

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1971-76

HOUSE OF ASSEMBLY

Tuesday, 20th May, 1975.

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

PRESENT

His Honour C. A. E. HOPPIN, J.P. (Deputy Speaker); Hon. C. E. TALMA, C.B.E., (Deputy Prime Minister and Leader of the House); Rt. Hon. E. W. BARROW, B.Sc., (Econ.), LL.D., (Prime Minister); Mr. R. St. C. WEEKES, J.P.; Mr. W. R. LOWE, J.P., (Chairman of Committees); Mr. W. C. B. HINDS; Mr. L. S. CRAIG; Mr. J. B. SPRINGER; Mr. J. M. G. M. ADAMS, M.A., (Leader of the Opposition); Mr. C. L. BOLDEN, LL.B.; Hon. F. G. SMITH, Q.C., S.C., B.A., (Minister of Communications and Works); Mrs. G. L. EASTMOND; Mr. H. deB. FORDE, M.A., LL.B.; Dr. the Hon. R. B. CADDLE, (Minister of Health and Welfare) and Hon. A. MORRISON, (Minister of Agriculture, Science and Technology).

Prayers were read.

ANNOUNCEMENTS BY Mr. DEPUTY SPEAKER

Mr. DEPUTY SPEAKER: I have just received a letter from the Leader of the Opposition re the Public Accounts Committee. At this moment I would need some time to study it carefully, and I assure the hon. Member that a Reply will be given by me at the next Sitting of this House.

There is only one point I wish to make now and it is that mention of this letter had appeared in the Press. I think that the Leader of the Opposition is well aware that the Speaker did rule on such a matter, and stated that if a subject was to be debated in the House then there should be no publication of the matter in the Press. I at

this moment, have decided that this matter is closed as far as the letter from the Leader of the Opposition is concerned.

Mr. ADAMS: Your Honour is not saying that the letter was published in the Press. Your Honour is not saying that the letter which is not worth the time of a Press Report has been published in the Press. All that you can say is that there was a statement that an hon. Member was going to write to the Speaker. I expect that you will explain the ruling of the former Speaker.

Mr. DEPUTY SPEAKER: That matter has been dealt with and is closed. No further discussion will be allowed on it.

Mr. ADAMS: I want to give the House the assurance that no letter has been shown to any person except my secretary, the hon. Member for Bridgetown, the hon. Member for St. James and perhaps your secretary who passed it on to you.

Mr. DEPUTY SPEAKER: I am not saying that the contents of the letter were published in the Press.

CONFIRMATION OF MINUTES

The Minutes of the Meeting for Tuesday, May 6th, 1975 were duly confirmed.

REPORT OF AUDITOR GENERAL

Mr. DEPUTY SPEAKER: I have received the Auditor General's Report on Appropriation and other accounts for the year ended 31st March, 1971. The report is as follows:—

"Sir, in accordance with the provisions of Section 26(3) of the Financial Administration and Audit Act, 1964, as amended, I have the honour to submit my Report (two copies) on the results of the examination of the accounts of the island for the year ended 31st March, 1971".

GOVERNMENT NOTICES

Hon. C. E. TALMA: Mr. Deputy Speaker, on behalf of the Hon. Minister of Finance and Planning I beg to give notice of a Bill to amend the Income Tax Act, 1968.

Hon. F. G. SMITH: Mr. Deputy Speaker, I beg to give notice of a Bill to amend and consolidate the law relating to the Post Office.

NOTICES OF QUESTIONS

Mr. HINDS: There are some questions that I wish to give notice of, and I am now asking for leave to give notice of them later in the Sitting.

Mr. DEPUTY SPEAKER: There being no objection, leave is granted.

FIRST READING OF BILLS

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that a Bill to amend the Income Tax Act, 1968, be read a first time.

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

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

Hon. F. G. SMITH: Mr. Deputy Speaker, I beg to move that a Bill to amend and consolidate the law relating to the Post Office 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.

ORAL REPLY TO QUESTION

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, I beg to inform you that the Oral Reply to Parliamentary Question No. 7 asked by the hon. Member for Bridgetown is now ready.

ORDERS OF THE DAY

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Standing Orders 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of the day's Sitting. I will give the undertaking that if the Opposition wants to deal with any item under Private Members' Business they will be given the opportunity to do so.

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

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

12.25 p.m.

GOVERNMENT BUSINESS

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

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

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

Hon. C. E. TALMA: The first Item on the Order Paper stands in the name of the Hon. Minister of Housing, Lands, Labour and National Insurance. I am asking for leave to deal with the Items which stand in this hon. Member's name for today's Sitting.

THE PATENTS (AMENDMENT)
BILL, 1975

Hon. C. E. TALMA: This Bill would amend the Patents Act, 1903 (Act 1903-7) in order to authorise the Registrar to receive the fee payable by a person obtaining Letters of Registration for the holding of a patent.

The position, Sir, is that some time ago the Solicitor General drew to the attention of the Government that the procedure for the obtaining of Letters of Registration for the holding of patents could be simplified if it were possible for the fee of \$125 which is now payable to the Accountant General after application to the Registrar could be paid direct to the Registrar. The present procedure in effect requires a person to apply first to the Registrar, then to leave the Registrar and go to the Accountant General and pay the fee of \$125 and then to return to the Registrar for the Letter of Registration.

The object of the proposed amendment is to empower the Registrar to receive the fee on behalf of the Accountant General. The Acting Accountant General has been consulted and he supports the amendment. The Ministry of Finance and Planning also supports the amendment and said the change in the collection of revenue could be more simplified and more efficiently administered generally.

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

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

Mr. FORDE: Mr. Deputy Speaker, during my four years in this House, I have spoken from time to time on the necessity for Government to take seriously the question of

revising the Acts which affect the industrial development of this country. I think you will have heard me refer from time to time to the fact that there is no legislation in Barbados dealing with the regulation of industrial designs and protecting any designs which have been made by our new artists in the industrial field. I do not believe that hon. Members will pay much attention to this type of legislation because it is not vote catching, but in my view, any country which is moving from the category of an underdeveloped country in economic terms to a semi-developed country in industrial terms must become extremely conscious of what Acts it has on its Statute Book dealing with the protection of its industrial property. That is why I regret that the amendment to the Patents Act which is now before this Chamber is such a limited administrative and routine matter.

Many members are probably not aware of the fact that in Barbados, we have been filing patents which are the property of people in this country. Mr. Hudson who was attached to the Barbados Sugar Producers' Association has designed and patented equipment dealing with the harvesting of canes. At the University of the West Indies, and in conjunction with the Government of Guyana, work has gone on on patenting machinery for digging things like cassava and we trust arrowroot for the benefit of St. Vincent in particular. I believe that if we are going to develop our agro industries, and if we are to make more use of the limited natural resources of these territories, we must use the technology in conjunction with these resources to go through what I would like to think would be the second industrial revolution for the West Indies, and Barbados in particular, which after all was in the forefront of sugar technology back in the eighteenth and early nineteenth centuries. There is no point making these discoveries if the laws which give protection to those people who make the discoveries remain so archaic.

The Patents Act of Barbados is modelled on an English Act which was formulated in England about 1902. Since then the English law on patents has been revised and brought up to date, and anyone who follows these matters would recognise that in the Common Market, in Japan or in any of the industrialised countries, this type of legislation is seriously reviewed from time to time. No attempt has been made at all to look at the whole question of patents seriously, and indeed the Government does not seem to be aware of the urgency for industrial legislation of this nature. Our Patents Act is contained not only

in the Act which we are seeking to amend but also in a few provisions contained in the Trade Marks Act of 1949, which is referred to as the Merchandise and Marks Act of 1949. That Act is outmoded in itself, it has in, the many incongruous provisions which are no longer tenable in Barbados in the 1970s, and indeed there are some of its provisions which provide for reciprocity in relation to the recognition of patents and designs outside Barbados, and there have been no corresponding rules made to give effect to these substantive provisions. I regret to say that the only bit of legislation on the Statute Book dealing with the protection of industrial designs is an Act passed somewhere in the 1920s which gives automatic recognition to the people who have designs in calico, linen and cotton products in the United Kingdom. Such designs are automatically recognised here. No thought at all has been given by the Government to updating this legislation.

Likewise if we look at the effect of patents and its relationship to copyrights and the protection of artistic designs, we will find that our Copyright Act of 1916 is based on the United Kingdom Copyright Act of 1911, and we have taken no steps to keep apace with what is happening with current thinking in this field. Since then the United Kingdom Act was revised in 1956 and again in 1968. I do not know how conscious the Government may be of these lacunae in our laws, but I believe that our young designers have already suffered from the failure to have proper protection for them. I know of designs being pirated by other persons in Jamaica for instance and from other countries overseas, and I predict that unless the Government takes some positive step to deal with a proper revision of the Patents Act, we will soon find that our discoveries of patents in this field will likewise be lost to us and pirated.

12.35 p.m.

In short this is an amendment that should have been of some better substance and of some great magnitude. In this country we do have people, a limited number no doubt, who are aware of this type of legislation. Unfortunately for the Government, I believe that more of the expertise in this field as in so many other fields resides on the side of the Opposition, but regretfully we do not get the opportunity to show our good work in a much more positive way, for political and other reasons. I would like to tell the Government that those of us on this side who are aware of these developments, who have been speaking

on them, researching on them, conscious of the need for them, would be quite willing without crossing the floor to make our expertise available to the Government on the basis of the national interest of Barbados and not on any partisan basis; and I am appealing to Government to hasten on in revising the Patents Act properly as well as to have substantial industrial designed legislation or Act on the Statute Book to repeal the Act which gives automatic protection to United Kingdom designs in a limited sphere, and to update the Trade Marks Act so that there will be some protection for our new industries not only in the Caricom markets, but also in the markets beyond.

