided for the Assembly Hall is currently used as classrooms and is therefore not available for school assembly, thereby causing some inconvenience in the arrangements for the functioning of the school. Additional classrooms are now being planned for, and it is anticipated that these will be ready for occupation at the start of the 1976–77 school year when the Assembly Hall should also be available for use as such.

Mr. GREAVES: Mr. Deputy Speaker, can the Minister state whether this plan to make the Assembly Hall available in the school year 1976–77 is in accordance with the programme which was laid out or is it behind hand?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the additional class rooms referred to in the question fall under phase 4 of the plan and that is very much within the plan for the development of the school. Currently they are in phase 3 and according to the contract that has been awarded for phase 3 these class rooms should be available shortly, and thereafter we hope to award a contract for the completion of the final phase of the school.

Mr. GREAVES: Can the Minister give any indication as to when phase 4, which is the final stage of the school building, will begin?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I share the obvious concern of the Member of Parliament for St. Lucy on the provision of these additional class rooms under phase 4 of the plan of development of the school. I note his concern and share it. We have issued instructions to the architect to start the preparation of the necessary drawings and as soon as these have been provided and the funds are available, I would expect that this will begin.

Mr. GREAVES: Mr. Deputy Speaker.....

Mr. DEPUTY SPEAKER: The hon. Member has already asked three supplementaries.
3.25p.m.

Mr. E. E. GREAVES: Mr. Deputy Speaker,.....

Mr. DEPUTY SPEAKER: I am afraid the hon. Member has already asked three Supplementary Questions.

Mr. MOTTLEY: Mr. Deputy Speaker, would the Minister state how long this school was opened and why is it necessary at this stage that the additional class rooms are required, and whether or not any survey was done before the building of the school, to see the needs of the children in the area?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, this school was opened some three or four years ago and it was always the intention that it would be constructed in a phased period. We are now completing the third phase of the programme and going into the final phase of construction.

As far as the survey is concerned, we considered the needs of the children of the area and determined that a school was necessary in that area, and hence we provided the facilities for the opening of the school.

Mr. MOTTLEY: Sir, I understand the Minister to say that the reason why there is no assembly hall is because the assembly hall is being used as a classroom at the moment. Therefore, what is the number of pupils using the assembly hall as classrooms?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I obviously cannot tell the hon. Member. If he wishes that particular question answered, I can tell him specifically that I will find out that information as to how many children use the Hall as a classroom. I would have to get that information. I do not want to give him any false information. If he wishes to put a substantive question on that particular matter, I would undertake to get the information for him. I am always willing to assist the hon. Member in his search for information. If he places the substantive question I would be happy to supply the information.

Mr. MOTTLEY: Mr. Deputy Speaker, would the Minister agree that in short, his answer should be that due to bad planning, inadequate planning, that is the reason why the secondary school has no assembly hall at the moment? Due to bad and inadequate planning at the time when the school was envisaged and built?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I would certainly not agree with the

inference or imputation in the supplementary question put by the hon. Member, neither in short nor in long.

QUESTION RE PLAYING FIELD AT ST. LUCY'S SECONDARY SCHOOL

Mr. DEPUTY SPEAKER: Question No. 15 which stands in the name of the same hon. Member for St. Lucy.

Mr. E. E. GREAVES: Mr. Deputy Speaker to enquire of the Minister of Education, Youth Affairs, Community Development and Sport: Is the Minister aware that there is no playing field at the St. Lucy's Secondary School? And is the Minister aware of the problems which the absence of this facility imposes on the pupils and teachers of the school? Can the Minister state what are the problems being encountered in getting the playing field at the school established?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the Reply to that question No. 15 is as follows: Land has been provided for development as a playing field for the school but that development has not yet taken place because of competing demands on available financial resources. It is expected that the work will be carried out during the current financial year.

