

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1971 - 76

HOUSE OF ASSEMBLY

Tuesday, 11th March, 1975.

Pursuant to the adjournment, the House of Assembly met at 12.05 o'clock p.m.

PRESENT

Hon. C. E. TALMA, C.B.E., (Deputy Prime Minister and Leader of the House); Rt. Hon. E. W. BARROW, B.Sc., (Econ.) LL.D., (Prime Minister); Mr. R. St.C. WEEKES, J.P.; Mr. W. R. LOWE, J.P., (Chairman of Committees); Mr. A. DaC. EDWARDS; Mr. W. C. B. HINDS; His Honour C. A. E. HOPPIN, (Deputy Speaker); Mr. L. S. CRAIG; Mr. E. D. MOTTLEY; Mr. C. L. BOLDEN, LL.B.; Mr. F. L. WALCOTT, O.B.E.; 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; Hon. P. M. GREAVES, B.A., (Minister of Housing, Lands, Labour and National Insurance); Mr. H. deB. FORDE, M.A., LL.B.; Dr. the Hon. R. B. CADDLE, (Minister of Health and Welfare); Hon. A. MORRISON, (Minister of Agriculture, Science and Technology); Hon. L. E. SANDIFORD, B.A., M.A. (Econ.), (Minister of Education, Youth Affairs, Community Development and Sport).

Prayers were read.

PAPERS PRESENTED

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I am commanded to lay the Draft

Estimates 1975-76, including the Draft Estimates of the Port Department and the Schedules of Personal Emoluments 1975-76.

Also, the Warehousing of Rum in Bond (Amendment) Regulations 1975.

Hon. A. MORRISON: Mr. Deputy Speaker, I am commanded to lay the Animals (Importation Control) (Amendment) Regulations, 1975.

Hon. F. G. SMITH: Mr. Deputy Speaker, I am commanded to lay the Eighteenth Annual Report and Statement of Accounts of the Transport Board for the year ended 30th September, 1973.

NOTICE OF QUESTIONS

Mr. E. D. MOTTLEY: Mr. Deputy Speaker, to enquire of the appropriate Minister:

Will the Minister cause a copy of a statement of all seismographic geological and other surveys relating to exploration for oil carried out in Barbados and surrounding marine areas within the last twenty five years to be laid on the Table of the House at an early date?

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, is this indicating that the hon. Member wants an oral question? If this is so, the answer is no.

Mr. E. D. MOTTLEY: The question has to be laid so there can be no oral answer.

Mr. Deputy Speaker, to enquire of the appropriate Minister:

1. Did the Minister cause an Enquiry to be made into the three tier system of mark ups or the distribution of food stuff in Barbados?

2. Has any report been made concerning the above Enquiry?
3. Will the Minister cause the report to be laid on the Table of the House?
4. If the Minister does not lay or cause to be laid any report concerning the above enquiry, will the Minister state what are the findings and/or recommendations of the Enquiry?

Mr. Deputy Speaker, to enquire of 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?

Mr. Deputy Speaker, to enquire of the appropriate Minister.

1. (a) How many children attended Grammar School as of 31st December, 1974?
- (b) Would the Minister state the number at each school?
2. (a) How many children attended Comprehensive Schools as of 31st December, 1974.
- (b) Would the Minister state the number at each school?
3. (a) How many children attended Private Secondary Schools as of 31st December, 1974?
- (b) Would the Minister state the number of children at each school?

Mr. Deputy Speaker, to enquire of the appropriate Minister:

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

Mr. Deputy Speaker, to enquire of the appropriate Minister:

- (a) Would the Minister state the number of Primary Schools?
- (b) Would the Minister state the number of children in each school as of December 31, 1974?

Mr. Deputy Speaker, to enquire of the appropriate Minister:

Would the Minister state whether Inspectors from the Ministry of Health and Welfare were called in at a business house in Bridgetown because the pop corn sold there was found to be rat-infested and unfit for human consumption?

Mr. Deputy Speaker, to enquire of the appropriate Minister:

Would the Minister state the number of Preparatory Schools?

- (b) Would the Minister state the number of children at school in the following categories:

- (i) under five years
- (ii) between 5 – 11 years
- (iii) between 11 – 18 years.

BILLS READ A FIRST TIME

On the motion of Rt. Hon. E. W. BARROW, seconded by Hon. A. MORRISON, a Bill to grant a sum of money out of the Consolidated Fund and to appropriate the same for the service of the Island for the year ending 31st March, 1976, was read a first time.

On the motion of Rt. Hon. E. W. BARROW, seconded by Hon. A. MORRISON, a Bill to amend the Income Tax Act, 1968, was read a first time.

On the motion of Rt. Hon. E. W. BARROW, seconded by Hon. C. E. TALMA, a Bill to provide for the establishment of a Port Authority in Barbados, was read a first time.

ORDERS OF THE DAY

12.15 p.m.

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 on the regular assurance that in case the Opposition sees fit to deal with any matter of urgency or importance, or a combination of both, they will be at liberty to do so at a later stage in the Sitting.

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

Mr. J. M. G. M. Adams entered the Chamber and took his seat.

Mr. HINDS: Mr. Deputy Speaker, I believe that it might be appropriate, at this stage, to draw to Your Honour's attention the matter which, perhaps, has caused the Leader of the House to move that these several Standing Orders be suspended. Now, the Order Paper, which is before us today, states that notice was given of the Resolution at Item I on the 8th March, 1975. Similarly, if you were to look through the whole Order Paper, you will find that notice was supposed to have been given on the 8th March, 1975, in relation to other things. As far as I know, there was no Standing of this Honourable House on the 8th March, 1975. It is also noted, in respect of some of the Bills on the Order Paper, that they were first published in the *Official Gazette* on the 10th March, 1975.

Mr. Deputy Speaker, I have checked with the Government Printery at 12.12 p.m. today to learn that there was no publication of the *Official Gazette*, for the 10th March, 1975. I was told that it had not yet been published and I could call tomorrow. If that is the case, I believe that the Leader of the House will make every effort to have these several matters corrected before he proceeds with any Government Business for today.

Mr. DEPUTY SPEAKER: In reply to what the hon. Member has said, I have in my hand a publication of the *Official Gazette* dated 10th March, 1975. The hon. Member may not have been fortunate to get one but, as Deputy Speaker of this House, I have one here and I can allow the hon. Member or any other Member to see it.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, the Government Printery is so efficient nowadays that, between the time the honourable Member for St. Peter checked five minutes ago and now — it has been able to produce an *Official Gazette* and sent it here! I accept everything the hon. Member has said. I would like to compliment

the Government Printery for the speed with which it works nowadays.

Mr. HINDS: Mr. Deputy Speaker, in reply to what the Prime Minister has just said, at 12.12 p.m. today the Government Printery informed me that there had been no publication of the *Official Gazette* for the 10th March, 1975, and I could call tomorrow. What you have in your hand may be a draft of what they propose to put out. (laughter.) That provides laughter for Members who do not understand what it is all about. Let the Government Printery produce the copies that the Prime Minister would have us believe it has published.

Mr. DEPUTY SPEAKER: Here is a copy of the *Official Gazette*, and it is dated the 10th March, 1975. I have no doubt that there are more copies available.

Mr. GRAIG: Mr. Deputy Speaker, you have a copy of the *Official Gazette* and I do not have one, but that does not necessarily mean that several copies are available. I am going to request that you arrange for to have a copy of that *Official Gazette* so that I can satisfy myself that yours is not the only copy printed.

The Clerk of Parliament sent a copy of the Official Gazette by the Marshal to Mr. L. S. Craig.

Mr. MOTTLEY: On a point of order Mr. Deputy Speaker. The hon. Member also queried the authenticity of this Order Paper stating that notice of Resolution No. 1 was given on the 8th March, 1975. There was no Sitting of the House on Saturday.

Mr. DEPUTY SPEAKER: If hon. Members would take time to read Standing Order No. 22, you would find that it is a Standing Order which gives the Leader of the House the authority to give notice when the House is not sitting.

Hon. C. E. TALMA: Mr. Deputy Speaker, there are two ways of giving notices. Under Standing Order No. 22 — Manner of Giving Notices — you will find.

"Where under any Standing Order or the practice of the House, notice is required, such notice shall be given —

- (a) When the House is sitting, by being handed in at the Table or
- (b) When the House is not sitting, by being handed in at the office of

the Clerk within the hours prescribed for the purpose."

We have adopted Standing Order Number 22 (1) (b) in this case.

I beg to move that Government Business be now taken.

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

Mr. ADAMS: Mr. Deputy Speaker, on a point of order. What are the hours prescribed on a Saturday morning for the opening of the office of the Clerk. I must ask that, Sir, because I come here on Saturday mornings sometimes, and I cannot say that I have seen the office of the Clerk open. I have seen the Clerk, at work on Saturdays but I have never seen the office of the House of Assembly open. What are the prescribed hours? Your Honour must be satisfied that it was handed in during the proper time.

Mr. DEPUTY SPEAKER: I have been advised by the Clerk of Parliament that this Standing Order has not been contravened.

Mr. ADAMS: Mr. Deputy Speaker, we must know what are the prescribed hours because, if necessary, we can come here on Saturday mornings and hand in things, too. All of us on this side know that if we do not hand in our Questions on Friday, nobody is going to take them on a Saturday.

Mr. DEPUTY SPEAKER: The Clerk of Parliament has received these documents in time.

Mr. ADAMS: Mr. Deputy Speaker, what are the hours prescribed?

Mr. DEPUTY SPEAKER: I was not notified of the specific hour he received them. The Clerk of Parliament did not state the hour of the day that it was received. It must be deemed that the notices are in order until the contrary is proved. 12.25 p.m.

Rt. Hon. E. W. BARROW: The Leader of the Opposition is throwing certain aspersions on the discharge of the duties of the Clerk of the House. I would like for your benefit to ask whether any notices which were handed in by anybody on their side, have been refused by the Clerk of Parliament on a Saturday. If he can satisfy me on that, then he can continue to waste the time of the House.

I would like to point out that the reason why the Leader of the House had to have

recourse to the procedure under Standing Order 22 was that although there were Members of the Opposition within the precincts of the House on Friday when a Meeting was duly summoned, they refused to enter the Chamber so that there could be a quorum. I want to say this, Sir. It is the duty of the Government to see that there is a quorum of Members at all times. (Asides)

Mr. DEPUTY SPEAKER: Order! please.

Rt. Hon. E. W. BARROW: There is no doubt in my mind, and I have so informed Members on this side from time to time that it is their duty; but it appears to me that if the Members of the Opposition have taken the trouble to come here, it is not their duty to obstruct the working of Parliament by refraining from entering so that there would not be a quorum. That is how they are interested in the people's business.

Mr. HINDS: Mr. Deputy Speaker, on a point of order. I object. The Rt. hon. Member for St. John was on his feet addressing the Chair and saying that hon. Members on this side come here and obstruct the business of this House. I, Mr. Deputy Speaker, was present last Friday when the Rt. hon. Member for St. John had a party which won 18 seats and was in a position to have formed a quorum almost twice.

I was here, Mr. Deputy Speaker, and I did not think that it was any part of my duty to help a Government with 18 seats to form a quorum. Mark you, there can be no suggestion by the Prime Minister or any other hon. Member that the Member for St. Peter has ever shown any lack of interest in doing the people's business in this Honourable House on any occasion.

Mr. ADAMS: Mr. Deputy Speaker, I object to the Prime Minister saying that I am casting aspersions on the Clerk of Parliament because to say that a Member of the House is attacking the Clerk of Parliament is, in my respectful submission, suggesting that he is guilty of unparliamentary behaviour. What I am saying is that I have asked what are the hours prescribed so that I may know how to conduct my business in future as is my privilege.

If the Prime Minister is attacking me for not forming a quorum, I am telling him that he is one of the oldest Members of the House, and if he wants business transacted, he must learn to come into the House. He has come into the House today, and is perhaps performing for an audience; but when it is difficult to make a quorum, he is not in here. The people did not put us here to make a quorum. They did not give

us enough seats to form a quorum. They have 18 seats which with you, and Mr. Speaker could make two quorums; and they are going to quarrel? It is their fault if they did not come to the House.

The Question that the Standing Orders Numbers 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 without division.

GOVERNMENT BUSINESS

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Order No. 3 be the First Order of the day.

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

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

Mr. DEPUTY SPEAKER: Let us have some order, please.

Hon. C. E. TALMA: I suggested it because it was more or less completed. There is just an amendment which honourable Members have got together on. Order No. 3, Sir.

Rt. Hon. E. W. BARROW: When we were discussing this in the Second Reading stage, I moved that further consideration be then postponed — and this was seconded by the Leader of the Opposition — so that we could investigate further the repeal of the whole of the Schedule which it was felt by both sides was in error.

We have now brought in a deletion of the graduated rates set out in the Schedule without repealing the whole of the Schedule, so that the exemptions, which were in the Schedule, will remain. I would like to state that these exemptions are now under investigation by the Crown Law Officers because I personally feel that something should be done about them; but it is not desirable at this stage to repeal; but this amending Bill must come into effect before the 21st March, 1975, and that is the reason why I have not made the complete amendments which I would like to see done.

I therefore beg to move that this Bill be amended as follows:—

In Clause 2—

- (a) delete paragraph (a) and substitute the following paragraph —

“(a) deleting the graduated rates of duty set out in Schedule A thereto and substituting therefor the graduated rates of duty set out in Schedule A to this Act;”

- (b) substitute the word “thereto” for the word “thereof” appearing in paragraph (b).