The Japanese and the people from Hong Kong are sometimes the first to realise the defects in legislation and to make proper use of them. It is no point Husbands Wrought Iron for instance having an outstanding design in furniture if it finds that its design is copied and put to as good if not better use by the manufacturers in Hong Kong and it cannot even get licence fees for the type of design that it has. It is no point Mr. Hudson or the Sugar Producers' Association patenting his articles here for machinery in the agricultural sphere unless he can have some adequate protection outside of Barbados. It is no point the A.D.C. having a development in yam and instant yam if it finds that the legislation of Barbados and reciprocal convention arrangements with other countries gives it no adequate protection even within Barbados far less beyond our shores. It is for this reason that for the Nth time in this House, I call on Government to get up and get, and do something positive in this sphere of our laws.

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

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

Clauses 1 and 2 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 in Committee. Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

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

THE PROTECTION OF WAGES (AMENDMENT) ACT, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, Order No. 2 stands in the name of the Minister of Labour, and I am seeking leave to deal with it in his absence. *(Leave was granted.)*

This Bill would amend the Protection of Wages Act, 1951, to provide for increased protection of the wages of workers and to extend such protection to the wages of all workers. The position is that these amendments to Convention 95 were not fully covered by the Protection of Wages Act which was passed in 1951 and it does not reflect the amendments which the International Labour Office had requested and which the Government of Barbados ratified; so that the Protection of Wages Act of 1951 does not reflect all the amendments in relation to Convention 95 of the International Labour Convention which the Barbados Government had agreed to ratify, and the I.L.O. has been reminding the Government to bring these amendments in, in conformity with the amendments as in other places.

Now the amendments which we are seeking approval for today, will bring up to date the Protection of Wages Act, 1951, in relation to Convention 95:

- (a) To enable its provisions to apply to all person to whom wages are paid or are payable;
- (b) To empower the Minister responsible for Labour after consultation with Employers' and workers' organisations to exclude from the application of all of or any of the provisions of the I.L.O. Convention 95 categories of persons whose circumstances and conditions of employment are such that the application to them of all or any of the said provisions would be inappropriate, and who are not employed in manual labour or are employed in domestic service or work similar thereto;

- (c) to prohibit the payment of wages in the form of noxious drugs;
- (d) to provide that in cases where partial payment of wages in the form of allowances in kind is authorised, appropriate measures should be taken to ensure that such allowances are appropriate for the personal use and benefit of the worker and his family and the value attributed to such allowances is fair and reasonable; and
- (e) to provide that wages may be attached or assigned only in a manner provided by law, and that wages should be protected against attachment or assignment to the extent deemed necessary for the maintenance of the worker and his family.

12.45 p.m.

So those are the main amendments to this Protection of Wages Act of 1951. I may mention, Sir, that in accordance with normal practice, the various organizations or workers and employers have been consulted, and, I refer to the Barbados Employers' Confederation and the Sugar Producers' Federation, and their comments have been taken into consideration in the drafting of this Bill. The same thing applies to the National Union of Public Workers who are in general agreement with the draft Bill, but unfortunately no reply was received from the Barbados Workers' Union despite the reminders.

Honourable Members may wish to know which of the Articles of the Convention are being incorporated into this Bill. They are: Article 2; Paragraphs 1 and 2 of Article 2 of the Convention, which more or less I have read already; Article 4 of the Convention which deals with national laws and regulations, collective agreements, or arbitration awards, may authorize the partial payment of wages in the form of allowances in kind, in industries or occupations in which payment in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned.

The payment of wages in the form of liquor and high alcoholic content or of noxious drug shall not be permitted in any circumstances; and in cases in which partial payment of wages in the form of allowances in kind is authorized, appropriate measures shall be taken to ensure (a) that such allowances are appropriate for the personal use and benefit of

the worker and his family and (b) the value attributed to such allowance is fair and reasonable. Then, Article 10 is also amended which vests the power in case of attachment and assignment.

I have given, Sir, the various amendments to this Bill which are now proposed to be incorporated, or better, the manner in which the Protection of Wages Act is now being amended.

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, the Protection of Wages Act was originally passed in 1951 to deal with many abuses that then plagued the labour situation in Barbados, and it is only to be expected after the passage of 25 years that there would be one or two aspects in which it might be found slightly deficient. However I think the Minister would be less than fair if he implied that under the old Protection of Wages Act it was possible to pay persons liquor or noxious drugs in lieu of wages, and I think it would be a great insult to the Barbados Workers' Union to suggest that for all these years they would have allowed such a state of affairs to continue, and then be so little concerned with it as not even to bother to reply to the Government's letter.

Those hon. Members who were in the House when the original Protection of Wages Act was passed — such as the Leader of the House — will no doubt recall the remarks which were marshalled upon that occasion, and, I would like to associate myself with all the speeches which were made then just as they are made now; but I would also be glad if the Government would take a look at the whole field of labour legislation.

I do not want to be long about this, especially when the hon. Member for St. Michael West is not in the House, but we in Barbados are only scratching at the surface of modern labour-employer relationships. We are still engaged in passing laws which were passed under the New Deal in America, under the Labour Government in 1923 and 1929 in England, and we, I think, in many ways have not yet come to terms with modern development in industrial legislation. When I hear employers in Barbados complaining about the Union and what the union does, and when I hear the General Secretary of the Barbados

Workers' Union putting a case for himself the powerful benefits that the union has obtained for the workers, and how it serve the workers' case and interests so faithfully, I wonder if they have not yet heard about hiring clause, about closed shops, about legislation which provides not merely a framework in which workers may join a union but provides a framework in which workers must join the union. I begin to wonder if the union has never heard about organization of workers on a basis other than those employed in a particular industry but instead, employed in a particular craft. Many people I believe would be surprised to hear that there is no carpenters' union or masons' union or plumbers' union in Barbados; there are merely unions which reflect employment in a particular industry, much as the Fascists unions in Germany and Italy reflected employment in the Corporations — they were called corporative unions. I wonder if in the light of all these developments we really have a labour union that is serving our best interests and we really have employers who understand what modern labour relations really entail in this day and age.

We welcome this Act, Sir. It is wrong that any of the International Labour Organizations' Conventions on work should remain unratified in Barbados. I remember my late father commenting to me once that at Geneva he used to have to sit down and write letters to the Government of Barbados of which he was Premier, complaining that they had not yet ratified conventions for which he carried a responsibility of seeing that nonself-governing countries ratified; and, this was when he was Premier, and his own Minister of Labour was not working quickly enough; but perhaps succeeding Ministers of Labour have worked even more slowly than those of the Barbados Labour Party in those distant times.

We in the Opposition without hesitation support the principle of this Bill subject to whatever hon. Members may have to say on its different aspects and otherwise in Committee.

Mr. FORDE: Mr. Deputy Speaker, I should like to join in the support which the Leader of the Opposition has so adequately put for this legislation. I have however, a few complaints to make; one is, I think that the Government is tardy in giving teeth to some of the ILO conventions, and indeed in some cases, ratifying the ILO Conventions. The International Labour Organization since its foundation over half a century ago has made a study and indeed an expert study of model legislation which should

govern condition of labour of people regardless of wherever there are employed.

12.55 p.m.

In my view, Barbados should have no hesitation at any time in adopting the provisions of these conventions and where necessary amending our laws to bring them up to date with the provisions of these conventions. For example in the field of the protection of the worker in factories, the ILO has done a tremendous study and we would do well to study some of these provisions in amending our factory laws.

As regards the protection of wages, I notice that the right is now being given to the worker to assign part of his wages. This is a concept that is in many respects contrary to the traditional view which has been held for a long time. One of the reasons why people have been hesitant in giving the right to assign wages is because of the necessity to protect the worker's family.

I notice that nothing is said in this Act as to whether the Act affects the Government or not; and there is a principle of construction by which a statute passed by this Parliament does not affect the Crown save in so far as it expressly states, or by necessary implication it is held so to affect the Crown. It seems to me very short sighted nowadays where the Crown and quasi public bodies are perhaps the biggest employers in the country, that this type of legislation should not expressly be applied to the Crown and to quasi public bodies.

I make this point particularly in view of the fact that it has been reserved to the Cabinet on many occasions and to the Crown as an employer the right to hire and fire in some instances without adequate notice and without redress in the courts. I believe that in the 20th and 21st Century, the concept of the Crown as having the prerogative of the feudal overall of the 12th Century is outmoded and not based on any sound principle, governmental or otherwise.

There is no reason why the Crown should be exempted from legislation such as this. I think that workers in many instances need as much protection both in relation to wages and otherwise against the Crown as they do against other persons. In a neighbouring territory we know that Civil Servants were hard pressed to receive their salaries. I do not know how much protection they had. I am not saying that it has occurred in this country, but when we are dealing with a principle, we must not only look at the present but look at the future as well; and the Government should give some thought to

expanding this legislation so that it can be stated that it affects the Crown.

I want to deal with another subject. It seems to me that when one is talking about the protection of wages one must make sure that wages are fair and adequate in relation to the work carried out by the persons employed; and I am told by some people in Barbados that there is nothing in our laws which discriminates against women in relation to their wages. That may be so, but the silence of the law does not always permit equal pay for women for work which is equal to that performed by men.

It is true to say that today particularly in private enterprise women are still not receiving equal pay for equal work as consonant as it should be with men. I am urging the Government to pass legislation making it compulsory for women to receive equal pay for equal work. The only reason why I have not sought to introduce this as a Private Members' Bill myself is because it will involve the setting up of administrative machinery in the Ministry of Labour, and obviously that is going to involve some charge on the Consolidated Fund, and people must be aware that Private Members have no right to introduce legislation which will impose a charge on the Consolidated Fund; but as a Member of Parliament one sees the necessity for this legislation, and I accordingly urge, beg, beseech and seek to persuade the Government to have this legislation passed particularly in this International Women's Year.

There is no point in saying that the Constitution guarantees protection. So does the Constitution in the USA. So does the Bill of Rights in Canada; but if you look at precedents in other countries you will see that it has been found necessary to give the Constitution teeth by having express legislation in this field.