QUESTION RE UNUSED SCHOOL TOILET IN ST. JUDES VILLAGE, ST. GEORGE

Mr. DEPUTY SPEAKER: Question No. 16.

Mr. W. R. Lowe sought and obtained leave to ask Question No. 16.

To enquire of the appropriate Minister: Is Government aware that there is an old unused school toilet in St. Jude's Village, St. George below the old Girls' School which is rat-infested, and used as a dump, which poses a health hazard to the residents of the area? If the answer to the above is in the affirmative, will some urgent action be taken to relieve this dangerous situation?

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, the answer to that question is 'Yes'. Immediate action is being taken.

QUESTION RE INSTALLATION OF PUBLIC TELEPHONES IN ST. PETER

Mr. DEPUTY SPEAKER: Question No. 19 stands in the name of the hon. Member for St. Peter.

Mr. HINDS: To enquire of the Minister of Communications and Works: When will Government make arrangements with the Barbados Telephone Company Limited for the installation of public telephones at the following districts in the parish of St. Peter:— (a) Black Bess, for the benefit of residents of that area and Mangrove Tenantry; (b) Diamond Corner, to serve Portland, Welchtown, and Moore Hill residents; (c) Boscobelle, to serve Gays, Castle, Mount No. 1 & No. 2 and the residents of Boscobelle, St. Andrew; (d) The Baltic to serve the people of Collin's Tenantry, Date Tree Hill and adjoining areas; (e) The Risk; (f) Indian Ground to serve, amongst others the residents of Roebuck, Four Hill and Lonesome Hill; and (g) French Village?

Hon. F. G. SMITH: Mr. Deputy Speaker, this matter has already been taken up with the Barbados Telephone Company.

Mr. HINDS: Mr. Deputy Speaker, can the Minister tell us exactly when was the matter taken up?

Hon. F. G. SMITH: The matter was taken up with the Telephone Company months ago in respect of certain areas but since the question, the matter was referred to the Telephone Company in respect of all the areas.

QUESTION RE ABSENCE OF PROPER GUTTERS AT ROSE HILL MAIN ROAD

Mr. DEPUTY SPEAKER: Question No. 27 which stands in the name of the same hon. Member.

Mr. HINDS: To enquire of the Minister of Communications and Works: Is the Minister aware that with the absence of adequate and proper gutters to the Rose Hill Main Road at St. Peter, property owners and others suffer much inconvenience when there is a heavy rainfall and for long hours afterwards? 2. Will the Minister cause an examination to be carried out of the area to determine the extent of damage to property caused by the overflowing of the highway, thereby interrupting or hindering certain developments of the area generally? 3. Will the Minister take the necessary steps to remedy this unhealthy and unpleasant situation?
3.55 p.m.

Hon. F. G. SMITH: The answer to that question is that the Minister is not aware. However, the Minister has given instructions for the matter to be investigated as a matter of urgency; and such remedial action as is necessary

will be taken after the investigation has been carried out.

Mr. HINDS: Will the Minister tell us why he did not wait until after the investigation had been carried out to bring his reply to the question?

Hon. F. G. SMITH: The Minister did not wait for the investigation to be carried out because the Opposition would have alleged that questions were not answered by the Ministry for which I have responsibility.

Mr. HINDS: Mr. Deputy Speaker, does the Minister not find the investigation not having been carried out, the Minister is really and truly not in a position to state whether the conditions exist or not, while the Minister's reply is that the Minister is not aware?

Hon. F. G. SMITH: I can only answer the question on the date on which it was asked. He asked if the Minister is aware. I have said that the Minister is not aware. I have taken steps to be made aware, and based on the investigation, remedial action will be taken.

Mr. HINDS: Mr. Deputy Speaker, can the Minister give us now to understand how he will convey to this Hon. House the results of the investigation — what means he will employ to convey it to this Hon. House, or if he has any intention of conveying such information to this Hon. House?