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

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

Mr. ADAMS: Mr. Deputy Speaker, you do not amend a Bill at this stage. If the principle of the Bill is to change the rates, you give it a Second Reading. I rise because although the Crown Law Officers have looked at it, they have not looked at the immediate problem which is that two amounts of £500 are still recited in the Schedule whereas it should be \$10,000.

The Commissioner of Inland Revenue himself drew this to my attention perhaps a year ago that the House had amended that Act on more than one occasion going back many years perhaps before the point when the Prime Minister was in the House without ever changing the amounts of £500 which is the limit; these two amounts of £500 should both read \$10,000.

I am respectfully submitting that this is an amendment which could very easily be made, but perhaps the advisers of the Minister have been too hasty with coming with this amendment today. In coming with this amendment, they have not looked at the implications.

12.35 p.m.

As I said, I am against the exemptions altogether, but I can state that I have been told specifically by more than one Commissioner of Inland Revenue that these amounts of £500 hamper the revenue administration of this Bill, that that was the exemption as it was in 1940 and it should have been amended to correspond with subsequent exemptions, and the present exemption lower limit is \$10,000 and therefore those two amounts of £500 should read \$10,000 because they cause general difficulties in the administration of the Bill, since you have different figures in different parts, and I am sorry that the Crown Law Officers did not look at it in the week available to them.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, all I can say is that it is a remarkable

feature of the Barbados Civil Service, if what the hon. Member is saying is correct, that they can inform the Leader of the Opposition that there is an irregularity, and they cannot inform the Minister of Finance or the Crown Law Officers that there is such an irregularity. I do not believe in travelling amendments or Port Manager opinions. This is something which, since the hon. Member has drawn it to my notice that he has a special pipeline to the Commissioner of Inland Revenue.....

Mr. ADAMS: On a point of order, nobody has informed the Leader of the Opposition anything. Persons inform a lawyer making representations on behalf of his clients. Get this quite clear. Nobody informed me as Leader of the Opposition of anything whatsoever.

Rt. Hon. E. W. BARROW: I still think it is remarkable that private practitioners should be informed of matters which are not drawn to the attention of the Ministry of Finance or myself or the Crown Law Officers, and I cannot accept that it is so, because then we would be making a nonsense of law making, that a lawyer can come in here and say that he heard from a Government Officer that something should be something different. That is the law as it stands, and until we amend it.....

Mr. ADAMS: On a point of order, is the Prime Minister saying I am not telling the truth? I can bring a letter signed by the Commissioner of Inland Revenue drawing to my attention for the first time in my life — I had never seen it before — this statement on page 662. I can show it to the Prime Minister if he wants to see it. It is a private letter because it concerns a client's business, signed by the Commissioner of Inland Revenue.

Rt. Hon. E. W. BARROW: I believe that he is telling the truth because that is the way the Public Service in Barbados functions. I believe him 100% for the first time in my life.

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

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

Clause 1 was called and it stood part.

Clause 2 as amended was called and it stood part.

Clause 3 Schedule "A" and Schedule "B" were called and they stood part.

On the motion of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, Mr. CHAIRMAN reported the passing of one Bill with amendments in Committee. Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. C. E. TALMA, each seconded by Hon. A. MORRISON, the Bill as amended was read a third time, passed, and cited as the Estate and Succession Duties (Amendment) Act, 1975.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Item No. 4 standing in the name of the Minister of Communications and Works be the next Order of the Day.

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

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

THE ENGINEERS (REGISTRATION) BILL, 1975.

Mr. DEPUTY SPEAKER: Order No. 4 is to move the Second Reading of a Bill to provide for the registration and discipline of engineers and for connected purposes.

Hon. F. G. SMITH: Mr. Deputy Speaker, in 1969 the Barbados Association of Professional Engineers was incorporated under Section 21 of the Companies Act, 1910. The aims and objectives of the Association then were to safeguard the life, health and welfare of the public by restricting the practice of engineering to properly qualified persons, to advance the state of the Engineering profession by the establishment and observation of high ethical standards of conduct, to promote the advancement of engineering sciences, and to advance, and protect the interest of professional engineers.

It was my view then that in keeping with Government's attempt to update all professional bodies and to bring them into line with modern day practice and ethical standards that legislation should be enacted for the registration of professional engineers, and that an Act should be introduced into Parliament. This Act is now before this Honourable House. It is not a very complicated piece of legislation. It endeavours not only to establish a Board for the proper registration and for the proper disciplining of engineers, nor does it discriminate against those

who may not possess the academic qualifications necessary to enable them if they do not satisfy the Board as to their qualifications either to take an examination or to show through competence by their experience for such registration, but it contains in general, Mr. Deputy Speaker, all the provisions that you would find in legislation of a similar nature governing the conduct, behaviour and relationship of professional bodies not only among themselves, but towards the public.

This legislation has been bandied to and fro for quite some time between the professional engineers themselves. It was never the Government's intention to ride rough shod over any professional body and their comments, and recommendations have been taken into consideration in the drafting of this legislation.

As I suspect it is non-controversial, I consequently move that this Bill be now read a second time.

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

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

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

12.45 p.m.

Hon. F. G. SMITH: Mr. Chairman, judging from the absence of debate on the Second Reading of this Bill, I doubt if the Opposition will have any objection to my reading it in part.

I beg to move that Part one stand part.

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

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

Part 2 was called.

Hon. F. G. SMITH: Mr. Chairman, I beg to move that Part 2 stand part.

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

Mr. FORDE: Mr. Chairman, I would like to hear the Minister's explanation to section 5 of this Bill in relation to the qualifications necessary for registration. Under section 5, subsection 2 as the Bill is drafted it seems that a person, who possesses a degree in engineering from the

University of the West Indies is entitled to registration, and the person who possesses a degree from another university or school of engineering which in the opinion of the Board is evidence of satisfactory engineering training, must also have had not less than four years experience. If this is the interpretation of the Clause, perhaps the Minister would tell us why it has been necessary to make this distinction, because I think it is well recognized that there are other schools of engineering, which are as well qualified if not more experienced than the University of the West Indies is done, in respect of this field; and certainly although the Board may wish to retain to itself the right to look at the type of diploma that the applicant had, it seems to me that to have an automatic four-year experience in these circumstances is unduly onerous on other persons who may not have been trained at the University of the West Indies.

I raise the point — unless the Minister is saying that the Clause 'and' is being read conjunctively with (a) and (b) rather than disjunctively, but, from the manner in which it is set out it does not so appear in my draft of the Bill.

Mr. HINDS: Mr. Chairman, I see at section 11 provision is made whereby a registered engineer can, by action, recover fees that may become due to him in the course of his practice of engineering. What alarms me somewhat is that, I do not seem to find anywhere where protection for the taxpayers is thought of anywhere in this Bill when I bear in mind the kind of rate that taxpayers have recently experienced; only to bring one instance to mind, the engineering fiasco called the Crematorium. That is only one; but, I do not want to make mention of the Coast Guard Station and all those other things because they are all too greivous to mention at a time like this when the taxpayers are so heavily saddled with this sort of tax and the other sort of tax, and what not, to meet all of these things, that these engineers who acquire these certificates from whatever institution come down here and are allowed to carry out these things on the taxpayers with absolutely no form of redress whatsoever on behalf of the taxpayers.

The one thing we do find is that these engineers and these highly placed people, whenever they have served the Barbados Government or any other Government badly, when you want to get rid of them a way is found of promoting them on to some other country or to some other institution. That is the unfortunate part of it, and until I hear from the mover of this Bill — I want to learn from him what protection

there is for the taxpayers in the cases which I have cited.

Mr. BOLDEN: Mr. Chairman, there is one point I would like to raise. The Bill is providing a situation whereby persons who do not have the necessary qualifications can apply to be registered provided they have had ten years experience. I am dealing with the whole of section 6; but section 6(3) makes the decision of the Board final. I was wondering whether this is good provision, that the right of appeal should have been allowed in this case since in other professions — I think it is the Dental, the Paramedical, all of these Acts — the right of appeal is granted where the Board refuses to register some person. Section 3 says 'A decision of the Board with respect to the entitlement of a person to be registered under this section is final.' (Aside) Section 15 does not deal with it. In my view there should be a right of appeal from the Board to some other authority, and then that should be the final stage for such application for registering under these circumstances; but one knows fully well what happens in a place like Barbados where the Board can become a Board prejudiced against certain persons.

Then again, Sir, it does not say on what majority the Board should decide. The Board may decide on a six to one, it may decide on a 4-5; yet that person's future life would be jeopardised because he could not be registered even if he had even more than the ten years experience which is asked for under section 6(1) (a). I would like to hear the Minister on that because I believe that there should be an amendment to that section.

Hon. F. G. SMITH: Mr. Chairman, the hon. member for St. Peter obviously thought that this was a good opportunity to bring in other matters which are totally irrelevant and totally extraneous to the Bill which is before us, and I have no intention of answering him on that problem. The Crematorium is not in this, neither are other matters to which he has referred. The hon. member for Christ Church.....

Mr. HINDS: On a point of order, Mr. Chairman. Mr. Chairman, this is a Bill discussing engineering and the qualifications of engineers, and I am submitting that the engineering qualifications and experience of people who built the Crematorium and the station should be taken into consideration, and, this is not at all irrelevant.

Hon. F. G. SMITH: His repetition of his original comments confirm my conviction that I should not answer him, Sir.

With reference to the point made by the hon. member for Christ Church West, the point is that this Bill was passed to the engineers who felt that the University of the West Indies should have a special position as it is our university which we subsidize; but the feeling generally is that in the case of an engineer, the mere possession of a degree or diploma is not enough in itself to enable a person to display those qualities of expertise and knowledge and that an apprenticeship or some other form of experience is absolutely necessary to enable a person to perform the duties of an engineer with competence and efficiency; and they suggested — which we accepted — that in the case of the University of the West Indies where we were trying to get our own engineers to remain in the region, and our own engineers to come back home, most of whom are invariably educated at the taxpayers' expense, that if we impose an experience qualification of four years, it may scare away those engineers who might come back.
12.55 p.m.

Mr. FORDE: I wish he would advert to this fact. There are certain engineering skills or specialities that are still not taught at the University of the West Indies, and we are still having to give National Development Scholarships in this field, as well as Barbadians are still being sent abroad, particularly, both to Scotland and to England to study in these particular fields. Has the Minister really adverted to this, or has he merely taken the advice of the Engineering Association which seems to be based on no proper ground? If experience is necessary, it is necessary regardless of whether you happen to be trained at the University of the West Indies or otherwise.

Hon. F. G. SMITH: I take the point made by the hon. member, but the feeling was that the University of the West Indies was in a special position and it cannot be compared with an Engineering College in Wisconsin or Colorado and so on. It is our own University, subsidised and paid for and maintained by the sweat and brow of millions of taxpayers in the region and, therefore, if you are going to encourage our graduates to remain in the region, we have to put the University of the West Indies in a special position. Even though the point made as to experience for an Engineer from the University of the West Indies is relevant in the general context, the Government felt that it should give encouragement not only to students who go there and are educated at our own expense, but to West Indian Nationals generally so that they will not have to go through the same grind as someone who is not a graduate of that institution.

On the other question of the appeal, the Board is made up of Engineers and we cannot see any problems in this. We always assume in this House that we are going to get a prejudiced Board. We always assume that somebody is going to set out to spite others. If you have qualifications, you have qualifications.

Mr. BOLDEN: Mr. Chairman, the Hon. Minister is certainly not aware of what is going on in the same Engineering Association. Already there are disputes in the Association where people are quarrelling over the same matter.

Mr. CHAIRMAN: No point of explanation; no point of order!

Hon. F. G. SMITH: Mr. Chairman, as I conceive it, if you are qualified you are qualified. If you are not qualified, then you will have something to worry about. If you produce your diploma and your degree; if you have the qualifications to be registered, then how can a Board tell you that you cannot be registered?

Mr. BOLDEN: Mr. Chairman, the Hon. Minister has missed the whole point under Clause 6(3). I am not dealing with people who have diplomas or qualifications. I am dealing with a man who has been practising as an Engineer for over ten years, but does not have a degree or diploma and is applying to the Board to be registered as an Engineer.

Hon. F. G. SMITH: Mr. Chairman, what would make a Judge sitting in Chambers know more about the qualifications and experience of Mr. A, who does not have a degree, than an Engineering Body who would know all about degrees? What makes a Judge a special privileged person to appeal to? The Engineers would know about the qualifications and the experience. The Judge has to hear evidence from the same Engineers as to the competence of Mr. A. All the Government is saying is that you appoint a Body; the Body listens to the man's experience, and so on. Can a Judge sitting in Chambers, who does not know a B from a bolt, tell you whether John A is qualified?

Therefore, the Government accepted, assuming that the Board is a competent Board, that the Board would know more about the experience and the man's ability to carry out engineering than any Judge sitting in Chambers. Is not that a fair assumption? The Judge can only make his decision on evidence from an Engineer. The Judge cannot say that the man is qualified. What does he know about it? We are saying in

this case, that we should leave it to the Engineering Body that knows about engineering to decide whether the experience of Mr. A is good enough. We are not assuming that they are prejudiced or incompetent; we are assuming that the Board will be competent. At least this is one Board that they cannot say are yard fowls because it will be a professional Body. We are assuming that the members of the Board will carry out their functions with integrity and with honour. To submit this matter to a Judge, who knows nothing about engineering, would be a colossal waste of time.

The question that Part II stand part was put and resolved in the affirmative without division.

Part III was called.

Hon. F. G. SMITH: Mr. Chairman, I beg to move that Part III stand part.