I am also not yet fully persuaded, Mr. Deputy Speaker, that some employers are paying their workers the full amount that is due to them in some instances. The problem I think in this field is that sometimes the workers themselves do not want to make complaints. I know of cases recently of workers being made redundant and who approached their employers and said that they were willing to take less wages and remain in the job rather than to go into the new wage agreement which had been negotiated. That happens when you have the rate of unemployment that we have today. The employer was well advised not to take this offer but to find other means of protecting the workers' rights to their jobs.

I hope that the Ministry of Labour will give more teeth to legislation to protect the worker from the unscrupulous employer. Thank God that the days of these are passing now. We have an Employers' Association which recognises the rights of workers, but there are still a few bad eggs among them.

On another occasion I urged that the employer should be given the right to attach a worker's wages for the support of his family. I have had a mixed reception. Obviously, men who want to drop their children all around the place and make no provision for them, would be angry. I am happy to say that my mail shows, not only for my constituency, but throughout the island as a whole that men are in agreement on this point.

A postman who has had a lot of exposure by travelling through many districts phoned me saying that he was glad that someone had had the guts to speak on this particular matter because of the tragedy he had seen resulting because of people who did not see it necessary to support their families at all.

1.05 p.m.

The attachment of wages is not a terrible thing. If the court has found that a man is the putative father of a child and has ordered him to pay that child X dollars a week for the child's maintenance, I feel that he should carry out his obligation to that child once he is working and pay that child the money weekly. In fact he should not even have to be brought to court to do this, and it is in circumstances where men are failing to comply with their legal and moral responsibility that I feel we should make it obligatory for employers to deduct the wages, because if they cannot understand their own moral, legal and social responsibility then we should ensure that it is enforced. I make no apologies for this, it is not for me a vote catching measure, it is a matter I feel very strongly about, if you do not want to vote for me on that matter, do not vote, but I am still going to speak out regardless of what people think, because if it is right, it is right, and I feel we need protection in this respect for persons in this sphere.

I again regret that we do not have probably much more up to date legislation dealing with the whole field of industrial relations, but the promise I hear so often from the other side is very slow in fulfilment. I hope there will not be many more slips between the cups and the lips of the electorate between now and September or any time thereafter that might be of significance to sitting Members of this House.

Hon. F. G. SMITH: Mr. Deputy Speaker, I shall not be very long, but I want to set the record straight. Only the other night I was talking to someone who deals with industrial relations on the other side of the workers' cause, and I was assured that Barbados has one of the best records for the implementation and ratification of ILO Conventions. Our research into the implementation will clearly show that when you compare us with the Middle East, with the Eastern European States, even with the United Kingdom today which has not got equal pay for men and women.....

Mr. FORDE: On a point of order, the hon. Member is very mistaken. In the United Kingdom the equal pay for equal work of men and women legislation was passed in 1971 and has recently been brought into effect by proclamation.

Hon. F. G. SMITH: So you can see how far we are, they only brought it in in 1971, but we had it long ago. He is only confirming what I said, that even the United Kingdom is behind Barbados in this Convention, and I do not want the record to be distorted.

Mr. FORDE: On a point of order, the hon. Member is mistaken again. Barbados has not ratified any equal pay for equal work Convention nor has it passed any legislation, we are behind the United Kingdom.

Hon. F. G. SMITH: I am going to deal with this whole question of ILO Conventions, but we have one of the best records of the ILO for the implementation of Conventions. Let us look at Conventions generally. Here 145 nations meet in Geneva every year, employers, Government and workers, dealing with occupations throughout the entire world. Because experts get in Geneva and pass a Convention, because it is passed by Geneva does not mean that it is immediately applicable to the worker or employment situation in Barbados, and therefore every Convention passed by the International Labour Organisation has got to be scrutinised and considered in the light of your employment opportunities, your industrial relationships as well as in terms of your manufacturing or your productive agencies in your country, so the mere fact that Barbados does not immediately adopt the ILO Convention dealing with safety in mines, for instance, does not mean that we are opposed to it. Why should we adopt the Convention on safety in mines? Or why should we adopt certain Conventions that have absolutely no relevance to our society? I only want to get the record straight, because the impression is given that Barbados is lagging

behind in the implementation of ILO Conventions, and that is not true.

Go to Europe and find out how many ILO Conventions are adopted in Russia Rumania. Bulgaria, Yugoslavia or in Poland. Go to the Middle East and find out how many Conventions are adopted, and they are all members of the ILO. Go to the Far East and find out how many are adopted in Thailand, Cambodia, Vietnam and Laos. Let us come even to Latin America and see how many are adopted in Peru, Argentina or Brazil. Let us be realistic, you do not just run and adopt a Convention or Treaty because experts drawing tax free salaries get in Geneva with nothing to do and say it is a good Convention. Each Government has to relate the Convention to the employment and the local and domestic situation before it can adopt it in its entirety. You will appreciate Mr. Deputy Speaker, that when 145 nations get together at an international conference every year experts have to produce something for public consumption and benefit to justify their tax free salaries and the high living in Geneva and consequently they have to produce Conventions.

I want the record to say, and I defy the Opposition, because I have done some research on this, and this is something that has been worrying us, how often and how far have we adopted Conventions from the ILO, and of the 145 nations Barbados must come among the first ten that have adopted the Conventions that are relevant, that are beneficial and which will guarantee to workers in this country the industrial climate in which their rights are protected. I say this categorically, you will hear denials, you will hear this is not true, but name the countries that are above Barbados in the implementation of these Conventions.

Mr. FORDE: On a point of order the hon. Member is making it appear as though the Opposition has said something which the Opposition has not said, and I want to make the position quite clear. The hon. Member has not listed or will not list for us the Conventions he is talking about which we have ratified and the numbers we have failed to ratify before he makes his blanket statement.

Hon. F. G. SMITH: I am making the blanket statement again, you are the ones who are blaming the Government for being slow in implementing the Conventions. I am saying that our record is one of the best of all the members who meet at the ILO, and if you are saying this is not true name the 20, 50 or 80 countries that come above Barbados. We have checked this out

in the Ministry of Labour and with the Union and are satisfied that our record is as good as it could be expected to be in dealing with matters which affect the 150 odd countries with different social, economic and cultural backgrounds, and different manufacturing. We would not bother about the Convention dealing with working in mines, copper mines or coal mines, they are not relevant to us, and there are one or two other Conventions dealing with migrant labour between Mexico and the United States which are not relevant, but all those that the Government has found are in the interest and for the benefit of the working classes we have always hurried to adopt and implement.

Mr. HINDS: Mr. Deputy Speaker, I really never wanted to enter into this debate at all, but we are hearing so much about ratifying Conventions, ILO this and ILO that and what not, what we are doing here today is something that is necessary to a certain degree. I believe that if we were here today trying to create job opportunities for the thousands of unemployed people in this country, it would be a different thing, but we are looking after just a half dozen people who are now earning a little something, that is what we are trying to protect, and turning our backs on the thousands. Even the Minister who has just sat down could be good enough to tell us that in his own Ministry, one of the biggest employers, and perhaps the biggest employer of labour in this country, that he has 586 workers presently laid off, and not only that, laying them off is one thing.

1.15 p.m.

There is no provision, no convention for those 586 workers to be receiving unemployment benefits. That is the thing we ought to be discussing today. This question of somebody getting up and reciting the name of every country all over the world does not matter much to us. There are things enough which we know about with respect to employers and employees in this country. It is true that our labour relations have been so good and that we have this proud record because the people were kept in a state of subservience and never given opportunity to breathe until perhaps close on 1937. That is what we have got to look at.

Mr. Deputy Speaker, that is one of the problems that face us. It is true we have this good labour relation situation, and if we were to look at it, even the convenient marriage between the Barbados Workers' Union and the Democratic Labour Party even goes further into making it appear for record purposes that we

have this good labour relations here and there but the true position that really confronts us is that we are trying to provide all this chat here today, when we are really catching at the shadow of the bone and leaving the substance out. Let us hear what the Government is doing to provide employment for the thousands of young people who are leaving school, who are going to be all about on the street corners, on the bridges and on the highways and hedges who would be glad for something to do but cannot find a job at all. You hear in these industrial parks that 500, 300 or such numbers are laid off; they have no sort of security whatsoever. We are not debating this today.

Mr. Deputy Speaker, there are not more than half a dozen people to be found at some of the stores, and I will tell you this: to those employers in Bridgetown who are still continuing to keep on their full staff, we as Members of this Honourable House owe some debt of gratitude. We ought to thank them for not dismissing half and in some cases more of their workers. Some of these employers, bad as they might have been in the past, are still continuing to employ some workers when in truth and in fact there is hardly anything for them to do; but they are still providing what we call a little bread on weekends for them to take home for their families and others who are to be fed. This is a situation I would very much like to hear the Government addressing itself to, and let us have a proud record for creating employment for the thousands of young people who are going to leave school in another couple of months to join the already large and swelling work force that can be employed nowhere whatsoever in Barbados because no jobs are available for them. Many who were employed already have had to be laid off. What is Government doing about that situation?

Hon. C. E. TALMA: Before you put the question, Sir, I thought I had made myself clear when in introducing the Second Reading of this Bill I said that in accordance with normal practice the organisations of workers and employers had been consulted before this Bill was brought down, and I said very specifically that the Barbados Employers' Confederation and the Sugar Producers' Federation had made certain comments which had been incorporated in the Bill, and that the National Union of Public Workers was in general agreement with the draft, but that the Barbados Workers' Union had not replied. An hon. Member who spoke not long ago, I think it was the hon. Member for Christ Church West, wanted to know if the Government employees were excluded. The National Union of Public Workers was

consulted, the Barbados Secondary Teachers' Union.....