Hon. F. G. SMITH: The Minister has no intention of conveying any further information. As soon as the investigation is completed, the people of the district will see the results of the investigation by the remedial action taken. The Minister is concerned with the people who suffer inconvenience by the present state of affairs.

Mr. DEPUTY SPEAKER: Question No. 28 asked by the same hon. Member.

Mr. HINDS: Mr. Deputy Speaker, — To ask the Minister of Communications and Works: Is the Minister aware that Greaves Gap, Reservoir Road and Millionaire Road at Ashton Hall, St. Peter are in a state of disrepair? 2. Will the Minister cause such repairs to be effected as would relieve some of the hardships now experienced by persons who have to use the said roads?

Hon. F. G. SMITH: Mr. Deputy Speaker, the answer is that the Minister is not aware; and this matter also will be investigated and such repairs as are necessary, will be carried out.

Mr. MOTTLEY: Mr. Deputy Speaker, will the Minister state whether he took any steps to make himself aware of what the situation was before he answered this question?

Hon. F. G. SMITH: The question, as I understand it, relates to the time when it is asked. At the time it was asked, I was not aware. I have said so. I will now make myself acquainted with the situation and take such action as is required. I am not waiting for three months to pass — not from my Ministry — and then come in here with answers to be accused of not answering questions promptly.

Mr. MOTTLEY: Even now, Sir, accepting that the Minister's explanation is valid for the purpose of the Minister — although it is not necessarily valid — will the Minister state whether as of now, today, he is aware of the situation, whether any investigation has been carried out and whether he is aware of the facts complained of as of today, not as of the day when the question was asked?

Hon. F. G. SMITH: The Minister is not aware; but the Minister has issued instructions that immediate investigations must be carried out and reported back to the Minister.

Mr. DEPUTY SPEAKER: Question No. 29 asked by the same hon. Member.

Mr. W. C. B. HINDS: To ask the Minister of Communications and Works: Is the Minister aware that intended passengers awaiting transportation at several bus stops suffer much inconvenience by having dirty water from the pot-holes in the roadway in front of these bus stops being splashed upon them by passing motor vehicles? 2. Would the Minister cause a survey to be made of the pot-holes so located on the several highways and take steps to repair as many as possible before the rainy season approaches — the period during which most inconvenience is experienced? 3. Will the Minister treat this matter with the seriousness and the urgency that it deserves since many of the sufferers are poor people without the means or energies to seek redress elsewhere?

Hon. F. G. SMITH: Mr. Deputy Speaker, the answer is that the Minister is not aware. No, Sir. However, if the hon. Member will give the exact location of such pot-holes in relation to bus stops, the Minister will take immediate steps to have them repaired. The Minister has no intention of sending his staff to the hundreds of bus stops throughout the island to check out the question asked by the hon. Member.

Mr. HINDS: If the hon. Minister does not care about the people who suffer this inconvenience it is a matter entirely for him. Mr. Deputy Speaker, is it the Minister of Communications and Works who has just given replies to this question — to state that the Minister is not aware that when rain falls, people standing at some of the bus stops suffer by having dirty water from the roadway splashed upon them? Does he live in the clouds? What is he playing now?

Mr. DEPUTY SPEAKER: Is that a substantive question?

Mr. HINDS: Is he living in the clouds and not down here on the earth with the other people who suffer the inconvenience complained of?

Hon. F. G. SMITH: If the hon. Member, since he does not live in the clouds, will let the Minister know the specific bus stops where he knows that people are being splashed, the Minister will by today or tomorrow have these pot-holes remedied. I have no intention of sending technical staff of the Ministry to the thousands of bus stops in the island to check out the allegation when the hon. Member who lives on earth should know at which bus stops in which parishes these things occur. That is simple.

Mr. MOTTLEY: Is the Minister saying that technical staff are not there to assist the poor people of this country — that the technical staff is there to do certain things, but not to assist and work in the interest of the poor people of this country whose taxes pay them?