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

Mr. BOLDEN: Mr. Chairman, I am now at a loss to think that the Hon. Minister who has just castigated the Judges of this Island by saying that they do not know a B from a bolt—

Hon. F. G. SMITH: Mr. Chairman, on a point of order. I have not castigated any Judges. (*Asides.*) If you are a lawyer you will know that there is something called "expert evidence" and, therefore, Judges, who are not Doctors and Lawyers, have to listen to evidence. What I have said is that a Judge, who has to give a decision in such a matter, has to listen to people who know what to tell him is the position. I am not castigating anybody; I am stating what is a fact.

Mr. BOLDEN: The Hon. Minister has just said that the Judges do not know a B from a bolt, but they are now the very Judges who will have to decide under Clause 15 any appeals from the Board. The Hon. Minister cannot have it both ways. Clause 15 states:

"An appeal against any decision made by the Board, other than a decision with respect to the entitlement of a person to be registered under section 6, shall lie to a Judge in Chambers....."

The Hon. Minister does not even understand the Bill he is introducing in Parliament today. He now realises that the Bill needs an amendment, and I am sure it will not be long before he comes back here to amend it. The very Judges he does not want that Clause to go to are the very Judges

who will have to decide matters under Clause 15.

Mr. Chairman, I cannot see how it is right to allow all the other professions to have the right to appeal to a Judge in Chambers, and in the case of Engineers you are saying that a Judge cannot make a decision! That cannot be fair.

The question that Part III stand part was put and resolved in the affirmative without division.

The First Schedule was called and passed.

The Second Schedule was called.

Hon. F. G. SMITH: Mr. Chairman, I beg to move that this be the Second Schedule.

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

Mr. FORDE: Mr. Chairman, in relation to the constitution of the Board, I see that under Clause 1(b), the Minister is going to have the right to appoint a person to the Board, and I am certainly not querying his right so to do. I wonder whether he would give, in his policy on this matter, some thought to the idea of putting a layman on the Board. I am one of those who feel that professional bodies, which deal with discipline in their own professionals and which at the same time deal with matters affecting the public interest, should have some lay people on the Boards.

1.05 p.m.

I am afraid that in this respect my views do not necessarily accord with the views of some of my other professional colleagues; but I think that the public interest should be protected in this respect, and I would like strongly to suggest to the Minister that he get persons of undoubted integrity who can at least in such an instance represent the interests of the public at large.

Too often professional bodies are becoming in terms of their own disciplinary structure their own judges almost, and their own trade unions. I think that in the long term this is against the interest of the professions themselves. That is one of the reasons why I would like to stress and reiterate this fact for the attention of the Minister.

Hon. F. G. SMITH: Mr. Chairman, I do not know if the suggestion from the hon. Member for Christ Church West is a result of the working of the Legal Practitioners Bill where I think that there is no layman on that body at all.

Mr. FORDE: On a point of explanation. I would like the Hon. Minister to remember that in Committee I actually moved an amendment to achieve this result and it was not accepted by the Government — in the Legal Professions Act.

Hon. F. G. SMITH: I wonder if the hon. Member is of the opinion that the Legal Practitioners Discipline Committee and the Legal Council are not working so well, and that this is what prompted this suggestion. I think that the hon. Member for St. Joseph will admit that this is an improvement on the Legal Practitioners Bill, since it gives the Minister the right and the opportunity to perhaps consider seriously the suggestion made by the hon. Member for Christ Church West. If the hon. Member would like us to amend the Legal Practitioners Bill to give laymen an opportunity that is another matter. However, his suggestion is noted.

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

Hon. F. G. SMITH: Mr. Chairman, I beg to move that you 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, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. F. G. SMITH seconded in each case by Hon. A. MORRISON the Bill was read a third time and passed.

SUPPLEMENTARY ESTIMATES, 1974-75, No. 37

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Order No. 1 be the next Order of the Day.

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

The question 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 of Supply.

The question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER left the Chair and the House went into Committee of Supply, Mr. LOWE in the Chair.

Hon. C. E. TALMA: Mr. Chairman, this Resolution is one which seeks to amend the note to Item 3 of Head 126 — Ministry of Communications and Works.

Hon. F. G. SMITH: Mr. Chairman, this again is to get the record straight. Included in the provision of \$7,593,010 under Head 126 (Capital) Ministry of Communications and Works, in the Estimates of 1974-75 there is an amount of \$1,315,010 against Item 3, Roads. The explanatory note to this item as shown in the Estimates sets out in detail the various aspects of road construction and road improvement and the figures there set out.

For instance, under subsidiary roads, there is a figure of \$205,000 etc. Expenditure under this item is reserved by the Permanent Secretary of the Ministry of Finance and Planning, and requests for the release of funds have been made on the overall amount of \$1,350,000. As a result, funds in excess of the amount stated in the breakdown in the notes to the Estimates approved by Parliament have been released.

This, Sir, is mainly due to the fact that with the carry over from last year's Estimates and the continuance of construction of certain roads — we started new roads during the period — and in order not to really stop construction, the vote was exceeded.

For instance, the allocation under subsidiary roads is \$205,000 and the total requisitions to the Ministry of Finance were \$257,580. Additional roadways was \$200,000 according to the note, and the Ministry spent \$213,503. Under Highway Improvement the Estimate was \$210,000 according to the note and requisitions were issued for a total of \$229,649. Under Highway Rehabilitation the amount in the note to the Estimate was \$125,000 and the Ministry had requisitions for \$144,452, with the result that the excess spent by the Ministry of Communications and Works under those items was \$105,184.

I must confess that with the rapid increases in the price of petroleum products, cement and the various items which the Ministry of Communications and Works uses, if we had stopped we would have had to come with

Supplementary Estimates which would have meant holding up the continuance of road projects over a period of time. It would have meant the laying off of workers while this was being done.

The note is now being amended to correspond with the expenditure and is an honest attempt by the Ministry of Communications and Works not only to continue projects and start new ones during the financial year, but to prevent the laying off of quite a few workers who would have had to be laid off if we had kept within the small figures which had been allocated.

When you look at \$205,000 for subsidiary roads for the whole island, \$200,000 for additional road works, \$210,000 for Highway Improvements for the whole of Barbados and \$125,000 for Highway Rehabilitation, and with the price of petroleum products and the actual increase in wages and labour being what they are I do not think that hon. Members of this House would think that this is an attempt by the Ministry of Communications and Works to get more money for itself.

In order not to lay off men and stop work, the Ministry of Finance released these extra amounts to keep people employed and to meet some of the needs of the people.
1.15 p.m.

Now under Section 16 of the Financial Rules, 1971, it clearly states that the Estimates form the basis of accounts of the year to which they relate and the classification and subdivision of the accounts revenue and expenditure shall accord to the details of the business. I can assure the Honourable House that the total allocation of the Ministry of Communications and Works was not exceeded in that certain roads for which there was money in the Estimates could not be started. For instance, the Speightstown by-pass road which we had hoped to commence in the financial year had an allocation of \$75,000. The effect of this Resolution is that the total excess of \$105,184 is being offset by a compensated reduction in the provision under Item (f) — Ring Road for which we had an allocation of \$200,000, but from which we only spent \$94,816. As I say, the Minister of Communications and Works is not excusing itself for any breach of the Financial Rules, but very often in a Ministry of that nature where in the course of construction costs can escalate, wages can go up, contract work can be increased if you have to sub-contract it, cement can go up,

hon. members, I think will appreciate that a hard and fast sticking to the Estimates even to the nearest penny can only result in suspension of the work, or the laying off of workers. Of course, if hon. members want to know, in the Ministry of Communications and Works 526 workers have been laid off at the moment because of construction coming to an end.

Mr. Deputy Speaker, I think hon. members will understand that this Resolution is brought here to regularise the position and to ask hon. members to understand that the excess of \$105,184 is not an attempt to get around the money they voted for the Ministry of Communications and Works, but that the very nature of a Ministry of this nature forces on you from time to time some exceeding of the particular provision. It would either have meant stopping the work and coming for a supplementary or as has happened in this case, unfortunately exceeding the allocation; but the Ministry's global vote was not breached. There was a saving because in preparing for the Speightstown by-pass road and with the acquisition of land to continue the ring road, we only spent some of the money which was in the Estimates. I want hon. members to realise that the votes are not exceeded colossally. If there was a *carte blanche* I can assure you that this \$105,000 would be \$500,000 to meet some of the needs of the people. I am asking hon. members of the House to understand and realise the circumstances in which we are placed, and I am sure the hon. Member for Christ Church West cannot quarrel with any excess of this nature because I know he will realise the position looking at the votes of the Ministry of Communications and Works.

I beg to move that this Resolution do now pass.

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

Mr. ADAMS: Mr. Chairman, we have heard a very plausible appeal for light on the part of the Minister of Communications and Works, but I would like to trace this matter back to the last Estimates. At that time we pointed out to the Minister of Communications and Works, I think the verb "humiliated" was used, that he had been humiliated by the Minister of Finance in reducing the amount of money which his Ministry was going to be allowed to spend on road works and other essential aspects of the communications

network of this Island. All these matters were canvassed a year ago at Estimates' time when we observed then that these notes which he is now seeking to add used to exist in the 1973-74 Estimates, but were removed from the 1974-75, and the Minister is now seeking to put them back in again with some shuffling around.

Well, Sir, it is very mysterious to me. He was Minister in 1973 and he was the Minister in 1974. He should be explaining to us why he removed these notes from the Estimates last year and only before the end of the year had to come and put them back in again. Also I do not understand what he said about the \$105,000 and not overstepping the global limit of funds which were expendable under the Estimates overall.

Now as it happened in 1973-74, as far as I can see, except for additional road works, highway improvement and highway rehabilitation these three amounts of money were all less than what the Minister has actually said he has spent at this time. I want to know exactly what it is he is saying has been exceeded by \$105,000. The whole amount of money voted for roads for this year is \$1.315 million and \$10 as a token vote. Is it that amount which has been exceeded? Or is he still within the \$1.315 million? If he is still within that, why is he talking about having to exceed the vote, and all these nonsenses? If he is still within that, he has not exceeded the vote. Nobody would have been laid off. If he is still within that, there has been a lot of fancy talk; and there is more than that. If he is still within that, he never needed to change the classification of Item 3 under Head 126 because the classification was deleted from the Estimates, therefore he was free to spend the money on whatever he wanted within the limits of \$1.315 million. What confusion has he allowed to be put to him? I just heard him ask for the Estimates to be sent for. Does that mean he has not looked into the Estimates to know what is actually in the Estimates, that he has allowed Civil Servants who perhaps have less understanding than he to write a brief for him to say without looking into the Estimates? The Estimates do not have for the year 1974-75 any item classification as between roads, and therefore he was capable of spending the \$1.3 million however he wanted, and did not need to bring this Resolution to the House. Look carefully at the Approved Estimates.

There is an Item 3 — Roads. There is then as is customary in the Estimates, when you print last year's comparison figures, but something in these figures no longer applies. There is a series of amounts marked for last year which are italicised; they are printed in italics showing that that classification has been superceded or has been spent, or is no longer applicable. That has been the form in the Estimates, I was not in the House when the Minister was first in the House, but I can tell him that has been the form for the last forty years — that where you abandon a classification, you print it in italics to show that it no longer applies. If the Minister looks at the Approved Estimates he will see that subsidiary roadways, additional road works and highway improvement did not apply to this year, but it applied to last year. He is free to spend the \$1.3 million however he wanted and he allowed the Civil Servants to have wasted their time bringing this Resolution before the House. Let him look again. The Estimates say Item 3 — Roads, \$1.3 million, and if this has not exceeded that, then this Resolution is a total waste of time, and the Prime Minister is fond of saying that this or the next Civil Servant should be sent home. Let the Minister investigate the matter. He should be ashamed to waste the Cabinet's time and the House's time. Somebody has read the Estimates who does not understand it, and since the Minister has not read them I cannot blame him. Somebody has read them who does not understand them and has put up something to the Minister who has not taken the trouble to check the estimate with which he is supposed to be dealing. There is no restriction in Item 3 for the year 1974-75 on how you spend the \$1.3 million; so he has wasted the Government Printer's time, the House of Assembly's time, Civil Servants' time, the Cabinet's time, everybody. And people have been laid off. You have \$1.3 million to spend however you want to spend it. You did not have to lay off 562 people for lack of money. You did not have to justify anything to the Cabinet. Item 3 says "roads"; spend the money how you want to on roads. There is no longer functional classification of what roads for the year 1974-75. It related to 1973-74. This whole exercise is a waste of time.

1.25 p.m.

Hon. F. G. SMITH: Now all this ranting and raving; I believe the Leader of the Opposition is illiterate. On the left hand side you will see \$1,315,010. Let us turn to the page and see the breakdown with the note. He is talking about

wasting time; he is wasting time with his nonsense.

In the note it says Item 3, \$1,315,010. That is on the left hand side. If he looks on the right hand side he will see it says "provision for construction and improvement of road building; subsidiary roadways, construction and reconstruction of roads in residential areas — \$205,000." How can I spend it as I want to when the note that he voted in here says I can only spend \$205,000 on subsidiary roads? He gets up in here and gives the public the impression that he is a Mr. Solomon, he alone knows everything; and if he had just looked on the right hand side he would have seen the breakdown of the \$1.3 million which limits my spending it as I would like to spend it. I am going to read it for him.....

Mr. ADAMS: Mr. Chairman, did not the Minister say that he has overspent \$105,000? On a point of explanation. He said he had overspent \$105,000 and he has not in fact overspent it. I said within the limits of the \$1.3 million there is nobody to be laid off. What is he going on about?