Mr. BOLDEN: On a point of order, Mr. Deputy Speaker, the Leader of the House must not try to inject something which the hon. Member did not say. What the hon. Member said, and what worries most practitioners, is the point that unless the Bill clearly states that the Government is affected or not affected by this Bill, it means that Government is not affected, and Government being the largest employer, that body of employees should not be protected in a way where others are not protected. That is what the hon. Member said.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I had no intention of joining in this debate because a lot of this legislation that comes down from the International Labour Office is completely unnecessary in Barbados, but I have just heard a complete misstatement of the law on master and servant, the law relating to employment, pontifically delivered by the hon. Member for St. Joseph, that unless legislation states that the Government is affected, that the Government is not affected by legislation. I have been in here off and on, to do my arithmetic it will be coming up to twenty-five years, and it is the first time that I have heard a statement like that, because normally speaking there is a clause saving the rights of the Crown if you wish to exclude the Crown from the application of a particular statute. I wish to say this. (Mr. BOLDEN: That is absolutely untrue.) I am not here to bandy legal arguments with the hon. Member. I am saying that in the 25 years that I have been in here....(Mr. BOLDEN: You do not know what you are talking about!) Ask the hon. Member to take his seat.

Mr. DEPUTY SPEAKER: Let us have some order.

Rt. Hon. E. W. BARROW: I do not know what I am talking about. He is joining the congregation of the saints in the Cathedral to say that I do not know what I am talking about, and I will remain with the unholy. I do not know what has conferred on him the right to say that I do not know what I am talking about, because I have been in here from the time he was at school. I certainly qualified as a lawyer when he was in the Agricultural Department as a civil servant.

As far as the Truck Acts are concerned, I am probably, with the exception of His Lordship the Chief Justice, the only lawyer in

Barbados to make a special study of this kind of legislation that the ILO is doing. (Interruptions)

Mr. DEPUTY SPEAKER: Let there be order. The hon. Member has had his opportunity to address the Chair.

Rt. Hon. E. W. BARROW: The piece of legislation that we are dealing with is what we call the laws dealing with trucking, and this does not mean conveying goods from one place to another. The Truck Acts were designed to overcome a mischief, that is, paying wages in kind, a practice which persists still in some countries like Guatemala where the people who extract the substance from which chewing gum is made, are still paid in company shops. There are some areas in Brazil where this practice still persists although it is against an ILO convention. There are probably some remote areas — I do not know whether you would say privileged or unfortunate enough — when they were building a road about twenty years ago in Dominica and the Chief Minister of Dominica was the main contractor, a gentleman who subsequently became Chief Minister of Dominica, Mr. Frank Baron, saw the workers receiving part of their wages in goods from a shop, and this is a simple piece of legislation which we have had on the Statute Book for a very long time and which is merely being amended to prevent workers from being paid in kind rather than in the coinage of the realm, and the hon. Member for St. Joseph is going to tell me that the Government has some Supermarket that we are going to pay people in potatoes.....

Mr. BOLDEN: On a point of order, the hon. Member for St. John likes to jump in before he knows where he is jumping. The hon. Member must not try to say things that have not been said in here. What I rose and said was that the Leader of the House was trying to say that this Bill had gone to certain Unions etc. who had approved of it and it was not what was said by the hon. Member for Christ Church West, and what I pointed out was that the hon. Member for Christ Church West was commenting on the section where you could attach wages from employees and he had said that there was no expression in the Bill dealing with Government employees, and the Government was the greatest employer of labour in this country. So if the Hon. Prime Minister wants to have a debate with me, he can try in a different manner. I am not his Minister of Health or the others.

Mr. DEPUTY SPEAKER: Point made.
1.25 p.m.

Rt. Hon. E. W. BARROW: All I can say is, praise God from whom all blessings flow. Now the hon. Member can work up himself in his seat. They do not understand what Parliament is for. Parliament is to do work for people. We do not come in here to quarrel with anybody. I am trying to explain what the mischief is. One of the canons of interpretation is, what is the mischief that the legislation is trying to correct and what do the words of the Statute say.

Now the Government does not have any supermarkets except the thing down there they call the BMC — and I say 'thing' deliberately; the institution, if you like to call it that. I do not think that Government should have supermarkets. The Governments have no more right to have supermarkets than, to quote the word of my illustrious friend the Prime Minister of Canada, they have in the bedrooms of the nation. There are two areas that the Government should keep out of — two areas of operation — (*Asides*) I do not say I am quoting from law. The Truck Acts, Sir.....(*Aside*)

Mr. DEPUTY SPEAKER: Order.

Rt. Hon. E. W. BARROW: Ask the hon. Member to contain himself, Sir. These Acts are designed to prevent people from being paid in kind rather than the coinage of the realm and the exemptions which are put in are to make sure that if you have an insurance policy, you can authorise your employer to deduct your insurance premiums or any other instalments that you have to pay, without offending the Truck Act. It is a simple piece of legislation; but we have long passed the stage in Barbados where a plantation owner could tell a worker to go down to the shop, down at the corner of the road, and take his wages in goods, which he over-priced. This is the whole secret of the matter, and it does not call for all of this; and to say that the Government....

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

Rt. Hon. E. W. BARROW: What point of order is this?

Mr. DEPUTY SPEAKER: I have to hear it. (*Aside*) Order! Order!

Mr. MOTTLEY: Mr. Deputy Speaker, I understand the Prime Minister, the hon. Member for St. John said that it was wrong to say that unless the Act says that the Crown is expressly bound, that the Act does not bind the Crown. If the Prime Minister looks at the Interpretation

Act, he would see that this is provided for in there. Unless an Act expressly states that the Crown is bound by it, then the Crown is not bound by it; and he should look at the same Interpretation Act and see that the Interpretation Act sets out quite clearly that this Act shall be binding on the Crown. So 25 years in here has nothing to do with that; and there is a lot of other legislation which would show that it is not binding on the Crown.

Mr. DEPUTY SPEAKER: Point made.

Rt. Hon. E. W. BARROW: It is very simple. As his colleague, the hon. Member for St. James said, they have surrounded themselves with law books. Ask him to read out the Section of the Interpretation Act which states what he says.....

Mr. MOTTLEY: On a point of order, Sir. Section 10, sub-section 2 says.....

Rt. Hon. E. W. BARROW: All right; read it out.

Mr. MOTTLEY: An enactment made after the commencement of this Act shall not bind or affect in any manner whatsoever Her Majesty or Her Majesty's rights or prerogatives unless it is expressly stated therein that Her Majesty is bound thereby. Sub-section 3. This Act shall be binding on the Crown. Sub-section 4. Every Private Act shall be construed as containing a saving for rights of Her Majesty.

Rt. Hon. E. W. BARROW: The rights of the Crown have got to be expressly saved. I am sorry, Sir, that the hon. Member is not reading the whole of the section. Anyhow let us go on.

I am stating categorically that every Act that comes in here dealing with employment, binds the Crown, except it says saving the rights of the Crown. Let me give an example, Sir. The Workmen's Compensation Act specifically exempts the Crown from the application of the Act. (*Asides*).

Mr. DEPUTY SPEAKER: Just a minute. I would like hon. Members on this side as well as on that side, when someone is speaking to speak in undertones. It is difficult for the Reporter as well as for me to hear.

Rt. Hon. E. W. BARROW: I can start and go down the line. The Workmen's Compensation Act specifically....(*Asides*). This is Labour legislation. Anyhow, Sir, lawyers can argue in

court rooms and I stopped arguing with them in court rooms to their advantage since I stopped twelve years ago. So I am not going to use the House of Assembly to argue law with them. I do not argue law with laymen or Opposition members; they are two groups with which I do not argue law. (*Asides*) I am not necessarily putting all of them in the same category, Sir.....

Mr. MOTTLEY: On a point of order, Sir. The Prime Minister does not argue law with Opposition Members because he knows he does not argue unless he can win; that is perhaps why he does not argue.

Mr. DEPUTY SPEAKER: No point of order.

Rt. Hon. E. W. BARROW: How does that become a point of order? That is a point of interruption; not order. In other words, it is a complete waste of time.

I really want to bring the debate to an end by saying that as far as we are concerned, the Crown is bound, and anybody who wants to challenge the matter in court can take the matter to court and if the courts give a ruling that the Crown is not bound, we will amend the law to make sure that the Crown is bound by this legislation, as I am sure it is bound. I give that undertaking.

Mr. BOLDEN: On a point of order, Mr. Deputy Speaker. If the Honourable Prime Minister would look at the same legislation where it allows attachment of only one-third of a worker's wages — I wonder if he would give an undertaking here that if I garnish one-third of one of the Government's employee's wages and they win, if he will pay the costs, because I guarantee that I can garnish the wages of every one of them. Give an undertaking here to that effect.

Mr. DEPUTY SPEAKER: Point made.

Rt. Hon. E. W. BARROW: Give an undertaking of what? The hon. Member has not read, I think, the second or third Act on the Statute Book (*Aside*) I cannot remember the year, Sir, but I think it is 1754. The Statue says any agreement to answer for the act, default or miscarriage of any person, would have to be in writing; and I could give him a million undertakings on the floor of this House and he could not sue me on it.

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

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

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

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

1.35 p.m.

Clauses 1 to 4 inclusive were called and they stood part.

Clause 5 was called.

Mr. FORDE: Mr. Chairman, I have spoken when the Hon. Prime Minister, the Member for St. John, spoke on the question as to whether or not this Act binds the Crown. I am interested to hear him say that it does. I am not sure how far a court can act on any statement made in a debate by a Member of Parliament as a means of construing legislation such as this. Indeed according to the rules of interpretation and the construction of statutes, the courts normally ignore what is said when the legislation goes through.

Clauses 5 deals with the deduction and assignment of wages. The rule of Common Law has always been, not only today, but 25 years ago, when the hon. Member first entered this House, that a servant of the Crown could not make an assignment of his pay — and if the hon. Member is aware of this, he will remember the case of Royston against the Minister of Pensions, 1948, All England Reports — I cannot remember the exact pages — but it was decided by Mr. Justice Denning as he then was.

Now, if the hon. Member is right it means that we are changing that rule of Common Law by the enactment of Section 5. I will restate as I understand it the correct principle of law. The correct principle of law is that an Act does not bind the Crown unless it expressly so states or unless by necessary implication it is held as binding the Crown.