Hon. F. G. SMITH: The Minister is saying that he is not utilising the time of his limited technical staff on wild goose allegations made by members when they refuse to substantiate and pinpoint the problems which they raise.

Mr. HINDS: On a point of order. The Minister is now taking my questions and calling them wild goose allegations.

Mr. DEPUTY SPEAKER: They could not have been wild goose allegations because I had to vet them before they got here.

Mr. HINDS: That is what he just said — that they were wild goose allegations. Kindly have him withdraw that, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: The question is not referred to as a wild goose allegation.

Mr. HINDS: He did not refer to the question as wild goose allegations?

Mr. DEPUTY SPEAKER: I did not understand it that way.

Mr. HINDS: He is saying that wild goose allegations are contained in the question that people at the several bus stops are suffering this inconvenience and that he is not sending his technical staff to investigate that when people are standing at the bus stops and rain falls they suffer inconvenience by motor vehicles passing and splashing dirty water in their faces and on their clothes. That is what he is saying that he is not sending his technical staff to investigate. He said that they are wild goose allegations.

Mr. Deputy Speaker, I wonder if the Dean of St. Michael's Cathedral makes these statements, if the Minister would call them wild goose allegations.

Hon. F. G. SMITH: Mr. Deputy Speaker, under Rule 14 if a question contains a statement the member who asked the question must be prepared to substantiate it. If he will tell me where in St. Peter, St. Lucy, St. Andrew, St. James or other parish where he knows that people have been splashed or there are existing pot-holes, I as Minister, in the interest of the poor people will take immediate steps to have it remedied; but I am not sending people throughout the 166 square miles of Barbados to check out whether his allegations are right or wrong.

Mr. HINDS: Mr. Deputy Speaker, I want to be fair to the Minister. Would the Minister send his technical staff to his own constituency at the bus stops where pot-holes are to be found? Let him start there first. Do not let him come to mine. The people in my constituency can wait until election is called.
3.45 p.m.

Hon. F. G. SMITH: The final thing. If the hon. Member for St. Peter, since he must know of the existence of these pot holes, will now tell the Honourable House where he with his own eyes or from information knows them to be existing, then I, the Minister, will take immediate steps before the House is adjourned to remedy them and save the people from being splashed, but I have no intention whatsoever of going to hundreds of spots checking out if what he says is true or not.

Mr. MOTTLEY: Mr. Deputy Speaker, will the Minister agree that it does not take a

qualified person to see whether there is a hole in the road and that he can send an unqualified person to check on these things? If the Minister is really interested in trying to prevent the poor people from getting splashed, will he send an unqualified person to look and see whether there is a hole in the ground? I believe that even the Minister would appreciate that an unqualified person can see a hole in the ground.

Hon. F. G. SMITH: If the hon. Member is interested in the poor people that he is talking about, he would today tell the Minister where in Barbados this state of affairs is now existing because he must know, he cannot ask a question blindly.

Mr. HINDS: Mr. Deputy Speaker, the Minister is making himself a donkey, you know.

Mr. DEPUTY SPEAKER: Order! None of that behaviour in here.

Mr. CRAIG: Sir, I will assist the Hon. Minister. He can take note of these. Highway 1,....

Mr. DEPUTY SPEAKER: Is the hon. Member asking a question?

Mr. CRAIG: No, I am answering the Minister, because he wants specific information.

Mr. DEPUTY SPEAKER: You cannot answer him, you are either asking a question.....

Mr. CRAIG: Mr. Deputy Speaker the Minister has requested from us on this side ...

Hon. F. G. SMITH: No, from the Member asking the question.

Mr. DEPUTY SPEAKER: Let us get it straight.

Mr. CRAIG: I am asking a Question for my colleague.

Mr. DEPUTY SPEAKER: May I hear you supplementary question?

Mr. CRAIG: The question is, Speightstown, Greenwich Village in St. James, Fontabelle....