Hon. F. G. SMITH: Mr. Chairman, the unfortunate position is that he has never been in Government and therefore he does not know how finances run or how Government runs. What I am saying, and in my original speech I particularly explained to the House that I had exceeded certain specific allocations amounting to \$105,000. For instance I pointed out to this Honourable House that for subsidiary roadways I was allocated \$205,000 and I spent \$257,000.

Again let me read to him because he thinks he is the great Solomon. Additional roadwork — this is the note. Additional roadways — strengthening of road structures, construction of concrete haunches, adjustment of widths and levels and provision of essential drains — \$200,000. The figure is here. The House voted that I can only spend \$200,000 on additional roadwork. In my opening I told the House that on additional roadwork the \$200,000 allocation as specifically permitted by the House had been exceeded to \$213,503, with an excess of \$13,593. Look! I am reading the same Estimates that he said I never looked at, that the civil servants pushed something to me — and a lawyer of twenty five years and one of the bright young men in this community cannot read, he alone can read; he went to Oxford; I did not go to Oxford. I got a Durham degree; he got an Oxford degree. So that is higher; so I am the idiot and he is Mr. Solomon. Now let me read this again.....

Mr. MOTTLEY: On a point of order, Mr. Chairman. It is interesting to note that the hon. member has finally classified himself, Sir.

Mr. CHAIRMAN: No point of order.

Hon. F. G. SMITH: Your own brother is going to deal with you. I leave you to Cally. Cally is going to deal with you next election. I leave you to Cally.....

Mr. CHAIRMAN: Is the hon. member addressing the Chair?

Mr. ADAMS: Does the hon. member think that his own brother is not going to deal with him?

Hon. F. G. SMITH: I would not know. However, to go on. To show that he wants to make me look like a fool before a lot of Foundation School children.....

Mr. CHAIRMAN: Absolutely out of order.

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

Mr. CHAIRMAN: I would like to draw it to the hon. member's attention, whensoever you are making your remarks you must at all times confine them to the members of the House and the Chair.

Hon. F. G. SMITH: As I said, if he would just look at the right hand side of the Capital Estimates as assigned to the Minister of Communications and Works he would see that for highway improvement the sum specifically stated by Parliament that should be spent on this particular type of Item is \$210,000. I have exceeded it by \$19,649. Similarly for highway rehabilitation the excess is \$19,152 clearly set out in the Estimates.

Now, Mr. Chairman, if I have overspent money voted by Parliament and this Honourable House which is the only body to vote money, in which that Parliament has taken a global figure of \$1.3 million and says to the Minister of Communications and Works by the note, you can only spend so much money on each of these Items, what am I to do? I am not the Accounting officer. I do not spend one penny of Government money. The Permanent Secretary is the Accounting officer for the Ministry. I do not spend any money. I have no say for MCW in this respect. The Permanent Secretary in every single Government Ministry is the Accounting Officer. Suppose he comes to the Minister and says 'Now that my Accountant has come and shown to me

that in the document which Parliament passed setting out specific figures for certain aspects of our Ministry, it has been exceeded to the amount of \$105,000 and, Mr. Minister, I would like you to go to Cabinet and point out that you would like this note changed to conform to the amount that has been released for the various aspects of the work." There is nothing wrong in that. Isn't that showing a respect for Parliament? And then for the Leader of the Opposition to get up in here and to try to make me look like a fool before an audience like this, he should not do that to me. I have just come to Parliament.....

Mr. ADAMS: Mr. Chairman, certain information has been given to me, and I know the Minister perhaps wants to get away. I would like to withdraw any remarks that tended in the direction to make the Minister look like a fool. I would like to withdraw them.

Hon. F. G. SMITH: No doubt all of us have had our fun. I think now he has looked on the right hand side and at the specific allocation, I think the Leader of the Opposition will now see what I am endeavouring to do to straighten the Estimates, rather than to have another report from the Accountant General or the Auditor General to the effect that the Ministry of Communications and Works has not only breached the financial rules but has been spending money without Parliamentary authorization; and I accept his offer and I certainly in the best of spirit accept his, not apology, but his expression that he did not intend to make me look foolish; but I always get my back up when I feel that somebody is trying to make me look foolish, because by no stretch of the imagination in Barbados can I be characterized a fool. There are too many more than me. There are 250,000, Mr. Chairman, and I may not be counted an intellectual and sensible man but I know I am not near the bottom half of the scale and therefore I resent; and I think you will agree that any suggestion that I have come into the House to mislead it or to fool the House, I am only endeavouring in this Resolution to conform to the wishes of this Honourable Chamber.

The question that this Resolution do now pass was put and resolved in the affirmative without division.

1.35 p.m.

SUPPLEMENTARY ESTIMATES 1974-75
NO. 37

A Resolution for the sum of \$1,000 was called.

Hon. C. E. TALMA: Mr. Chairman, the next Resolution is one for the sum of \$1,000 under Head 21(2) - Probation Office. This is the result of a miscalculation.

I beg to move that Head 21(2) stand part.

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

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

SUPPLEMENTARY ESTIMATES 1974-75
NO. 38

A Resolution for the sum of \$18,818 was called.

Hon. C. E. TALMA: Mr. Chairman, there are five items involved in this supplementary.

I beg to move that Head 22 - Police - stand part.

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

Mr. ADAMS: Mr. Chairman, I will be very brief on this. Recently we have read in the Press that the Royal Barbados Police Force discovered that arms and ammunition were on board a vessel in Bridgetown Harbour. I would be very glad if the Minister could take the opportunity to let the House know what happened to these arms; whether they were destined for Barbados; what was the result of the case, and whether any investigation has been made of Mr. Sydney Alleyne, who has taken up residence in Bridgetown. Why did not the Coast Guard discover the arms and ammunition rather than the Royal Barbados Police, since the Coast Guard should be looking after that sort of thing? I should be grateful if the Minister would give us some information on the matter.

Mr. WALCOTT: Mr. Chairman, in dealing with this matter, I think the Hon. Leader of the Opposition should be more specific. I do not think we can get up in this House and talk about the Police Department finding arms and ammunition without being serious. Yesterday I

heard that arms were in a hatch-hold. I do not know if the hon. member is asking in one breath for an investigation about the arms found on the boat and an investigation of Mr. Sydney Alleyne.

Now, when the Hon. Leader of the Opposition is making a serious allegation, he must be prepared to carry things to the end. We can all remember the Profumo story. You cannot get in this Chamber, talk about the finding of arms and ammunition, and associate the names of people with it unless you are serious. If you are saying that Mr. Sydney Alleyne is associated with arms, nobody will take you seriously inside or outside of the House when you are associating a man with something illegal and criminal on the floor of this Chamber if you are not prepared to carry the matter to finality. If you are saying that there are criminal activities going on in Barbados in relation to any person, and you are going to name the person, you cannot do it facetiously by making a joke.

Now, there are serious things that will go on in a country. I am not going to get up here and say that people go to the American Consulate and get money for passports and money is given back to them and people go to America and so on. I am not going to make that kind of statement because I do not know enough about the matter. I am not going to say that any member of this Chamber is involved in anything like that because I do not know enough about the matter. If I am going to call any person's name in here I will do so. If Mr. Sydney Alleyne is associated with an arms deal or gun racket, you should ask the Government to investigate Mr. A., Mr. B., and Mr. C., but do not hide under the cloak of Parliament and call Mr. Sydney Alleyne's name. Are you referring to Sydney Alleyne of New Orleans; Sydney Alleyne of Bush Hall; Sydney Alleyne of Bagatelle? Does he live in Poreys Spring? From where does he come? I do not think it would be fair to a person, whose name is likely to be Sydney Alleyne, if that person should be associated with an arms deal.

The question that a Resolution for the sum of \$18,818 do now pass was put and resolved in the affirmative without division.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Your Honour do now report the passing of three Resolutions in Committee of Supply.

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

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that these Resolutions be now read a first time.

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that these Resolutions be now read a second time.

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that these Resolutions be now agreed to.

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, the next Item is Item 5 which stands in the name of the Hon. Minister of Housing, Lands, Labour and National Insurance.

I beg to move that Item No. 5 be the next Order of the Day.

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

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT JES-SAMY LANE, BRIDGETOWN

Hon. P. M. GREAVES: Mr. Deputy Speaker, there are several parcels of land in the area east of the new administrative block under construction in Fairchild Street which Government seeks to acquire. These parcels of land are amply described in the Schedule. As is generally known, that new office block is to accommodate several departments of Government, some coming from as far afield as Government Hill, some from the Garrison, some from the old Hospital building and, of course, there are several of these Departments, like the

Valuation Department, that have vehicles of their own.

1.45 p.m.

It is the intention to acquire these lands and to construct there car parking facilities for the purpose of accommodating those public servants who drive their own vehicles. At the same time, of course, this will have the effect of removing some of the eye sores from the centre of the City of Bridgetown.

I want the House to understand that it is intended that with the purchase of these properties those persons who are living there will be given the same kind of treatment that I have already informed the House would be given to those who are removed from the Chapman Lane area. We will try our best to accommodate them in some other area which is fairly central to their work, and they will not be far removed from where they are accustomed to frequent.

Mr. Deputy Speaker, it is necessary to resort to this method of acquiring the land by private treaty so that the Government may have a clear title to the property.

I beg to move that the Resolution do now pass.

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

Mr. FORDE: Mr. Deputy Speaker, I would have thought that the Minister would have made clear to us whether or not agreement has been reached with the several owners in relation to the price per square foot which he is paying for this land.

He indicated that the sole reason for bringing the Resolution before the House is to get a good title rather than of course because the owners have resisted the acquisition or could reach no amicable settlement as to the amount of compensation which they wanted; but that is a subsidiary point.

The point which I really wish to make or to emphasise to the Minister relates to the question of purchasing areas of land, in this instance a considerable amount of square feet for parking. It seems to me that the Government must have a bit of imagination in relation to the provision of parking space within the central metropolitan area.

There is no doubt today that the available parking space has not been properly provided for,

and indeed is not being properly used. For instance, if you look at Independence Square, there are only X number of vehicles that can be accommodated there. It is well known that development in this field provides for both underground and above ground parking and the construction of multi-purpose parking facilities.

You provide services to the public at a reasonable cost to defray expenditure in this field. You also prevent the extensive use of high priced land for parking space purposes without being properly used.

I recall that several years ago the Government was urged to do this in the physical development plan which was published for the island. Since then nothing has been heard about it, but I see that every time the Government had a new building going up, even in this area, they have to provide parking space which could be better used if there was some imagination in planning.

I am not going to say whether the Minister should have this idea or whether the planners should have this idea, but I believe that what the hon. member for St. Michael West says is quite correct. If you had a National Economic Development Council, ideas like these could be discussed across board and some proper use could be made of our limited land resources, particularly in the metropolitan area which are now being considerably frittered away in instances of this nature.

Now, the Minister had made it quite clear that the land which will be available is for the parking of the vehicles attached first to the departments and then to those officers who would be there. What is the public going to do? Many people have to go to Government departments and they find it difficult at times to get parking space. When the Assizes are on for instance, it is almost impossible to get proper parking space in or near the Law Courts, and the result is that many man hours are being lost if you calculate it this way because of failure to have a proper planning approach to these matters.

I would urge the Minister to bear this in mind in future when he is looking at land use in the country and when he is acquiring land for proper purposes in the country.

Mr. WALCOTT: Mr. Deputy Speaker, I have no objection to this. I really could not object, but I will take the opportunity now to draw to the attention of the House a matter that in my view looks like discrimination. The Barbados

Workers Union is situated at the corner of Nelson and Fairchild Streets less than 100 yards away from this new building. What I do not understand in the policy of the Town and Country Planning Department is that the Barbados Workers Union was renovated in 1959. It is a two-storey building, and underneath is provided space for garages.

We had a plan some time last year to make provision for more office accommodation by putting on a roof at the back; but our application was rejected on the grounds of parking. Now, I cannot understand how you could reject – and this is a question of 18 to 20 people in an office – I do not understand how you could reject the application in respect of that building there, and at the corner, less than 20 yards away agree to the construction of this building with six storeys and within the building there is not this kind of parking facilities. Something must be wrong with the heads of the people in the Town and Country Planning office.

Right adjacent we have a place that sells sweepstakes or carries on things. There is no parking. We have parking now for four cars. There is none side of us at Excel and there is none at Ricks Supermarket. There is none at the drug stores and there is none at the new building that has been constructed.

The Barbados Workers Union application has been rejected on the grounds of no parking. Cave Shepherd put up a building on Broad Street and there is no parking. There is Manning & Company knocking down Nelson – right in the sea. No parking. I do not know what is going to happen with the new one at the corner.

Something is happening at the Town and Country Planning Office. I do not have any money to give anybody for any favour. I am not going to take up any of the workers' money and give anybody anywhere as a means of getting their hands greased or salted because I do not have the time for that, nor do I have that money to give. So if there is anyone in the Town and Country Planning Office waiting for money to get these things done, I am not in that.

1.55 p.m.

I do not understand these rules. I live at the corner of a road and I see it running away with bush; I see a ravine there. Somebody has come and put up a building and blocked the water from coming down. I do not understand what are the rules. Here the Government is putting up a building, and I must say that you cannot have rules in one street for the Government and for

public buildings and different rules for other people. I cannot understand how the Town and Country Planning Department can tell us that we could not put a little "L" shaped building at the back of the place with parking downstairs. We have applied for permission to extend now to put on another garage, but it was rejected, and next door to us you have a six-storey building going up and the Minister is applying now for permission to purchase land to put up a car park. Something has got to be wrong somewhere, and I just raise this because it looks to me that in these matters there must be some policy. If the Act as it stands says that in this area you cannot do that, then have an amendment and say we have amended it, and come back and say to the Barbados Workers' Union that we can now do it. We were there since the 1930s, we renovated in 1959 which is sixteen years ago, and now we see that the whole area has changed.