There are some statutes such as this in which, if they are altering the rule of Common Law so as to bind the Crown, it is normally necessary to do so expressly. It is in that context that I made my statement; and regardless of how knowledgeable some people may be about the law, I will be prepared to argue this point right

up to any High Court, Privy Council or the House of Lords because it is a correct statement of law; and I am satisfied that what I have said in here is the law. It can be found in Craies on Statutes, and it can be found in Odgers on Statutes.

That is a correct principle of law and in the 1966 Interpretation Act of this country, we gave statutory provision to that rule of law. Where the Prime Minister wants to make a statement is that in a Private Act the rights of the Crown must be expressly safeguarded, and that is contained in another sub-section of the Interpretation Act; and therefore if it is the intention that people should now have the right to attach the wages of a Civil Servant or for a Civil Servant to assign his wages, the legislation should expressly so state.

I still believe that if this matter comes before the Courts, not only will it lead to a lot of needless litigation as to what was the intention of the Legislature, but also that the Government might find that its intention has not been given expressed provision in this Act of legislation; and I believe that the principle of law which I have stated is correct. The Prime Minister — not that he is misquoting or misleading — but I think that he has been long away from the Bar. We cannot carry the law always in our heads. We must sometimes try to recall it; but if the Prime Minister reads the Interpretation Act correctly, he will see that there are three sections dealing with the matter.

I believe that he is right in so far as a Private Act is concerned, but not in relation to public statutes like the Motor Vehicles and Insurance Acts for instance. I only argued that case a while ago and it is *sub judice* before the Courts; but this very point came up for determination, and I reviewed and looked at the situation then.

It always strikes me as funny that when we are dealing with legislation that we should have a rule that was based since the Middle Ages and which is still applicable as happens in an instance such as this.

Rt. Hon. E. W. BARROW: Mr. Chairman, I think that lawyers should argue these points outside and not inside here. It is a question for the Courts; but the Interpretation Act — the 1949 Act was the first one — said that any reference in an enactment to the Sovereign or to the Crown should be construed as a reference to the Sovereign for the time being and not one who has passed on; and the expression "Her Majesty" includes Her Majesty the Queen, her

heirs and successors; and any enactment made or passed after the commencement of the Act should not bind or affect in any manner whatsoever Her Majesty's rights or prerogatives unless it is expressly stated therein that Her Majesty is bound thereby.

Her Majesty's rights and prerogatives. The Crown and its right of Government to begin with — I want to deal with this matter since they want to pontificate and since I am Minister of Finance and since I was exposed to some kind of legal education. I was not the most unsuccessful lawyer that ever practised in Barbados. I was not the most successful, but I was not the most unsuccessful and I think that I have been exposed to a little bit of Constitutional Law, its interpretation etc.

I have just established a committee making about 3,000 or 4,000 public officers employees of the Government of Barbados, that is the Crown in its right of Government of Barbados. The majority of the Civil Servants in Barbados are employed by the Public Service Commission. That has nothing to do with the exercise of the Royal prerogative.

The hon. Member for Christ Church West states that a public officer impliedly cannot assign his salary. If that is so, then all of the deductions we make for car loans, and housing loans with the consent of the Civil Servants, all the deductions that we make for insurance policies are, according to him, illegal, which is nonsensical. They would have to be illegal because he says that a public employee cannot assign any part of his salary.

Mr. FORDE: On a point of order. When it comes to law we may differ as to our interpretation; but do not misquote me. I have not made any such statement. The hon. Member is saying that they are employed by the Public Service Commission. The Public Service Commission is a creature of statute — in our case from 1951. The position at law is that it is the prerogative right of Her Majesty to employ people in the Public Service of the island, and therefore one of her rights being affected is the prerogative right in this place. You will notice that the contracts that public servants enter into are always subject to these prerogative rights.

The Question that Clause 5 stand part of the Bill was put and resolved in the affirmative without division.

Clauses 6 and 7 were called and stood part.

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

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

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

1.45 p.m.

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

Hon. C. E. TALMA: Mr. Deputy Speaker, Order No. 4 which stands in my name will be dealt with by the Hon. Minister of Health and Welfare. That is the next Order of the Day.

THE DOGS ACT, 1975

Mr. BOLDEN: Mr. Deputy Speaker, if it is the Dogs Act that the House intends to deal with today, I would hope that the Government would be wise enough as to leave this for another day. They have just handed us a document with serious amendments which you cannot even find by looking at the numbering of the document in relation to the Bill which you received at the beginning of this Session. I believe it would be unfair and unjust to attempt to do the Dogs Act today when you have to amend literally every clause.

The amendments are not properly set up, they are not properly numbered, and it is humanly impossible while you are doing other work in the Chamber to be handed a three page document for you to study it and attempt to do justice to this Bill. It is a very serious Bill, and the amendments from what I can see are going to change certain meanings and operations of the substantive Act, and if we are entitled to give a proper debate on this Bill I think this should be postponed till another day. This could have been sent out before. You cannot even find exactly where the amendments fit into the substantive Act.

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, since the occasion when this Bill was introduced for the first time in the House of Assembly and was given a First Reading, a long time has passed, the reason being that my Ministry was having a serious look at this Bill and we came up with a number of suggestions.

It will be recalled that the Bill was under the Ministry of Agriculture. As a result of our observations, we are now presenting here today a number of amendments by virtue of which we seek to make the Bill more meaningful. When we had the debates on the collection and disposal of refuse in this country, a lot had been said about dogs. I do not think it is necessary at this stage to repeat all that has been said about dogs, suffice it to say that as a result of the statements made on that occasion, the Government has come down with a Dogs Act.

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

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

Mr. HINDS: Mr. Deputy Speaker, this Bill before us calls for quite a number of things, before we attack the dogs, or for that matter, their owners. I would say at the outset that what is needed in this country in respect of dogs is education. Dog owners and dog keepers need to be educated. It is not a very simple matter and I would urge upon the Government to use whatever medium which might be available to bring about a better understanding to people and so create a better appreciation of what the dog population really means to this country.

We must admit, Mr. Deputy Speaker, that it speaks well for us that we have had no rabies in perhaps 300 years. It may speak well for us, Mr. Deputy Speaker, that we have a Kennel Club and that we have a German Shepherd Club and maybe some others, but if there is to be an attempt at ridding this country of dogs, what might be a good approach to ridding the country of the stray dog menace would be to embark upon the spaying of some bitches when they are between eight to ten months old.

1.55 p.m.

We agree, Mr. Deputy Speaker, that the stray dog does create a problem in this country. We agree that the R.S.P.C.A. has been able when called upon to get rid of some unwanted dogs humanely, but we find, Sir, that there is a great measure of truth in that there are many owners who do not have kennels in which to confine their bitches when they are in season. You will find, Mr. Deputy Speaker, that there is considerable room for complaint in that many dog owners keep their dogs tied up during the working hours of the owner, from 8.00 a.m. until perhaps 5 o'clock or well after in the evening. We believe that the dogs are not comfortably tied. These are the dogs that you will find barking and keeping noises and annoying neighbours in the various districts.

Now I believe you will find this with a pure bred dog as well as with a common dog, because if you were to take the highest bred dog and confine it under conditions that are not humane, you create a situation whereby that dog must express a dislike for its discomfort.

You will find, Mr. Deputy Speaker, that there are many people who do not yet know how necessary it is to provide fresh water for their dogs at all times. You may find that a dog has been confined; the owner might have given it a small container of water that the dog will consume in an hour or two, but for the rest of its confinement, another six hours or so, that dog is left without water. These are conditions that we have got to look into.

We know that associated with dogs is the hook worm problem, and that the bare-footed walker is very susceptible to being affected. That is, if a dog is infested with hook worm and makes its deposits on an open area where people are walking about bare-footed, they too can contract the hook worm which can cause a problem in this country. I believe that enough is not known, as I have said. People need to be educated about dogs. The dogs that we do have, with but few exceptions, need better care. Many of the people who complain about the dog problem and about noises that worry them in their homes do not want their names mentioned. People have got to learn that if they are complaining about something that is worthwhile, if it is about a dog or a human, they have got to be prepared to be exposed at some point or other if they are doing something that is good for the good of the country as a whole.

Now there must be the question of a quarantine station, Mr. Deputy Speaker. Much talk has been made and we believe that if there were to be a quarantine station for dogs, it would have to be definitely under Government's control. There should be no slacking up of these issues to create any further problems to the situation. I believe, Mr. Deputy Speaker, that we will have to apply ourselves in every way possible to the disposal of the stray dog, because I believe that a certain amount of emphasis has to be placed on the problems that the stray dog creates for us. We hear visitors to the country complaining; we have ourselves seen the nuisance that these stray dogs create; they create health hazards. We find them going to the dust bins and garbage containers, overturning many and tearing them to bits. All of these are undesirable features, and we have

got to take steps to rid the country of such a state of affairs, but I still believe, Sir, that the problem with respect to the control of dogs is not as serious as perhaps it has been set out for us or we are made to believe it is as is contained in this Bill. We are certain that kennels could be provided. The various clubs and bodies that now look after the registration of dogs could be provided with the necessary authority whereby a better education and consequently better care and better consideration could be given to our dog population. I want to lay some emphasis on this.

Mr. Deputy Speaker, make no mistake about it, in these days when unemployment is so rife, we need an increase in our dog population.
2.05 p.m.

Mr. Deputy Speaker, dogs can serve a very useful purpose in protecting property and protecting the lives of people at times. Dogs, Mr. Deputy Speaker, must not be considered to be all disease carriers or anything of the kind.

We need an improved veterinary service. We need, Mr. Deputy Speaker, a service whereby many people who have good dogs can get assistance for them. There are lots of people who have good dogs but we find that because of the high fees charged by the vets, many dog owners are not able to pay at all times the fees that are charged. We need a service therefore that can be made available to the public; but remember, I am not saying that you must have a service provided for dogs at the expense of human beings. I am not saying that you must neglect human beings and provide this service for the dogs, but under ordinary circumstances, necessary as a service rendered by dogs can be, necessary as it has proven itself to be in many instances, I will urge upon each and every hon. Member and upon the Government to give fair and just consideration to the dog population in this country, and not merely to be led away by the complaints of people who claim that they cannot sleep at night because of the howling or barking of dogs, or something of the kind.