Mr. DEPUTY SPEAKER: That is not a question.

Mr. CRAIG: Sir, is the Minister aware that there are pot holes in Fontabelle, Greenwich Village in St. James, the whole of Highway 2, on

Way 1, Pickwick Gap, Bank Hall
ons Village, St. Joseph, Holders
ll, Oistin, Headings in St. Philip,
in St. Philip, Market Hill, St.
Augustine, Rendezvous.

Hon. F. G. SMITH: Yes, I am aware.

Mr. CRAIG: Well, would you give the House an undertaking that you will have them done as from tomorrow? That is what you said before the House.

Sir, the Hon. Minister has misled the House because he has now said he is aware of these places and earlier he said that he was not aware.

Hon. F. G. SMITH: I am aware that there are bus stops in the general areas you called, I am not aware of pot holes, I am not the Minister of Pot Holes.

Mr. CRAIG: He is not aware of pot holes by these bus stops, and I have told him where the pot holes are, by the bus stops.

Mr. DEPUTY SPEAKER: That brings us to the end of Question Time.

GOVERNMENT BUSINESS

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Government Business be now resumed.

Dr. the Hon. R. B. CADDLE: I beg to second that.

Mr. ADAMS: When are we doing Private Members' Business, Sir? Let us hear about doing the Private Members' Business.

Mr. DEPUTY SPEAKER: The Standing Orders were suspended. The Question is...

Mr. ADAMS: I am only asking, are we going to do Private Members' Business?

Mr. DEPUTY SPEAKER: I was giving an explanation and you would not sit.

Mr. ADAMS: But I sat, Sir.

Mr. DEPUTY SPEAKER: There was an undertaking, you were not present, when the Standing Orders were suspended that the usual agreement that would take place between the Opposition and the Members of the Government would take place.

Mr. ADAMS: Sir, there are only two or three hon. Members on that side in whom I have full confidence that they will remain. The hon. Member for St. Michael South looks as though he wants to disappoint me. It looks as if he is packing up already, but I have some confidence that he will remain. The Minister of Communications, he has had a few lacerations to take today so he may wish to go home and lick his wounds, and the Leader of the House. This is why we are respectfully suggesting that it be done now. If the Government wants the Post Office Bill through today they had better do Private Members' Business now. We are asking that it be done now. (*Asides*).

Mr. DEPUTY SPEAKER: Let us have some order. The question is...

Mr. ADAMS: I move an amendment, that the word "Government" be deleted and the words "Private Members" be substituted. I beg to move that.

Mr. MOTTLEY: I beg to second that. I do not understand this, Sir. If the Leader of the House gets up in here and suspends Standing Orders and says with the usual undertaking that Private Members' Business will be done, now we are to do Private Members' Business, are we going to hear that it cannot be done now?

Hon. C. E. TALMA: On a point of order, the whole object of suspending Standing Orders was to have Government Business cleared — we only have three Items — and then Private Members' Business could be done. It is only a question of the time.

Mr. HINDS: On a point of order, Mr. Deputy Speaker, when we sat today and the Leader of the House moved the suspension of these Standing Orders and remarked on giving the usual undertaking... (Hon. C. E. TALMA: Not at this time). How do you mean not at this time?

Mr. DEPUTY SPEAKER: Will the hon. Member continue?

Mr. HINDS: We are making a mockery of democracy. I suspected then that a situation like this would have arisen and that is why I tried to extract from the Leader of the House a true meaning of what the usual undertaking really meant. It was to avert a situation such as what is now likely to occur, because when the Leader gave us the undertaking that Private Members' Business would be taken in its usual time ...

Hon. C. E. TALMA: On a point of order, I never said that, the whole difficulty is because we gave the replies. (*Asides*).

Mr. DEPUTY SPEAKER: Order!

Mr. HINDS: Mr. Deputy Speaker, the Leader of the House....(*Asides*)...