Mr. Deputy Speaker, it is a good thing that I am a man who sometimes can become humorous. I am a member of the National Insurance Board, and one of the first things I suggested when I went on the Board was that instead of having the building in the hospital yard in the back, that with all this money, because the National Insurance Board has more money than anybody else in Barbados, they should put up a building. When I was in Cuba in 1963 one of the nicest buildings in Havana was the building put up by National Insurance. I am very pleased to see the architectural design, not because they are private contractors, but I believe they are people with more imagination, because the other buildings of Government are considered too drab. The Treasury Building in my view could have been one with more architectural beauty so that future generations could see something good.

I do not know if the Minister is also responsible for Town and Country Planning, but I would like to hear the Minister say how they could have this kind of policy, one for the Government and one for other people, because I would take it that another person putting up a building adjacent to the Government building would expect to be treated no less favourably for building purposes than how the Government has been treated.

Hon. P. M. GREAVES: I am afraid, Mr. Deputy Speaker, that I cannot reply to the hon. member for St. Michael West because I do not happen to be Minister responsible for Town Planning and most of these applications are made to that Department. I am not in a position to say why the Barbados Workers' Union were not allowed to extend their building as has been

suggested. It was stated that the reason given was that there was not enough parking. That may be the reason. Now that there is parking for the Government building perhaps the hon. member for St. Michael West can submit a new application, but I am not in a position to say whether that application would be successful or not. I merely state that it was always intended that some parking should be made to accommodate vehicles used by officers in that building and for people going to do business in that building. It was always intended when the building was planned that parking space would be made for 104 cars. Whether this would be enough land to provide such parking space I cannot say. I do not know if we need that number of vehicles to be accommodated there; so I can only say that it is possible that a new application by the Barbados Workers' Union in the light of the new parking space available near the Barbados Workers' Union might meet with a completely different response.

The question that the Resolution do now pass 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, and Mr. DEPUTY SPEAKER suspended the sitting accordingly.
2.03 p.m.

On Resumption:—

Hon. C. E. TALMA: Mr. Deputy Speaker. I am asking that the bell be rung.

Mr. DEPUTY SPEAKER: Mr. Clerk, let the bell be rung, please.

(The bell was rung for one minute.)

PRIVATE MEMBERS' NOTICES

Mr. MOTTLEY: Mr. Speaker, I am asking leave at this stage to give notice of a Bill which was submitted earlier to the Clerk of the House.

Mr. DEPUTY SPEAKER: The hon. member is asking leave of the House to give notice of a Bill which should have been given much earlier. If there is no objection, the hon. member may proceed.

Mr. MOTTLEY: Mr. Deputy Speaker, I beg to give notice of a Bill to amend the Married Women's (Separation and Maintenance) Act, 1950.

Hon. C. E. TALMA: Mr. Deputy Speaker, the next Item is Item 6 standing in the name of the Prime Minister, the second reading of a Bill to amend the Income Tax Act, 1968.

I beg to move that this be the next Order of the Day.

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

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

THE INCOME TAX (AMENDMENT) ACT, 1975.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, the Bill to amend the Income Tax Act which we now have before us is in furtherance of the budgetary proposals which I made on 21st November, 1974. The main features of the Bill are to impose a Corporation Tax on all companies in Barbados with effect from the year of income 1974 at a rate of 40% on all companies, except life insurance companies and building societies, and these will continue to be taxed at the rate of 20%.

The Bill also makes provision for the exemption of inter-company dividends, so that companies will only be taxed once and not twice. Then the Bill makes provision for the submission of company returns and payment of income tax in respect of the year of income 1974, on the following basis:

75% of the tax paid in 1974, on the 1973 income year, will be paid on 15th February, 1975 on account of tax liability for the income year 1974.

Payment of the remainder of the tax shown on the annual return for income year 1974 will be paid on 30th April, 1975.

It also makes provision for the income tax returns of companies to be made to the Commissioner of Inland Revenue on or before 30th April, 1975 in respect of the year of income 1974, and thereafter on 15th March from 1976 onwards. I should like to say at this stage that I have approved a variation in the date for filing of company returns for the year

of income 1974 from the 15th March, 1975 to the 30th April, 1975.

It also makes provision for all companies to pay on 1st October, 1975 50% of the tax paid in respect of income year 1974 on account of their tax liability for the income year 1975. Any outstanding tax for the income year 1975 will be paid on 15th March, 1976 when income tax returns will be submitted to the Commissioner of Inland Revenue. For the income year 1976 and subsequent years provision is made for the inclusion by companies to pay on 15th October in each year 50% of the tax paid in the previous income year on account of the tax payable for the current income year.

I should just like to sum that up by saying that companies are on the same pay-as-you-earn basis as individuals, which they were not before, they always paid 15 months in arrear. They paid by 31st March, I believe in respect of incomes which they had earned in the previous calendar year.

Then the Bill also makes provision for the increase from 15% to 20% in respect of management fees. When we come to self-employed persons, provision is made that self-employed persons pay their full tax liability on 1974 income not later than 30th April, 1975. With respect to the year 1975 pay in instalments of one quarter of the tax paid on the 1974 income on the 15th June, 15th September, and 15th December and on delivery of their final income tax return in 1976 to pay any outstanding tax after tax credit instalments not later than 30th April in that year. But in 1976 and subsequent years provision is being made for instalments of tax payments on the same dates, 15th June, 15th September, 15th December, and the final payment on 30th April in the next year, based on one quarter of the tax paid in the preceding year.

In the interest of facilitating effective administration of income tax procedures and to compliment the foregoing measures, withholding tax at the rate of 10% on dividends paid by resident companies to non-resident persons will be imposed. Where a company sustains loss in any income year the Commissioner will determine the tax payable, and he is authorised to estimate the tax payable in cases when a company fails to make a tax payment. New businesses commencing operations during a current income year would have tax liability determined by the Commissioner of Inland Revenue, having regard to the absence of any previous income

year on which tax liability could be based. In other words, the Commissioner of Inland Revenue will make an assessment.

As far as self-employed persons are concerned, if they have commenced business for the first time in the current income year they will be treated in the same way as companies, and similarly where losses are sustained. Self-employed persons will pay tax relating to 1974 income in four instalments in the same way as I enumerated before and the dates in this case will be 30th April, 1975, 31st July, 1975, 28th November, 1975 and 28th February, 1976. Companies will be exempt from the payment of Corporation Tax on the portion of profits distributed as preference in ordinary share dividends in respect of the year 1974 and they will be entitled also to deduct from their profits fixed rate dividends paid on preference shares.

Those are the main features of the Bill, the tax is being collected at this time ever since my budgetary proposals on the same principles which are enumerated in this Bill, but as you are aware we have four months within which to pass the necessary legislation, but the provisional collection of tax statute is in operation until 21st March, 1975.

With that brief introduction with which members should be by now thoroughly familiar, since it was all adumbrated by the statement I made on 21st November, I beg to move that this Bill be now read a second time.

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

Mr. ADAMS: Mr. Deputy Speaker, this is a difficult matter, as interpretation of all tax statutes are, and I hope the Prime Minister will bear with me if I say that it is not a matter of political controversy, because after all once a decision on principle has been taken it is for the Minister of Finance to decide how he will carry that principle into effect, but I would be glad if I could be corrected should I have made a mistake on the explanation I have heard. As I understand it, the corporation tax is not to apply to profits which have already been distributed, so that the companies in effect have had a moratorium of a year which I do not recall was in the November 21 budgetary statement. As I understand it, many companies have already paid corporation tax on dividends which have already been distributed for last year, or dividends which have arisen out of last year's income. It would depend on when the company has had its annual general meeting and

so on, and as I understand it they are being given an opportunity to save the tax for 1974.

Some play was made of the fact that in my reply to the budget speech I spoke of the plight of the poorer sort of rentier, a person who was in receipt of dividends who was not in any way associated with the management of the company and was therefore in no position to take decisions which would make it possible for the burden of income tax on such persons to be alleviated. I would hope the Prime Minister would consider those persons as well in the fullness of time rather than consider the companies.

3.15 p.m.

It is known that certain companies, notably the Utility Companies have made representations to the Government for some amelioration in their lot. I myself am an unregenerate believer that the Utility Companies in Barbados should not be owned by foreign corporations, and I hope that any concessions which may have been given or which may arise by operation of a general principle will all eventually be such as to put the people of Barbados in such a position that sooner or later they will be able to acquire such shares of the Barbados Light and Power and the Barbados Telephone Company as are now held outside Barbados, but this perhaps is a little wider than the scope of the present tax.

Now I would be glad if the Prime Minister could help me with section 10 of the present tax because as I understand the original introduction of the provisions relating to the collection of income tax, individual income tax payers were going to be called on during the year 1975 to pay all their tax of 1974 and a considerable portion of their tax for 1975. Now as I read it, in respect of 1974 certain self-employed individuals are going to be given until 1976 to pay their tax — until the 28th February, 1976 to pay their tax — which is a more generous concession than they have at the present time, as I read it. But I am in a little difficulty in respect of the income year 1975, (a) because I do not know that the relevant date is, and (b) because I do not understand what return can be filed in accordance with section 52, in respect of the year 1975.

If the Prime Minister looks at page 9 of the cyclostyled Bill he would see what I mean. This is a question where I am really asking for explanation, because I do not see in this Bill that self-employed individuals will any longer be called on to pay all their 1974 tax and half or

whatever the proportion was intended to be, of their 1975 tax as was set out during the Budget Speech. I would be also glad if he could help us with what will be the new Section 66(3) — what is the rationale behind this concession, for it is, as far as I can see, a concession. Indeed I would like to hear at second reading or in Committee, what relation the new section 66 bears to the proposals which were put out in the Budget Speech.

I imagine that representations have been received by the Ministry of Finance in respect of the hardship that would be placed upon many individuals to pay what I have heard some of my legal brethren describing as 125% of their tax — they would put it as their income — for one year, but I do not know what representations are actually taken into account by the Minister of Finance, and I would be very glad if he will deal with this in the fullness of time.

In respect of the preference dividends, Sir, preference shares for a very long time in Barbados have been depressed because the rate of return on ordinary shares has been so much greater than the rate of return on preference shares. I do not know what the thinking was behind the selection of preference shares for concession. Persons who make misjudgements as to their investments into a company's bad preference share rather than take their chance with an ordinary share, it seems to me, should suffer since they have taken a business decision; they should suffer according to the climate of business; but I have no doubt that either in reply or in Committee the Prime Minister would be able to explain this aspect of it. However, particularly I would be glad to hear — (ASIDE) It is pointed out to me by the hon. Member for Christ Church West that the relevant date is explained — particularly, Sir, I would be glad to hear if the Prime Minister would be good enough to give us a conspectus of what representations have been received in respect of what aspects of collection that were outlined in the Budget Speech, and which of those representations have been given weight in the Bill as it is actually drafted.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I think I should just say in answer to the hon. member for St. Thomas that I have no direct trace of any representations except from the Institute of Chartered Accountants, and the representations which were made by the Institute of Chartered Accountants on the 7th January were in respect of procedural problems from their point of view — from the Accountant's

point of view — and I mentioned in the course of my second reading speech that the Commissioner of Inland Revenue has a discretion in so far as the companies are concerned, in extending the date from the 15th March to 30th April; and that was the only representation which I had.

I do not really at this stage understand what difficulty the hon. member has in respect of Clause 10 of the Bill because Clause 10 is set out in fairly plain language and I do not know what is the particular difficulty that he is referring to; so I really cannot help him, but maybe when we go into Committee he may wish to elaborate on it.

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

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

On the motion of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, Clauses 1 to 6 of the Bill were passed.
3.25 p.m

Clauses 7, 8 and 9 were called and passed.

Clause 10 was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Clause 10 stand part.

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

Mr. ADAMS: Mr. Chairman, in the Budget Speech the Prime Minister said:

"With regard to self-employed persons, they will be required to pay their full tax on 1974 income on or before the 30th April, 1975."

This Bill does not say that. (Asides.) That is not quite right. What they would have done is to pay half on the 30th April and half on the 30th September. This Bill does not say that. It says that with respect to the 1975 income the following rules will apply.

"Payment of an instalment equivalent to one-quarter of tax paid on 1974 income on or before the 15th June, 1975".

This Bill does not mention the 15th June, 1975. Then a second instalment and so on, on the 15th September, 1975. (*Asides.*) Sir, I will leave it at that. I cannot ask for any more. I have read out something which was in the Budget Speech and is not in the Act. The more the hon. member for Christ Church and I study the Act, the more we feel it is favourable to taxpayers. It is no part of my duty to help the Minister of Finance collect tax.

Rt. Hon. E. W. BARROW: Let me point out to the hon. member that he has not read the right part of section 10.

Mr. ADAMS: I am talking about individuals, and he quotes a Section to me that deals with companies! It is not Section 66 (1) (a) and it does not deal with individuals. It deals with companies. You said Section 10(1)(a) when I talked about individuals. I will forget that, Sir. If the Prime Minister cannot explain, I will have to learn for myself. As far as I am concerned, Clause 10 can pass and the Bill can pass.

Mr. CHAIRMAN: Is the hon. member replying?

Rt. Hon. E. W. BARROW: I am looking for the Section. That Section in respect of the year 1974 should not read 1975 because the tax in respect of the income year 1974 is payable on or before the 30th April 1975. The tax in respect of 1975 is payable on the 31st July, 30th November and the 28th February. In respect of 1974 you have to pay all of it before the 30th April because that is the normal day on which the tax would have been filed, except that I think 25 per cent is.....