You may find, Sir, that somebody cannot sleep because of the barking of the dogs in the area, but it is the barking of the dogs in the area that might be preserving the life of the same person who cannot sleep for a night, because good dogs, if they see a stranger in the area, will give a sufficient warning; somebody cannot sleep, somebody has got to be up, due to the presence of the dog in the area. I am

not suggesting that every howling or every barking by a dog is an indication that a thief is around. I am not suggesting this. Dogs bark for other purposes, but we must not be led away, merely because some tourists may come here and write letters to the Press saying that they could not sleep at any particular hotel or anything of the sort. Little do they know what good the barking of the dogs may have done them on a particular night. (ASIDE) I can hear, Mr. Deputy Speaker, that there is some uneasiness on the Government benches, but what I would say is this, Mr. Deputy Speaker. It would be good if people were given an opportunity to know their dogs better, if they were encouraged to learn more about their own dogs.

Mr. Deputy Speaker, some people keep dogs as a business. Some people certainly do. That is the type of person who would go all out to know when the eyes of the dogs are pale, what it really represents; what it is an indication of. We are not telling you, Mr. Deputy Speaker that you must have people going around to every dog owner to teach him to become a vet overnight. That is not the case; but there are minor ailments which could be attended to by dog owners themselves, as in the case of many householders. You may find many people who for no reason, let me put it that way, journey off to the hospital to be told what? For a doctor to prescribe two aspirins. They wait at the hospital for four or five or six hours and when the prescription is given, two aspirins twice a day or something of the sort are prescribed for them. (ASIDES) Mr. Deputy Speaker, the Minister ought to know there is hardly any medicine that is prescribed for a human being that is not of some benefit to the dogs themselves, depending on what they are affected by.

Mr. Deputy Speaker, it is not a question of giving the dogs the pill. I suggest that you must spay the bitches; spay some of the bitches when they are between eight and ten months. That is the best time for this, and you would get better results, you will have better inbreeding with the other dogs that are left to produce.

Mention has been made, Mr. Deputy Speaker, of castrating the male dogs. This we do not suggest at all; this we do not encourage at all, but we believe that there is a stray dog problem in this country and ways and means must be found to control it.

2.15 p.m.

But, Sir, whatever might be done and however it is approached, we must urge that those who are to be concerned with the rounding up of these stray dogs must be able to give some assistance to other dog owners as well to help them appreciate their own dogs better. If this is done, I am sure that after the passage of this Bill, after this Bill comes into effect, we will find that much better provision has been made for our dog population than perhaps we have had before.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, we have not heard much about the Bill. The Minister was brief in his anxiety to get the business of the House done. The hon. Member who has just sat down was very philosophical about dogs, but he hardly told the House anything about the Bill, but there are one of two things that I would draw to the attention of the House because the hon. Member talked about members on the other side getting uneasy.

I looked around and saw nine members on this side that were sitting patiently in their chairs and he was like Casabianca, deserted by all of his colleagues, except the hon. Member for St. Joseph. He was like the boy who stood on the burning deck; and there were nine members on this side sitting down and listening patiently to his dissertation and his philosophical discourse on the quality of dogs and the treatment that their owners should mete out to them.

Sir, this is a serious Bill. It is serious in its legal implications as well. The Act of 1902 which is being repealed by this bit of legislation was a Revenue Act. It had nothing to do with the welfare of dogs. It was merely a piece of legislation to raise money for the Government in 1902 when it was enacted.

Nothing has been done by the Legislature since 1902. Of course there was a provision in the Cruelty to Animals Act of 1903 whereby you could be fined for being cruel to a dog as well as to other animals; but since 1902 nothing has been done for dogs in this island.

The hon. Member is quite right. I am very glad to see that he has adopted the attitude that they have become a nuisance, and I am glad that he did not talk about tourists because you know that people in Barbados say that this will annoy the tourists and why don't we do something about it. I remember when a Member of this House was driving over the Bridge one day, and one of his employees to whom he was giving a lift said "Cap" — and when I say that you know whom I am referring to — he said "Cap, I wonder how the tourists feel when they drive over this

bridge and smell these dirty fishing boats." His employer said, using an expression which only a sea captain would use, "get out of my car. I am smelling these boats and you are talking about tourists? I live in Barbados too."

The point is that dogs are a nuisance to the inhabitants of Barbados as much as they are to tourists; and we should not want a tourist to write a letter to the newspapers complaining about dogs barking at night. The deplorable thing about the dog population in this island is that a lot of people who cannot afford to keep animals, because somebody gives one a dog one keeps the dog, but does not feel oneself responsible for its sustenance and support.

Sir, although the Act of 1902 was a Revenue Act, I can tell you as Minister of Finance that we raised very little revenue from the Dogs Act because people do not pay their dog licence. So the people who own dogs allow them to forage for themselves. They were the first and original guerilla warriors. They lived off the country. They foraged for themselves. They live off the country out of the dust bins; and I think that Barbados is the country which bred the "Salmon Tot Retriever" as a special breed of animal. Those are the ones who go into the dust bins and turn them over looking for the empty corned beef tins and the empty salmon tot tins. With the Golden Retrievers, the Labradors etc. we have bred a new dog in Barbados known as the Salmon Tot Retriever.

The hon. Member for St. Peter drew our attention to what he called Hook Worm. There is a more insidious disease which it is very difficult to get rid of, which is found on the beaches and which is spread by dogs defecating on beaches and this is called Beach Worm. If you get a bit on your back, no matter how much ethyl chloride you use or how many of the other freezing compounds you use, it is extremely difficult to get rid of even by an operation; so stray dogs are a problem.

So, Mr. Deputy Speaker, the Act we now have before us seeks to encourage owners to keep proper control of their dogs. A dog will not be allowed to go out on the street unless it is under the control of the owner, and any dog found on the street without the owner can be impounded. If it is healthy it can be sold, but if it is an unhealthy dog, it can be destroyed.

But, Sir, that is not the particular aspect of the Bill to which I want to draw attention. Part 1 is just the title and interpretation. Part II deals with licensing which the 1902 Act deals with.

Part III deals with the control of dogs in public places and their destruction; and the female dog has to be kept on a leash; and if a dog is found straying without an owner it can be sold or destroyed.

Then the provisions of the 1903 Cruelty to Animals Act are re-enacted more effectively in Part IV which deals with offences against animals: the stealing, killing, maiming or wounding of dogs. Part V is the one which I want to draw particular attention to. It is the first real change in the Common Law doctrine as regards liability for damage done by a dog.

Now, under the existing Common Law Rule — and I do not think that my former colleagues on the other side will disagree with me, a dog is entitled to one bite; and if you took the owner of a dog to court, to put it in ordinary language you had to prove that the dog had exhibited a mischievous disposition before, and the way in which this was usually done was to prove that the dog had bitten somebody else. So the victim of the first bite could not recover any damages against the owner of the dog although the dog might have bitten other people that you did not know of. You had to prove that the dog had bitten somebody else before you could establish liability on the part of the owner, and that was called the *Scienter Rule*.

So, Sir, the rule was that the dog was entitled to the first bite. You paid for the second bite, but the first bite was free. It was a very silly rule, in the opinion of most of us but as far as I know it is still the state of the English Common Law, and is certainly the Common Law in Barbados.

In 1946 there was a very famous decision in the King's Bench Division of the High Court of Justice in England where a dog bit a man for the first time and the owner was held liable. In that case — I cannot remember the name of the case — maybe one of my colleagues who has to struggle for a living in the Law Courts will be more familiar with the case. When I say struggle, I mean wrestling with the beasts at Ephesus. When we say struggle, we mean struggling against the impartiality of the judges. Let me put it that way.

In this particular case the man had provoked the dog, and the Court ruled that although the normal rule was that a dog was entitled to his first bite, the defence of provocation was as much open to a member of the canine species as it was to human beings, whatever the relevance of that was.

2.25 p.m.

Today in Barbados the law is that his first bite is free and you pay for the second, the third, the fourth and thereafter. The effect of the legislation which we now have before us therefore is that if a person suffers damage — it may be damage to other animals in his yard and it may be damage to his person or to his clothes hanging on the line — you do not have to prove that the dog had a mischievous disposition. That is the effect of the change we are introducing here in the Bill, and I assure you it is not done for vote catching purposes, Mr. Deputy Speaker, because this is just in keeping with modern developments of the law. I do not know what is the origin of the Scierter Rule, knowledge of the owner of a mischievous disposition, but that is the common law rule.

I just wanted to draw those main points of the Bill to the attention of Members of the House before we went into Committee stage. We are maintaining defences for causing injury to animals, we are imposing a duty on the owners to keep proper control of their animals so that the streets will not be polluted with defecation or the bodies of dead animals being run over by motor cars.

I just want to say that there is another aspect to loose dogs on the highway. Many fatal accidents have been caused by motorists swerving with three and four live human beings in a car to avoid a half hungry dog which the owner has allowed to stray on the highway, and we only think that it is proper that people who assume responsibility for keeping an animal should not only feed the animal properly but should keep it under proper control.

Mr. BOLDEN: Mr. Deputy Speaker, following what the hon. Member for St. John has just said I would have thought that the Government would have called it an Animals Act rather than the Dogs Act, because when the Government attempts to change the Scierter Rule I believe they could have usefully done so all in one bit of legislation to take into account the numerous stray animals which roam the streets of this island, and in particular the sheep which roam up and down the streets of Bridgetown and St. Michael.

Rt. Hon. E. W. BARROW: I just want to say that the sheep are in a slightly different category, because from the time I live next to the park there were some sheep who traditionally went to the Reef to graze, and I know for a fact that when those sheep got to the traffic light in Roebuck Street, they stopped and observed the red light and then went on

when it turned green. They belonged to a gentleman called "Nazi".