Mr. DEPUTY SPEAKER: Let us have a little order.

Hon. C. E. TALMA: Mr. Deputy Speaker, I never said that Private Members' Business would be dealt with at the usual time. I never said that, they always invent a lot of things.

Mr. HINDS: He gave us the usual undertaking, and he went on to say that if the Opposition had anything to deal with, if they had any business today it would be done. Our only opportunity to do business is in Private Members' time, so I do not know what he is saying now, that he did not say this and he did not say that. He gave us the undertaking and he went on to say that if the Opposition had anything to do...(Hon. C. E. TALMA: Not now). Our time for having something to do, Mr. Deputy Speaker, is at this time.

3.55 p.m.

This kind of double talk that we are now subjecting Parliament to is destroying this entire community. This kind of double talk from the Leaders in the Government is exactly what is destroying this entire community. We find ourselves unable, Mr. Deputy Speaker, to take the word of the Leader of the Opposition. We cannot believe him. (HON. MEMBERS (GOVERNMENT): Hear, hear). I meant the Leader of the House, Sir. We find ourselves unable to take the word of the Leader of the House. Since this is the case, Mr. Deputy Speaker, what are we to find in a situation such as this? What is the undertaking he gave us?

Hon. C. E. TALMA: Mr. Deputy Speaker, if the hon. Member will give way, the whole object of suspending the Standing Orders was to enable the Government to deal with all of its business and then the undertaking related to remaining and seeing that Private Members' Business is dealt with. The hon. Member knows better than that. The confusion has arisen because, coming back here after the suspension, we went on to the Replies to Questions. I wanted to resume Government Business there and then. The Standing Orders had been suspended, and we should have dealt with Government Business when we came back here.

Mr. HINDS: On a point of order, Sir. I am sure that the Leader of the House has not ceased to be a lover of the truth. The point is, Mr. Deputy Speaker, that the first time the Leader of the House has ever tried to apply that kind of interpretation to the usual undertaking that after Government Business they would remain is today. This is the first time in our history that he has ever tried to give that interpretation. (*Asides*.)

Mr. DEPUTY SPEAKER: Order! The question is.....

Mr. FORDE: Before you put the question, Sir, I am a bit concerned about the fact that every time we come in here on Private Members' Business it is being taken out of time. It cannot be fair to Private Members, Sir. I would expect that if the Government want their business to be done that they would get on with Private Members' Business and then come back to Government Business.

The question that Private Members' Business be now taken was put and resolved in the negative without division.

The Question that Government Business be now taken was put and resolved in the affirmative without division.

RESUMPTION OF THE POST OFFICE BILL, 1975

Hon. F. G. SMITH: 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. P. G. MORGAN: I beg to second that.

Mr. ADAMS: Mr. Deputy Speaker, I draw to your attention the fact that there does not appear to be a quorum.

All Members of the Opposition left the Chamber.

Mr. DEPUTY SPEAKER: Let the Bell be rung.

The Bell was rung. A quorum was obtained.

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. W. R. LOWE took the Chair.

Parts I to IX inclusive were called and they stood part.

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

Hon. P. G. MORGAN: I beg to second that.

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

Hon. F. G. SMITH: Mr. Deputy Speaker, I beg to move that this Bill be now read a third time.

Hon. P. G. MORGAN: I beg to second that.

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

Hon. F. G. SMITH: Mr. Deputy Speaker, I beg to move that this Bill do now pass and be cited as the Post Office Act, 1975.

Hon. P. G. MORGAN: I beg to second that.

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

ADJOURNMENT

Hon. C. E. TALMA: Mr. Deputy Speaker, this concludes Government Business for today's Sitting. I beg to move that this House do now adjourn until Tuesday, the 24th June, 1975, at 12 o'clock noon.

Hon. P. G. MORGAN: I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER adjourned the House accordingly.
4.05 p.m.