Mr. ADAMS: Mr. Chairman, I am sure that there is no error in respect of income year 1974. It is payable by the 30th September because that is two instalments, too. Company tax does not all have to be paid by the 30th April, I am sure that Section 66 (1) (a) accords with what the Prime Minister has said. I do not believe there is any error in that respect. That makes 75 per cent of the tax for 1974 payable by the 15th February 1975, which has already been done. The companies have already paid the tax, and that is only recognising a state of affairs. I do not think there is any error in that.

Rt. Hon. E. W. BARROW: That deals with the tax for 1975.

Mr. ADAMS: I do not think so. You have got 1975 in the next Section. I think that all that has happened is that there is a slight concession

allowing till the 28th February, 1976, to pay the tax for both 1974 and 1975. That is all that has happened. The second Section speaks of paying the tax for 1975 by a certain date. That is all.

Rt. Hon. E. W. BARROW: That must have been something that was done after I saw the Bill. In my Budget proposals, Sir — I am not concerned about what the Bill says at the moment — I said that there is provision that self-employed persons pay full tax liability on 1974 income not later than the 30th April, 1975. The hon. member has said that they would have had the opportunity to pay in two instalments, but in my Budget Proposals I said that all of the tax would have to be paid by the 30th April, 1975, and with respect to 1975 income pay instalments equivalent to one-quarter of the tax paid on 1974 income on the 15th June, September and December and on delivery of the Income Tax Returns in 1976 to pay any outstanding balance. That, to me, was fairly clear.

Now, when I read Clause 10(2) on page 9 it says something different altogether.
3.35 p.m.

Rt. Hon. E. W. BARROW: Sub-section 4 is as it is now. Sub-section 10(2) does not carry out the proposals which I stated in the course of my budget speech. That is the point that I am making. I do not mean that at all because I said clearly that all the tax is to be paid by the 30th April, 1975 for 1974, and in respect of 1975 those dates will apply; and they have been actually switched from the 15th to the 31st July, the 30th November and the 28th February. (*A pause*)

I would like to postpone consideration of this because from the way I see it they are giving a longer period for payment than they have at the present moment on 1975 income and that is not what was submitted to Cabinet by me. In submitting this draft Bill, this is a complete anomaly from what I said. I move that further consideration be postponed. I will come back with it later on.

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

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

Hon. C. E. TALMA: Mr. Chairman, I beg to move that you do now report progress and ask for leave to sit again.

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

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

SPEAKER resumed the Chair and reported accordingly.

THE BARBADOS PORT AUTHORITY ACT,
1975

Hon. C. E. TALMA: Mr. Deputy Speaker, I am asking for leave to deal with Item No. 7 standing in the name of the Prime Minister in his temporary absence from the Chamber. It is a Bill to provide for the establishment of a Port Authority in Barbados.

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, this Bill would provide for the establishment of a Port Authority in Barbados and for related purposes. The position is that this question was mooted sometime ago at the opening of Parliament on the 14th October, 1971 when the Governor General said *inter alia*:

"It is the intention of the Government shortly to set up a Port Authority which will be responsible for the whole of Bridgetown, all harbours, sea ports, airports, shipping and lighthouses. Civil Aviation, maritime law and practice, the law of the sea and the sea bed will at that time remain the responsibility of the Minister of External Affairs and of the Prime Minister where appropriate."

This Bill is now to implement those proposals. Notice has been given of the intention to establish a Port Authority with effect from the 1st July, 1975, and the Ministry responsible for drafting, the Ministry of Legal Affairs, has prepared this Bill.

The Bill follows substantially the existing Barbados Harbours Act, the Act of 1960-29 with appropriate additions and modifications. By Clause 3 and the first Schedule of the Bill the Barbados Port Authority is established. The Authority will consist of not less than five nor more than seven members to be designated directors, to be appointed by the Minister who is responsible for the Port and who appear to qualify by reason of their experience, and who have the necessary capacity in matters relating to trade, law, finance, science and the administration of labour relations.

The Minister shall appoint a Chairman and a deputy chairman from among the directors. The directors shall hold office for three years and will be eligible for re-appointment.

Clause 4 sets out the functions of the authority, while Clause 5 relates to its powers. The functions are:

- (a) to provide, maintain, operate and improve such lighthouses, port and harbour services and facilities in Barbados as the Minister considers necessary or desirable;
- (b) to take such action as the Authority considers necessary or desirable in relation to the exercise of any of its functions mentioned in paragraph (a);
- (c) to collect the dues and charges authorised by this Act or the regulations; and
- (d) generally to carry out the provisions of this Act.

Clauses 7 to 17 deal with financial provisions for the Authority. Clause 7(1) provides for the establishment of a Port Fund into which will be paid all the moneys standing to the credit of the Harbour Fund prior to the commencement of the Act and all other moneys of the Port Authority.

Clause 7(3) provides for the Authority's Estimates of Revenue and Expenditure to be submitted for approval by the Minister of Finance. Clauses 8 and 10 provide that all borrowings of the Authority shall be subject to the approval of the Ministry of Finance, and Clause 9 provides for the guarantee and repayment of such loans and interest out of the Consolidated Fund if there is default in repayment by the Authority.

Clause 12 provides for the investment of any of the Authority's moneys which are not immediately required, in securities approved by the Minister of Finance. All dues, charges, funds etc to be charged by the Authority will be subject to the approval of the Minister of Finance.

3.45 p.m.

Clause 16 provides for the submission of monthly statements to the Minister and a copy of the Annual Report and Accounts are to be laid in Parliament.

Clauses 18 to 24 deal with the administration of the authority, the appointment of staff, the establishment of pension schemes etc., and follow the usual procedure laid down in respect of other Boards and Corporations.

Provision is made in Clauses 19 to 21 for members of staff of the Port Department to comprise the staff of the Authority while retaining their existing pension rights. Discipline of the officers will be in accordance with procedure for public officers if such procedure would have been followed in similar areas. Clauses 47 and 48 provide for the vesting of all property other than lands and buildings and all interests therein of whatever nature belonging to the Crown and used exclusively for the purpose of the Port Department to be vested in the Authority. The Authority will also take over all liability etc. incurred by or on behalf of the Port Department in respect of any of its functions under the Barbados Harbours Act, 1960, and subsisting at the commencement of the Act. Provision is made in Clause 48(8) for equipment which they used immediately before the commencement of this Act exclusively for the purposes of the Port Department to be transferred and be vested in the Authority and for payment to be made etc.

These are the main features of the Bill. It takes care of the equipment and staff and makes all the necessary arrangements for the take-over. This has been given notice of and was embodied in the Governor-General's Speech of October, 1971.

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

Hon. L. E. SANDIFORD: I beg to second that.

Mr. WALCOTT: Mr. Deputy Speaker, before the question is put, I think that as this is a historic matter, there is no explanation I would like to have about the new features of the Port Authority. Barbados will be having a Port Authority for the first time, and this does not state precisely how it is going to function. There is a sort of Port Authority now in that the Government is responsible for a section of the Port that is, the bringing and tying up of ships. The warehousing, that is, the receiving, storing and delivery of cargo is not done by the Government of Barbados; this is done by Port Contractors, and the stevedoring of cargo is not done by Port Contractors, it is done by stevedore contractors. So if the Port Authority functions, I would like to know what are their functions, what they will undertake to do as an Authority, whether it is an Authority in the sense that it would own and control all, and if it is going to buy out everything on the docks.

Now there is some equipment that is owned by Port Contractors, and maybe I will

hear an explanation on what is the method of buying out the equipment, because I have my own views about buying old equipment. You get a high valuation for old equipment for which the workers have to work and help pay and when you have to pay for the new ones it keeps things like the old plantation system where you buy from me and I buy from you, but the wages remain the same all the time, but the plantations change hands and therefore the accretions and capital movement take place at that level. If there is an arrangement where the equipment that does not have everlasting life is going to be paid for over a certain period, then we would be able to know what is the position. The Government must have carried out arrangements with some of these people because I have received as General Secretary of the Union new letterheads from the stevedore contractors. They have formed different contracting arrangements, and we should know who the stevedores are going to be contracting with and on what basis they are going to be contracting for cargo, because we would be taking a much different look at this. The division of money involved cannot be the division of money as it was in the past.

The Port Contractors in the first going down made a profit of about 25 percent, and the impression that the public gets is that the workers in the docks are the ones who get the greatest reward, but the people who control the docks do not get much. It must be borne in mind that the people who work in the docks have paid the highest labour sacrifice that this Island has seen in any living generation. The labour force was reduced from something like 2,000 to what it is today, less than 400. The rate per man per ton handled in the docks is high and it can compare with docks in other parts. If the Port Authority is going to be a warehouseman, we are going to have more information now because we are going to know the whole movement and the whole cost of cargo. The public will know cargo costs, how much is paid for landed cargo both at the level of the stevedore and at the level of receiving, storing and discharging, and if that is known, then anybody can do simple arithmetic to know how much it costs, how much labour costs, and then you will see what percentage of the labour costs is represented in the total operation.

Now I am a believer in public ownership. I said so in 1961; I said that the Port should have been controlled by a Port Authority, and

I am bold enough to say it is more expensive to do it now than it was if you had done it in 1961, because you would not have to make arrangements to pay anybody for old equipment. You would not have to compensate anybody, and I do not know who are the managers. I think it should be stated if you are going to have Port Contractors being the contractors for Government at the Port Authority, or whether the Port Authority is going to be the over-all authority but the same people are going to run it as they ran it before.

3.55 p.m.

I feel that if the Board is run efficiently then it would be of benefit to the community as a whole, and I am satisfied that the workers can do it. We have clerks, managers, foremen and everybody who would make the Board work. We do not have to import anybody from anywhere. When the Government takes over the same people down there will make it work. As I said, they operate the Board against the background of strife, where the British Government closed down bases in Malta and they have run it successfully because the Government which came into power felt that the workers could do it. It is a question of outlook. It is true that in Barbados there has been a drift away from a workers' concept, there is a tendency at this stage to believe that the workers are not as capable as they used to be, and for some unknown reason the workers have been described in different forms of inefficiency, but I am still a believer in that where you require mass labour to do a job there is no alternative for it.

The major work on the docks is going to be the loading and unloading of cargo. It is going to be the major operation of the Authority. Take that away and there is nothing. The real kernel of this question is how are you going to get this Board operating. I know a rose by any name is just the same, but if you give these people decent conditions of employment, if you make their life tolerable and easy you will get better production, and I feel that we are reaching the stage of workers' participation and therefore we could as well face up to it, that workers in 1975 are going to be more concerned about where they work, what they get from what they work on, how it functions, and all these things, because the days of the boss complex are diminishing. It has been so in many aspects of life, so I would like to know how the Port Authority is

going to be responsible. I do not have anything against whoever the Directors are, I find that sometimes when you appoint new directors, like at the Transport Board, the Transport Board took from 1955 — about 20 years — before it could settle down. I think it is showing itself better now, but one of the important things about public facilities and public ownership is the people who you get to man them. If you get good quality people to man them they will make a success of it.

In spite of the statement which was made this morning by one of the archbishops of the regime of the past in this community, embellishing all the things of private enterprise, I still know that when it comes to public ownership, things like harbours, docks, airports are better vested in the people, and I do not mean people in this kind of vulgar sense that people say people, but they only mean a few people, but I would vest it in the corporate state itself, the life of the community itself, where in here or on any public platform the leaders or the trustees of the State will have to give an account of their stewardship and the stewardship of the operation and not a Board of Directors or a small narrow group of people saying they have not paid out any dividends this year.

I feel the harbour can work efficiently, but they must know the people, I have passed the stage, Mr. Deputy Speaker, that I have to be afraid of telling a worker or anybody he is wrong. I do not belong to that class, I do not have to look for that kind of vote, I do not have to tell a man he is right when he is wrong, I do not want any pats on my back. They will have problems with the docks. I hope that we do not have to have our own police force down there and find that there are more policemen than people working. Only yesterday there was a problem on the docks when it was said that a man had a gun on board a ship. These are the things we get, a man with a gun in the hatch and all work stopped. The position is that you are going to get your labour problems. I know that some people are of the view that if the Government has a Port Authority it will mean that workers cannot strike any more, workers cannot exercise their position any more, but that is moonshine. That is not going to stop anybody, you are only begging for trouble, we have passed that stage. If you have a police state, the police will stop themselves, the day for telling people they cannot exercise their industrial rights is over, and we are satisfied

that if the Port Authority is a sensible Authority they will function, but I think we should know today what is going to happen in the warehouses and with the stevedores.

I do not like to call names because there are some people I can say bluntly I had dealings with at the Port already and I realise that some of the public officers are not the calibre of people who can stand up under any real issues. I had instances where the employers requested things which had been done because the employers requested them, and when the workers requested them it took a long time. When I hear people talk about this Saturday work, it was the employers and the Chamber of Commerce who said in the first instance they did not want the places down there to open on Saturdays and therefore it was done.

4.05 p.m.

I say that, because there is this idea that if an employer requests something it is easier for a public servant to accommodate an employer. I know the reason for that. The reason for that is, there is only one trade union in Barbados; we cannot offer any public servant any job when he retires at 53 or 54 or 55, but there are the multiplicity of employers that he can look for. He can walk into their places, and none of the servants in the public service work at the union. We can only employ about 20, so therefore if a man's wife, sister, aunt, cousin or brother-in-law who is working at Shipping and Trading feels that there is some softness insofar as this organization is concerned — that is part of the economic society in which we are living and for that reason some people feel to keep their mouths shut when they are working for the Government and the employers present something to the public, and they have to keep quiet.