Mr. BOLDEN: The Prime Minister will always come up with something. I have seen those sheep completely block Roebuck Street, I have seen accidents occur as a result of those sheep crossing from one side of the road to the other, and anybody passing down Pinfold Street during the day will find that those sheep completely block Pinfold Street. Not only that, Mr. Deputy Speaker, we have the incident in St. Philip where a man slaughtered a cow because it strayed from somebody else's property on to his and he was brought before the Assize Court. That happened as a result of somebody else's animal going into his land, destroying the crops he had planted, and as the Prime Minister said, under the Scierter Rule he got no redress from the Court because he could not prove that it was the same animal belonging to this man which had strayed on to his land previously.

If we are talking about comprehensive legislation, I would have thought that that could have been brought in under Part V — Liability for damage done by "animals" and not "dogs" and this would have cleared up a lot of the problems which still exist. You might deal with the problem of dogs under this Bill, but you will not deal with the problem of other animals which will be straying and causing just as much damage not only to agricultural produce but to horticultural produce as would happen under the Dogs Act, and I would have thought the Government would have taken a serious look at this.

There is also the question, particularly in the country districts, where you pass and see a dead pig lying on the side of the road. It would have been good if the Government had looked at this Bill further and incorporated all the liabilities which can occur as a result of animals, have one comprehensive Bill dealing with animals rather than coming with a Dogs Bill now and later somebody will have to come back either to make an amendment or come with another Bill. This is why I suggested under the amendments that Government should have taken a more comprehensive look into the matter. We have only been given the amendments at the last hour, so nobody is able to see how they are going to work, and it could have been adjourned so that these matters could have been dealt with from this side.

Mr. FORDE: Mr. Deputy Speaker, I shall not be long. I agree with section 19 of the Bill

which will alter the Scienter Rule, and I think it is necessary that this should really be done. A lot of the rules of common law, like this rule, evolved during the time of non-industrialisation when the motor car was not in existence, when areas were not as built up as they are now, and it involved the rules of law in the United Kingdom and were transported wherever the common law went. Since the updating of the Act in England, England has gone a bit further, as the hon. Member for St. Joseph has said, and passed what is now called the Animals Act of 1971.

A lot of accidents are caused, in relation to all animals, on the road by horses straying across the road at night, left to roam. I remember particularly a certain gentleman in Dover whose horses seemed to like walking across people who are going home early in the morning in their cars, and we have had serious accidents caused along that road. Likewise we have had accidents caused by cattle around the Garrison area particularly, and I think there is strong ground for the Government to look at the Animals Act and bring it up to date as it has now done with the Dogs Act, 1971. I believe that there is a dog menace in Barbados, and there are too many stray animals on the road causing a nuisance in relation to people and places, and creating various health hazards. Whilst we want to preserve the rights of people to keep dogs for their own protection, as pets and for sentimental value, I think we could do so in a properly regulated way so that other people's rights are preserved. There are some people in this country who probably are fonder of their dogs than they are even of showing gratitude or consideration for less fortunate people and they will go to lengths to pay any sort of fee. There are people who are equally fond but they have no money at all, and there are other people who just keep dogs for the sake of show, and some who do not even want to keep the dogs at all, but they find that the dogs come into their homes for food, they wander all over the neighbourhood, and I think we have, whilst conceding people the rights to keep pets, to do so in a proper and regulated manner. The 1903 Act has never been enforced as far as I know and I should hope that the Minister will see that this one is enforced, and I should hope that the Government will see fit to bring in legislation dealing with animals which are by nature tame and try to ensure that some strict liability as is being applied under section 19 is applied as well.

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

POSTPONEMENT OF THE DOGS BILL, 1975

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, I beg to move that further consideration of this Bill be postponed.

Mrs. EASTMOND: I beg to second that.

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

Mr. MOTTLEY: Mr. Deputy Speaker, there is one question of which notice was given, the answer to which the Minister has.

Mr. DEPUTY SPEAKER: Will someone move that Question Time be now taken?

QUESTION TIME

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Question Time be now taken.

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

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

QUESTION RE RAT-INFESTED POP CORN

Mr. DEPUTY SPEAKER: Question No. 7 stands in the name of the hon. Member for Bridgetown.

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

To ask the appropriate Minister: 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?

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, the reply to that Question is "No".

NOTICE OF QUESTIONS

RE COMMON ENTRANCE EXAMINATION

Mr. DEPUTY SPEAKER: Earlier the hon. Member for St. Peter sought and obtained leave to give notice of 2 questions. He may do so now.

Mr. HINDS: Mr. Deputy Speaker, to enquire of the Minister of Education, Youth Affairs, Community Development and Sport:

In view of the decision taken to cancel the results of the 1975 Common Entrance Exam Part 2 English Paper, will the Minister state the following:—

- (a) Was the decision to cancel based upon any complaint or complaints, whatever, by officials of the Ministry of Education? If so, what was the substance of any such complaint or complaints?
- (b) Did the complaints received from all sources refer to a particular school or schools?
- (c) What investigation if any, was carried out prior to taking the decision to cancel the English Paper results?
- (d) Is it mandatory for used and unused scripts to be returned to the Ministry from the Examining Centres?
- (e) What security measures were ever applied to ensure prompt and safe return of such scripts?
- (f) Does the present system of distribution to the Centres make it possible to trace any missing scripts at any time?
- (g) How many times in the past were scripts due for returning to the Ministry, discovered not returned on time or not at all?
- (h) What security measures are attached to the custody of scripts returned? How are they finally disposed of?
- (i) Are unused scripts made available to schools for practice purposes? If so, under what circumstances? And under what conditions?
- (j) Since these papers are copyrighted would using them for practice purposes be a violation of any copyright regulations or terms?
- (k) Is a record kept of the Series done each year? If so, was this year's checked against past papers and recorded before distribution?
- (l) If such a check was carried out, exactly when did this take place? (What date? What time?)
- (m) On what date did the English Paper arrive at the Ministry?
- (n) By what means did it arrive at the Ministry? And who took delivery thereof?
- (o) When was opening of the English Paper embarked upon?
- (p) Do the "two or three" people who can possibly see the papers before they "come before the pupils" include the invigilator at the Exam centre?
- (q) If the invigilator is not included, how long the two or three referred to would have had the papers in their possession before distribution to centres?
- (r) When the decision to cancel was taken, did the Minister know that the disputed paper was Series No. 35 and dated 1969?
- (s) If the Minister had his facts before him, how is it he chose to state that the English Paper was set "about ten years ago"?
- (t) How is it that test papers revised and updated since 1971 bear markings as at above, and are considered to "be quite safe for use" in 1975?
- (u) Which year's Paper, in truth and in fact, was repeated this year?
- (v) Are there papers available for sale by the publishers to schools or interested persons?
- (w) If the answer to (t) above is in the negative what steps the Minister proposes taking so that those persons known to have had them in their possession can be asked to explain how they came in possession, failing which a ban be placed on such schools ever taking the exam?
- (x) Do incidents leading up to the decision to cancel the English Paper of Part 2 of the Common Entrance Exam tantamount to an attack on the integrity of the entire school's transfer process?
- (y) What steps does the Minister propose taking to remove the mounting

suspicion that the Exam does not serve the purpose for which it was designed?

- (z) On the available evidence, does the Minister find, *prima facie*, there is an element of fraud associated with this Exam?

RE APPLICATION FORMS FOR PASSPORTS

To enquire of the appropriate Minister:

Is the Minister aware that the Police Department of Immigration is not equipped with Application Forms to meet the demands of persons over sixteen years of age making application for the issuing of Passports?

2. Would the Minister enquire into this state of affairs and make an early statement with a view to allaying the fears of persons intending travelling and requiring passports?
3. Would the Minister enquire into the cause leading up to such a situation arising with so important a Department?

RE THE PUBLIC ACCOUNTS COMMITTEE

Mr. CRAIG: Mr. Deputy Speaker, before the adjournment is moved, you did indicate to the House at the last Sitting that you were thinking about filling the vacancy on the Public Accounts Committee. Would you like to let us know what is the position at this stage?

Mr. DEPUTY SPEAKER: A statement was made by me earlier in this Sitting about the Public Accounts Committee. Probably you were not in your seat.

Mr. MOTTLEY: Mr. Deputy Speaker, was that in relation to a letter you received?

Mr. DEPUTY SPEAKER: I said in my statement that the statement I made was with reference to the Public Accounts Committee as a whole.

Mr. MOTTLEY: What I am dealing with is the vacancy which arose as a result of your resignation.

Mr. DEPUTY SPEAKER: I have already made a statement on the Public Accounts Committee today, and I said that was the end of it.

Mr. MOTTLEY: I am not asking about any statement, Mr. Deputy Speaker. You gave the House an undertaking on the last occasion....

Hon. C. E. TALMA: On a point of order, Mr. Deputy Speaker, the hon. Member is out of order. I have not yet moved the adjournment of the House.

Mr. MOTTLEY: All right. I will sit.

MOTION FOR THE ADJOURNMENT

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that this House do now adjourn until Tuesday, the 10th June, 1975 at 12 o'clock noon.

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

Mr. MOTTLEY: Mr. Deputy Speaker, on the last occasion when the motion was moved for the adjournment, the Question arose concerning a vacancy on the Public Accounts Committee which arose as a result of your resignation from that Committee on assuming the full responsibility of the office of Speaker of this Chamber. On that occasion you indicated to the House that you would look into the question of filling the vacancy and said it would be dealt with at today's Sitting. I am not concerned with any letter relevant to the operation of the Committee. What I am dealing with is the question of filling the vacancy. As far as I am aware, nothing came up in relation to the filling of the vacancy today.

Hon. C. E. TALMA: If the hon. Member would give way, instead of wasting a lot of time, this matter is now receiving the consideration of the Cabinet. I am not in a position to say anything further.