It is for that reason that sometimes the public service gives the wrong image and the same man leaves the public service, goes to work for a private employer, and you want to know if he is born again; he starts to bloom out under different circumstances. It is not the system; it is that he feels now that "I do not have to look back in the service anymore, I get the pension."

I hope too that the pension plan and the system that they are going to employ here — I see they say for some workers and not for others — I hope we will get some information. For whom do you mean? What do you mean by different classes of

persons that are going to get different provisions? When we come to that section I will have to ask what is the meaning of these different classes, because it strikes me as to what are the reasons for the different classes, and I hope that we can get an explanation on these things because we represent workers and I would like to be able to say to them, this is what it is; so that they would know, well, this new dispensation means a, b and c and we are quite clear as to the details of the legislation.

So far as I am concerned about a Port Authority, there is nothing strange about a Port Authority. They have a Port Authority in London, they have a Port Authority in New York, and they have a Port Authority in Trinidad, so there is nothing strange about a Port Authority. They have unions in Trinidad, they have unions in London, and they have unions in the United States of America; so there is nothing strange about them. It is purely a question as to how you are going to operate this because the Port Authority in New York is one of the — I would not say it is the richest but — it is one of the most powerful sort of public authorities you can find anywhere. I think it even functions more efficiently than the one in London.

So if we do not know where this Bill has been copied from, if it has been copied from Trinidad, if it has been copied from London — but it looks to me that normally they copy one from near home — maybe this is a sort of the Trinidad Act but the Trinidad Port Authority Act is fairly old-fashioned too but maybe laws are not new, laws are old and maybe they copy them; but so far as we are concerned we are not worried about the Authority as such, we will be worried about the implementation of the authority and how the authority function from day to day and give the people the right that they can work in peace and without any unnecessary dislocation.

Mr. FORDE: Mr. Deputy Speaker, before I begin my substantive speech on this Act, let me say that I believe it is a bit unfair to members of Parliament to deliver a Bill such as this late yesterday afternoon and ask for a detailed and constructive criticism of provisions of the Bill that would assist the Government to improve the Bill in some respects and to have some second thoughts on the matter.

You will recall, Sir, that I asked over a year ago for the Government to give us some clear thinking on this matter, and some of the queries which the hon. member for St. Michael West has just had would have been the type of queries which would have been discussed

had some sort of preliminary paper been submitted to this Parliament on this matter; and although he has been in one of his restrained moods in discussing this Bill, and probably advisedly so so far as he is concerned, yet let me say that every word that he has said reflects the sentiments which I personally hold and which this party holds in relation to this matter; and what we would not like to think is that we are merely doing — and if I may here borrow again from the member for St. Michael West I would borrow one of his famous proverbs which he used rather effectively in his lucky year of 1961, I believe — “we are not taking a pig and baptizing it as fish.” I think that was his expression about a Seventh Day Minister who did not believe in eating pork and therefore he took the pig and baptized it in the river in Guyana as fish and proceeded to eat it. And I hope this is not an instance of this case, of merely establishing a structure and no more, and that the intention behind a Port Authority is to see a general improvement in the efficiency of the services rendered at the Port, and instead of a continual escalation of costs, and improvement in the cost structure which would be passed on to the ultimate consumers who have, after all, to pay for the charges — except the ships which come there, that pass through the Port.

I have not seen any clear demarcation of the type of functions — any specific ones, I should say; not clear — of the type of functions which the Port Authority will be performing. I understand in section 4 that they will be responsible for operating Harbour services and facilities and Port services and facilities. Whether this means merely receiving, storing and delivering goods, or whether this includes the off-loading of goods which is well known as stevedoring, seems not to be specifically spelt out; and I have not heard the Government's intention in the second reading speech.

When the Hon. Leader of the House made the second reading speech on this matter he did not set out the Government's intention as to whether it is Government's intention that the Port Authority should extend its scope of operation to include the stevedoring services in the Island. I think this should be made absolutely clear and we would know where we are on the matter, or, rather what they are really doing is taking over the type of services formerly performed by Port Contractors and with which the Government had, I think, about 30% or 33% of the shares, so they are

merely really acquiring Port Contractors' 66% of the shares, in other words, or the equipment used, and carrying out that function. I think that the port calls for a greater rationalization than this.

Sir, I am not one who buys blanket statements in relation to what type of service is more suitable for private enterprise or what type of service is most suitable for public enterprise but certainly the port is one of the important and essential aspects of the life blood of any country, and in Barbados it is so important because it is, after all, the main port and perhaps the only real significant one for the delivery of goods.

4.15 p.m.

It is, therefore, important that the control of this should rest where it rightly belongs with the Government. I can understand my friend will say that in 1961 at the opening of the Harbour it should have been done then. In 1961 I was still a lad. I am not responsible for the mistakes made by anybody, and I do not think that we can go on hammering on 1961 any more than we are going to go on hammering on 1971 when 1976 comes.

I think that, in the context of Barbados today, there are areas in which we must widen the scope of public enterprise. There are significant areas and this is certainly one, and we agree with the Government on this aspect of the matter. There can be no doubt about that. Let me give a few words of caution though, Sir. Unfortunately, and this must be admitted, in Barbados too many people believe that wherever the Government is operating a particular service it is an excuse for people to use political affiliation for showing that they are the only persons entitled to jobs and to carry out those jobs inefficiently. Unfortunately, again, too many of our politicians believe in listening to the person who comes and whispers something in their ear. They bring a little message and they use that as a lever for promoting them, believing them, much to the detriment of the public wheel. I am sounding a note to the Government on this matter. What they need to get is absolute efficiency in the Port. That is nothing at all to do with the few people who may misuse their party cards or passports in order to hop on a band wagon for jobs so that eventually it is in the long run, the very Government who will suffer because of escalating causes.

I sound this note now so that there should be no doubt that we are expecting an

improvement in the standard of the efficiency at the Port. It must be clearly understood that, in my view, the port workers, particularly those people who carry the bulk of the stevedoring services, have rendered yeomen service to Barbados from the time they did lightering right up to the point now that they are using fork-lift trucks and other means. They have been the backbone, and I think the hon. member will recognise this, of the Workers Union. All steps should be taken to adopt, in relation to pensions and provident schemes for them, the inevitable aspects of their attitude towards pension schemes.

The hon. member for St. Michael West would not want to say this for himself, but I am going to say this for him. When he is probably at the hustings next time he might quote it as a plaudit, if he wants to, if he is refuting one of my arguments, but I feel strongly about this. I have known him to have advanced outstanding ideas on provident schemes in the Port that nobody else in Barbados has ever thought about and providing medical services for people in the Port at the time when both Government and private enterprise were still looking backwards and could not be so far-thinking. I know of this personally because in those days I had the privilege of looking at the schemes and to advise on them.

There was a gentleman to whom I must give praise where praise is due. I refer to the Hon. David L. Smith as he then was who had the foresight to adopt a good idea as brought to him by the then Secretary of the Workers' Union. I want to recite these things because I believe that the Workers' Union has had a longer association with the Port than indeed, either Port Contractors or anybody else had. I should hope that the Government would make the opportunity, in the future, of keeping this happy association. We have not had too many strikes in the Port. We have not had as many strikes in this Port as I have seen happen even in Trinidad since there was a Port Authority, or indeed in Jamaica or other places. I would not like it to be thought that, simply because it is a governmental Authority, ergo there must be no more strikes. What I hope is that the Government will prove a much more sagacious employer, and that the situation will never get to the stage where it is necessary to resort to industrial action in such circumstances. I would leave it to the common sense of Barbadians in this sphere to organise life in such a way that we are getting an improvement in the Port.

When we come to the details of this Bill, there are some aspects of the Bill to which we will really have to draw the Government's attention. I will merely adumbrate one or two of these aspects now for the benefit of the Minister. Once again we are seeing in a Bill in Parliament Government placing a particular mystique around the period of limitation during which claims should be brought or action should be brought for people who genuinely suffer damage. In this case where there is an undercharge made and the Port has to re-open its accounts, the Port is limiting itself to six months, and where there is an overcharge made likewise, it is giving six months. I think that is too short a period.

I have known instances at law where there is no statutory provision where there have been undercharges made in genuine issues of mistakes of fact, and people have been allowed to look back over their shoulders for six years to get in revenue that had unlawfully been undercharged in those circumstances. I do not believe that these short periods of limitation are in the interest of either the claimant or, indeed, in the interest of the Government.

Likewise, we seem to have built up some mystique around the Public Authorities Act of 1955, I believe, and think that the period of a year to bring a claim is enough. That, in most instances, has proved inconvenient to people. In many instances, indeed, we are finding that the trend is to extend the period of limitation for a longer period so that you have a reasonable time to investigate these matters.

I agree with those provisions in relation to legal proceedings where adequate notice should be given to the Port Department before a claim is brought. I, indeed, think that it should be longer than a month, because sometimes it may well take the Port Manager some period to investigate the danger which has occurred. Let us assume, for instance, that goods are spoilt because they are placed next to hazardous substances, and he has to get reports from overseas as to the nature of the various chemicals involved and so on. Certainly a month is not adequate for him to make up his mind, and we are running into lawsuits. I would ask the Government not to follow too slavishly the existing draft in our Harbour Act, Customs Act and, indeed, in the Port Authority Act, and that we look at Jamaica and other places when dealing with this matter.

Likewise, I am a bit concerned with Section 6, I believe, and the provisions which we have for compensation. I agree that the Authority should have facilities, land, and so on available for it and it is not always convenient to run to the House with a Bill for compulsory acquisition or under the Compulsory Acquisition Act before the Authority may act to get an extension of the Port, for instance. But why the mystique of the Arbitration Act? One of the most expensive and costly procedures in this day is going to arbitration for legal proceedings. Why not leave it open to the courts and with a reasonable period of limitation? We already have legislation dealing with the basis on which compensation could be awarded. The Arbitration Act is now being avoided by everybody from Architects to Engineers in R.I.B.A. contracts, and in the legal profession these days we realise that it is cumbersome.

I have had the experience of one arbitrator from abroad whose fee to read a brief was 1,000 guineas before he could charge. To come out on the preliminary application was 100 guineas per day and that merely agreed to a Consent Order. Had we gone on to arbitration, I would have expected that, if we had lasted three weeks, we would have had to pay him something in the nature of 10,000 guineas in order to adjudicate the matter in dispute.
4.25 p.m.

This is so, whereas you have the facilities of the Law Courts which are there for you. Your High Court judges are paid normally. You have the Court of Appeal and you have the right of appeal right up to the Privy Council which we still keep. In those circumstances you will avoid building in additional charges in the Act.

There is only one other point that I would like to stress on the general reading of the Bill. I am not too sure that the political wheel is not building in for itself some problems. In Section 13 of this Act where the charges which will be allowed at the Port will be fixed with the fiat of the responsible Minister — I say this advisedly — I have never been too happy about the agreements which exist between the Port and the Government where there was a schedule of rates, and wherever they wanted to raise rates they went to the Minister; and wherever there was a raise under a collective agreement, automatically they had, under the agreement, to get an increase in port dues.

In other words, they are fixing it on to the agreement. This was the past regime, whereas one

never looked to see whether by virtue of that collective agreement, although the workers are getting higher wages, they also have labour saving devices and are getting an increase from the efficient way of running the Port and therefore they do not need to build on charges from the collective agreement. Such was the agreement, however.

I think that wherever possible the Ministers should avoid having to make decisions such as these. I am not talking about a special Minister. I want to make that absolutely clear. It might be all right right now; but politically this poses problems in the future in the administration of the Port.

It may not happen now. It may not happen in the next three or four years; but do you know what this is going to lead itself to? Every time that there is an increase in dues at the Port it is going to be made a political issue, that the Minister is responsible for passing on the cost to the people because he has allowed an increase in dues at the Port.

The better thing, I believe nowadays on this sort of thing, is to allow the Authority to fix its rates and satisfy an independent tribunal like a properly constituted Public Utilities Board, about the desirability of having an increase in rates; and certainly the operating expenses or the operating revenue that are always allowed will be wages agreed on under a collective agreement. That is understandable.

I predict — I may not be around; I may be dead by that time — but I predict that the history of Section 13 will become a political football whenever we are dealing with the Port. One of the things that we have to be careful of in a small country such as ours is that when we are dealing with such essential services is to isolate them as much as possible. Not that there would not be politics around them or the area of contentious and partisan and cheap politics.

I would have hoped that the Government would have taken the opportunity to look at the better provisions in different areas where these matters are gone into. I believe that in Trinidad they have now subjected the situation to the Public Utilities Board. In one instance it is being proved that the Public Utility bought a dredger that is costing \$9.50 per cubic foot as against \$1.50 for hiring a dredger — inefficiency and bad management techniques.

The Minister, if he had fixed the dues on this, would be the person taking the blows for

that; and then we would get the position in which we would be told that the Minister cannot be responsible for everything.

I hope that when this Act is proclaimed — and I understand that the intention is to have the takeover some time in June; and June might be a very significant period indeed. One has to look at these June dates very carefully. You have June brides, June elections and that sort of thing — I hope that the takeover will go smoothly and that it will be clearly understood that this is being done in the interest of the people as a whole and not in the interest of a section of the people.

I would appeal to those who are fortunate enough to be taken over by the Authority to give as good or better service than they have given. I would say that some of the employees of Port Contractors have shown a pretty high standard of efficiency and I hope that they will show no lowering of standards simply because this is now a matter of public enterprise rather than private enterprise. I can never believe that public enterprise per se should be any less efficient than private enterprise if care is exercised over it.

I hope that the provisions of this Act which make it obligatory for the Authority within a month of the close of its Financial Year to give a statement to the Minister, and which make it obligatory for the Minister to lay that statement on the Table of the House in four months will be carried out in its entirety.

I suggest that the Authority would be well advised to get a properly recognised firm of accountants so that there can be no problems at all on matters of this nature.

The question that the Bill be 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. P. M. GREAVES: I beg to second that.

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

Parts 1 to 6 inclusive of the Bill were called and agreed to.

Part 7 was called.

Hon. C. E. TALMA: I beg to move that Part 7 stand part of the Bill

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

Mr. WALCOTT: Mr. Chairman, there is something about the question of reporting of accidents. That is where an accident occurs in any harbour. Mr. Chairman, I am a bit concerned about accidents taking place and the method of reporting and people not getting full information about these accidents.

I remember that I raised this question some time ago at the Airport when a man was killed. It is not good enough to say that because there is no crime involved or which involves some kind of criminal act so that the Police are called in, there is an ordinary thing like a Coroner's Court and that is the end of it. We now have a case of a man who is dying because of an accident in the docks where a pallet came down through a hatch hole and completely paralysed the man.
4.35 p.m.

Now the whole idea about accidents is to be able to know what was responsible for the accidents and be able to set in motion the kind of machinery that would avoid accidents in the future. Now it says here that the General Manager shall make to the Authority for transmission to the Minister a return, in such form and at such intervals as the Minister directs, of all accidents occurring in any harbour, whether or not any such accident is attended with injury to any person, but here it does not give any scope to the person who is injured or his representative. The old fashioned legal concept is that the man and his family are not really important from the point of view of knowing what has happened, and I think some of these old fashioned laws have got to be revised, because a man can be injured at work in this Port and the Authority gets it and it is hushed up, nothing takes place.

We have a case now where a man has gone to a lawyer, but a lawyer can do very little when a man is in a bed speechless, and the others who are at work are afraid to give evidence. If you know, you can take information of what has happened so that you can see the regular safety measures that can be employed, and unless you get the odd case that you can get to the Courts as happened recently where the court awarded substantial damages, nothing is done to make sure that safety measures would be adopted. Docks are very important things and I hope that with

the coming into being of the Authority that the Authority will make arrangements. I am sure that the Union will see to it that arrangements are made that whenever serious accidents occur, investigations are carried out so that the relatives of persons injured would know something.

Mr. GREAVES: Mr. Chairman, before you put the motion to the vote, I would also like to make a contribution to this particular aspect and support the views which have been expressed by the hon. member for St. Michael West. This section as you would no doubt be aware, it would seem to me places the entire responsibility for investigating and reporting of an accident on the Authority, and on the General Manager who would report to the Port Authority as is stipulated by the Minister. This is something which has been drawn to the attention of this Honourable House on a number of occasions in the past, that is, where almost absolute authority is given to a person or indeed to a particular group of people to determine whether or not a particular accident should be investigated, because if you look at section 32(c) it says: "Where an accident occurs in any harbour, then if that accident is of such other kind as the Authority specifies, the General Manager shall, as soon as practicable, give notice of the occurrence of the accident to the Authority."

It is conceivable that a situation could arise where an accident can take place but the General Manager or the Authority might not consider it is the kind of accident which needs to be investigated, and I think that built into the Act should be certain safeguards which would enable people who are injured in accidents or indeed their families who might want to have redress on behalf of the injured person or indeed to give authority to the Trade Union which may be representing the particular worker to have some way of insisting or ensuring that investigation is carried out to find out where the blame might have occurred or indeed to have some kind of redress for the person who has been injured. It would seem that this section is definitely too loose and something should be done to ensure that the provisions are much tighter so that people would be able to have redress, and that reliance is not placed on the General Manager as the case might be to determine whether this is a matter which needs to be investigated, or whether it is a matter which has to be reported. This is something which I think some very careful thought and attention should be paid to, because it is dealing with people who in a number of instances are the breadwinners and sole economic support for their

families, and if anything happens to them it means that the entire family would be left to suffer provided an investigation is not carried out so that some kind of provision is made for the family.

Hon. C. E. TALMA: Before you put the question, Mr. Chairman, these are the usual provisions. When an accident occurs, then there is an enquiry which takes place and the person who has been injured has the common law right to be represented in the enquiry. It is just like an accident occurring on the highway. In Clause 33(1) the General Manager may order such enquiry into an accident which occurs in any harbour as he thinks fit. Am I to understand that a person who works there cannot be represented in the enquiry? If a person is injured in the course of his employment, he has a legal right to be represented when the enquiry is going on and to have a copy of the report which goes to the Minister.

Mr. MOTTLEY: On a point of order, the Minister has just said that he would have the right to have a copy of the report going to the Minister. I have had the experience where I had been told by the Permanent Secretary that I could not get a copy of the report of the accident going to the Minister: (A VOICE: That is a point of disorder.) It is not a point of disorder, I am just correcting him. There were two accidents at factories and when I wrote the Ministry the Permanent Secretary said he had no authority to give me a copy of the report of the investigation carried out into the accident.

Hon. C. E. TALMA: Clause 34 says that the General Manager shall make to the Authority for transmission to the Minister a return, in such form and at such intervals as the Minister directs.....I am saying that a copy of the return would be available. That is my interpretation.

The question that Part VII stand part, was put and resolved in the affirmative without division.

PART VIII was called and passed.

PART IX was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Part IX stand part.

Hon. A. MORRISON: I beg to second that.
4.45 p.m.

Mr. WALCOTT: Mr. Chairman, I am not clear about this. Subsection (9) states: "For the purposes of subsection (8) 'agreement' means the agreement entered into between the Government and Port Contractors (Barbados) Limited and dated the 15th September, 1961." In this clause it talks about vesting certain rights in the Authority and fixing done by a certain date. What I was not clear about was whether the Government is now taking over the vesting of property rights of Port Contractors into this Authority, because I think it is essential that that should be known. In what way will they have the rights vested? Are they taking over the equipment or buying them out or what? The reason why I am asking that is that it is going to bring us back to a very crucial position in so far as what we take over, when we take over, what you pay for it at the point of take over and so on. This is very important, because if you are taking over all the equipment, sometimes when a man is running a business and all the equipment he has is his, because he has made a profit and therefore the profit he has made over the years he can show as surplus equipment, but you are buying over something and it is not necessary to buy over all the equipment there. You have to be careful that you do not buy equipment which becomes obsolete, because you are likely to buy equipment that in four or five years' time will be of no use to you. It should be stated so that everybody can be clear about it.

Hon. C. E. TALMA: As far as I see it, in answer to the point raised, all equipment which is in use before the commencement of this Act exclusively for the purpose of the Port Department is to be transferred and vested in this Authority and payment made to Port Contractors (Barbados) Limited in accordance with clause 13 of their agreement. This provision is to obviate any difficulties with the transfer of equipment on the date of the takeover.

The question that Part IX stand part was put and resolved in the affirmative without division.

Parts X to XII, inclusive, were called and passed.

The First Schedule was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that this be the First Schedule to the Bill.

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

Mr. WALCOTT: Mr. Chairman, this is not a big point, but it is a point which makes me wonder. I note here the constitution of this Board, as it reads:

"Subject to sub-paragraph (3) the Authority shall consist of not less than 5 nor more than 7 members to be designated directors, appointed by the Minister by instrument in writing from amongst persons who appear to him to be qualified by reason of having had experience of and shown capacity in matters relating to trade, law, finance, science, administration or labour relations."

It strikes me that you are going into an area that is predominantly labour intensive from the point of view that if you remove the labour from the whole operation you have nothing. You are thinking of a man of science, a man of trade, a legal man can get into anything at all whether it be a marriage, a death, what have you, so he can get a play anywhere, there is no problem with him, he is a Jack of all trades. He can act as priest or whatever. What I do not understand is "administration or labour relations". Why did "labour relations" have to be tacked on? When you run into trouble now you have to identify these four other people first you cannot make any mistake you must have a man in science, one in trade one in law, one in finance, one in administration, but when you come to the labour part he could be an old-fashioned Labour Commissioner, he could be an Administrator in Antigua or he could be somebody in St. Vincent. He need not be in labour, this is one area that labour itself does not carry the kind of identification it should. Industrial Relations in itself cannot be regarded as a science, but it is something to know and understand, and these other people would not carry the same sort of contribution as a person in that area will carry it. However, if this is where they have relegated the labour position, I am sure the workers themselves will not relegate themselves to that position. I am not finicky, but it is only my way of identifying where you put me, I believe if I am entitled to a front seat I do not like a back seat.

Hon. P. M. GREAVES: Mr. Chairman, I am not sure I am reading the hon. member for St. Michael West correctly. It would appear to me as though he is reading into this section here that labour relations is alternative to administration. If that is so, that is not a correct interpretation. There are times, and I am sorry I have to say this, when legal practitioners can tell you that "or" is equivalent to "and"

and in this case this is one those instances where "or" is "and".

4.55 p.m.

'And' would not be applicable here because you have to find all these many disciplines rolled into a single person. So this is one of those occasions when in the interpretation of documents the word 'or' can be used not in the alternative, but in fact to add.

The question that the first Schedule stand part was put and resolved in the affirmative without division.

The second Schedule was called and passed.

The third Schedule was called and passed.

On the motion of Hon. C. E. TALMA, seconded by Hon. A. MORRISON, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that this Bill be now read a second time.

Hon. P. M. GREAVES: I beg to second that.

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

THE INCOME TAX (AMENDMENT) ACT 1975.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Item No. 6 on the Order Paper standing in the name of the Prime Minister, which is the second reading of a Bill to amend the Income Tax Act, 1968 be dealt with.

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

Mr. CHAIRMAN: When the Sitting was suspended we were dealing with Clause 10. To that it now reverts.

Rt. Hon. E. W. BARROW: Mr. Chairman, there was a point raised in Clause 10 about the position of the individual's own accounts, workers and people who carry on business as individuals other than companies and Clause 10 which amends section 66(1) of the Act — Clause 10 (2) (a) states that in respect of the income year 1974 the tax will be paid in four instalments

beginning on the 31st July, continuing to the 30th November, and the final one on the 28th February, the first one being on the relevant date. The relevant date is the 30th April.

There was some doubt in my mind as to the accuracy of this because it did not appear and still does not appear to correspond and coincide with the statement which I made in the House on the 21st November, last year, because at that time I stated that the full tax liability on 1974 income should be paid not later than the 30th April, 1975.

Again, I commended the Leader of the Opposition to having a direct pipeline with the public service which is not always available to myself, and he seems to be aware that the Chartered Accountants Society — or whatever they call themselves — have made representations to implement the Bill, as I stated it would have created accounting difficulties for them and some financial hardship for their clients; and it has been agreed — and I now agree of course if I did not before, which I believe I may have done inadvertently — that it should not be extended in the manner set out in Clause 10 of the Bill.

In respect of the income year 1975, that would be found in Clause 8 amending Clause 64B, and that would be 64B(2). So that is precisely in the same language as expressed by me in my statement. The effect is that the own-account workers as I call them — well individual business people; the man who runs his own business, or the professional man, the tinker, the tailor, but not the soldier or the sailor — under pay-as-you-earn in the normal way — they would be paying two sets of taxes in this year, in 1975–76 instead of paying the 1974 income by the 30 April in one lump sum; whereas they had it in two instalments before they would now have it extended into 1976 — I think the date is the 28th February.

I beg to move that Clause 10 stand part.

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

Mr. ADAMS: Mr. Chairman, there is only on small point I would like to make. When I originally made this point in the second reading, the Prime Minister laughed at it and said he could not understand what I was saying, and it was all there in the Bill.....

Rt. Hon. E. W. BARROW: I did because it did not conform with what I said in the budget statement. And I said that I did not understand. I did not understand then how it was changed.

Mr. ADAMS: Well, when I spoke on Clause 10 I took the budget statement and I read it to show that it did not conform with what the Prime Minister had said; and I daresay that if it had been the Leader of the House, yourself Mr. Chairman and even members of my own side, they might have said "Well, Tom Adams likes to appear clever, and look he has got caught; look he talked foolishness again."

I am very glad for the magnanimous way in which the Prime Minister has agreed. And I should say that no member of the public service has told me anything about this. This is absolutely — a former member of the public service told me that representations were going to be made; and a person connected with a large company in Bridgetown told me that not his company but other companies almost as large, had made representation. But I would like to set the Prime Minister's mind at ease about his public servants. Absolutely no member of the public service has spoken to me about this aspect of the matter.

5.05 p.m.

I would like to set the Prime Minister's mind at ease about his public servants. Absolutely no member of the public service has spoken to me about this aspect of the matter.

Rt. Hon. E. W. BARROW: I would like to assure the hon. member that, if it is a former member of the Public Service, he is not now enjoying his present status because of any disclosure made to the hon. member. In other words, he is not an ex-member of the Public Service because he spoke to him.

The question that Clause 10 stand part was put and resolved in the affirmative without division.

Clauses 11 to 15 inclusively were called and passed.

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

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that this Bill be now read a third time.

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker I beg to move that this Bill do now pass and be cited as the Income Tax (Amendment) Act, 1975.

Hon. A. MORRISON: 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. As hon. members are aware this is the time when we consider the Annual Estimates and Appropriation Bill. Copies have been circulated and it is the Government's intention to commence the consideration of the Appropriation Bill and the Annual Estimates for 1975-76 as from Monday the 17th March, 1975, at 10 a.m.

I beg to move that the House do now adjourn to Monday, 17th March, 1975, at 10 a.m.

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

The question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER adjourned the House accordingly.

5.10 p.m.