Mr. CRAIG: The Leader of the House is not in a position to say that it is now receiving the consideration of the Cabinet. It is Mr. Deputy Speaker, who has resigned and in accordance with the Rules, you are the person who must make a statement on this. We are dealing with the vacancy. We know that it is a hot bed; we are aware of this. This is dealing with the Housing Authority's money that people have carried away, and we cannot form a Quorum. The Leader of the Opposition is Chairman of the Committee and there are two other Members from this side, and the Government must allow their four members to sit, making it seven. Four can form a Quorum, but we only have three, and you have resigned, Mr. Deputy Speaker, and we are asking the Government not to give it any consideration; it is the Mr. Deputy Speaker, who has to make a decision according to the Standing Orders. This deals with the Public Accounts Committee and the money carried away from the Housing

Authority and from other Statutory Boards that we were talking about since 1970 when the country did not want to hear us. The Police are investigating it, all these things are happening, and now you have resigned and no Quorum can be formed. We are asking you what is the position, since you gave this House an undertaking at its last Sitting that you would make a statement on the vacancy, but we are hearing from the Leader of the House that the Cabinet is giving it consideration. We know what Cabinet's decisions are going to be on that.

You, Mr. Deputy Speaker, are the person who must make the statement. If you have resigned, you are the person who must say what the position is now, not the Cabinet. We need at least one Member from the other side to form a Quorum, but we cannot get one to form a Quorum to look at the accounts of the country. That is the whole position.

2.45 p.m.

You gave us an undertaking last Tuesday. We are not dealing with any letter from the Leader of the Opposition. If the Member for St. Michael South East is going to pay us some attention on this occasion and is prepared to save the day and come and sit on it — he may get up and say when he was on it nobody used to come; all that he may say.

We are asking you now, Mr. Deputy Speaker, it is your duty since you have vacated the seat, to let us know what is the position. This does not require a Cabinet decision. Cabinet decision what! This would be shelving it for another two years then to be told that the wrong people brought the wrong thing at the wrong place at the wrong time. We want to hear what is the position now. Let us hear from you, Mr. Deputy Speaker. We are expecting you to make the statement on the vacancy. You said that you were going to make it today, Sir.

It is your duty, and in that high office which you occupy we are quite sure you will not mislead the House that you are going to say something today and then say something else tomorrow. I am calling on you, Mr. Deputy Speaker, to uphold the high office which you now occupy.

Mr. MOTTLEY: Mr. Deputy Speaker, I do not believe this is a matter for Cabinet. This has nothing to do with the Cabinet. The Public Accounts Committee is a Committee of this House and it has not one thing to do with Cabinet, and that is why...

Hon. C. E. TALMA: On a point of order, Mr. Deputy Speaker. If the Deputy Speaker has resigned, to fill a vacancy the matter has to be considered by Cabinet to fill any vacancy. I am just trying to let hon. Members know that efforts are being made to fill this place. Whom do you think appoints the various Members or the various Boards?

Mr. SPRINGER: Mr. Deputy Speaker, there seems to be the feeling, from what both Members have said, that Members of the Government do not attend Public Accounts Committee Meetings and because of their failure the Committee has not been able to meet. This just is not true...

Mr. CRAIG: On a point of order, Mr. Deputy Speaker. No one on this side has said anything about any failure to meet. We are dealing with the point that there is a vacancy. I do not think that the Member for St. Michael South East is aware of what is going on. There is a vacancy now; that is what we are dealing with, which has to be filled. We are not dealing with when they meet. There is a vacancy to be filled.

Mr. DEPUTY SPEAKER: Point made.

Mr. MOTTLEY: Mr. Deputy Speaker, our point is that this is not a matter for the Cabinet. This is a matter for the House, and you gave us an undertaking on the last occasion that this matter would be dealt with today. It is not fair for Members to come here every week to find that there is nobody here.

Mr. Deputy Speaker, this is a very important thing. The Committee has a lot of work to do and we are finding that we come from time to time — I came last Tuesday to spend two hours waiting, to find that there was no Quorum. If this is the way the Government wants the Public Accounts Committee to function — I have only been on it a short time, but if this is the way and the manner in which the Government wants the Public Accounts Committee to function, I will tender my resignation from it because I am not prepared to come here Tuesday after Tuesday to sit here for a meeting of the Public Accounts Committee and to find that there are people who are prepared to obstruct the working of the Public Accounts Committee by not turning up.

There are presently three Government Members and three Opposition members, Your Honour having resigned from it, so that it is in the interest of the working of the Committee to have the vacancy filled as soon as possible.

What is happening now? Two weeks ago you gave the undertaking. It is not dealt with today.

We are adjourning from now until June, the 10th, so it means that up to June the 10th we are not going to have a meeting of the Public Accounts Committee. This cannot be right. The only body that can appoint it is the Chamber here. So up to the next meeting we are not going to have any additional Member to the Public Accounts Committee...

Hon. C. E. TALMA: On a point of order. The Leader of the Opposition will be away. Is the hon. Member forgetting this conveniently?

Mr. MOTTLEY: I am not dealing with the Leader of the Opposition. That has nothing to do with it, Sir. What I am concerned with is the functioning of the Committee.

The other point is this. I do not feel it is right for the Deputy Speaker to give an undertaking to the Chamber to do something at the next meeting and then does not carry out the undertaking that he gave. I think this is wrong, with all due respect to you, Sir. You gave an undertaking to this Chamber to do something at this Sitting, and now this Sitting comes, you do not do it. That might fall as a mild censure on you, Sir, and perhaps it is intended to be a mild censure on you. I will say nothing more at this stage.

Mr. SPRINGER: Mr. Deputy Speaker, ...

Mr. CRAIG: The hon. Member spoke already, Sir....

Mr. DEPUTY SPEAKER: I am the judge of that.

Mr. CRAIG: Well, I am drawing it to your attention.

Mr. DEPUTY SPEAKER: Well you are quite out of order.

Mr. SPRINGER: Mr. Deputy Speaker, it is regrettable that some people do not make sure that their brains are loaded before they shoot their mouths off. From what has been generally said today and what has been guessed at to be in the letter written to you which you received earlier today, there seems to be the feeling that the Public Accounts Committee does not function because the members of the Committee who are also Members of the Government party do not attend. This seems to be the general feeling.

Mr. Deputy Speaker, I have been a member of the Committee since 1966...

Mr. HINDS: Mr. Deputy Speaker, on a point of order. I think I am right in saying that when an hon. Member from this side got up and attempted to debate this Public Accounts Committee matter, you promptly brought him to attention by stating that you had already made your statement with respect to that letter, and what not. That is exactly what the hon. Member is now talking about. The hon. Member for Bridgetown then continued to deal with the vacancy. The hon. Member for St. Michael South East is dealing with the matter that you have already stated to the hon. Member for Bridgetown that you have made a statement on already...

Mr. DEPUTY SPEAKER: Your point is taken.
3.05 p.m.

Mr. SPRINGER: Mr. Deputy Speaker, there seems to be a fear that I have something to say which they would prefer me not to say. This is the same type of fear that they are claiming is the reason why Government Members are not turning up at meetings of the Committee. I have nothing to say that you all need fear. I am saying that on most occasions.....

Mr. HINDS: Mr. Deputy Speaker, on a point of order. There was a point that I tried to make and you prevented one hon. Member from making that particular point. You are now allowing another hon. Member to debate it.

Mr. DEPUTY SPEAKER: What I have just heard — and I was listening attentively — was nothing to do with the letter. I heard talk about fear.

Mr. SPRINGER: Mr. Deputy Speaker, the position is that on most occasions there have not been meetings of the Public Accounts Committee. There have been Government Members present and one member of the Opposition could have formed a quorum, or another Member of the Government could have formed a quorum.

I go further. There have been meetings of the Public Accounts Committee at which, besides the Chairman, only Government Members attended. So what is all of this fear and rush? What is all of this rush about the Public Accounts Committee and filling a vacancy and all of that nonsense? You had a full committee functioning at all times until your resignation, and it takes four to form a quorum.

Sir, listen to this information. In 1973 there was a meeting on the 9th of May and besides the Chairman — they could not have met without

him — all the Government Members attended. Again in 1973 there was a meeting on the 4th September, and only Government Members attended along with the Chairman.

I would like to remind the hon. Member for St. Peter about this; and I make no apologies for not attending any meeting of the House or of any committee. If I am not in a position to attend, I do not attend, and I do not apologise to anybody for it. At the first meeting held in this Session, I waited for one hour until another Member came to form a quorum. On the last two occasions that a committee meeting was called I was out of the island.

All of a sudden, meetings of the Public Accounts Committee seem to have become very important. Whenever the Auditor General says that the accounts are late, the newspapers take it up. It is heard that the Public Accounts Committee would not meet and you rush and call a meeting. The Committee cannot function like that. It has to function conscientiously or not function at all.

Talking about the rush for meetings, between October 1973 and February 1975, a period of 15 months, the Chairman did not summon one single meeting just because he called a meeting and on two occasions a Government member did not turn up. I am sorry that he is not in his seat. He thinks that this is time to write the Deputy Speaker a letter, and I tell you that it is bad manners to say that you are going to write a person a letter and then give the public newspaper.....

Mr. DEPUTY SPEAKER: I have already dealt with that.

Mr. SPRINGER: It is very bad manners.

Mr. BOLDEN: Mr. Deputy Speaker, it is all good and well to relate these meetings at which there were all Government members attending; but I think that we should have the whole picture of meetings which were called by the Chairman of the Public Accounts Committee. Then we will see that on numerous occasions people have turned up here and waited and had to use the telephone to find out from those persons not present if they were coming or not. I was a Member of the Public Accounts Committee and I have sat in the Lobby many days and did not see anybody turn up.

These, Sir, are occasions when anybody would get frustrated when a meeting is

summoned at a particular hour and you go there at that hour, and after waiting for 15 or 20 minutes nobody else turns up.

The Member has related the times when meetings were summoned and Government members were there. He should also look at the times when meetings were summoned and the Opposition had three Members there and there was nobody to form a quorum.

The Rules of the House set out that there should be a Public Accounts Committee and what number of Members should form a quorum. I believe that the House should do all in its power to make sure that the Committee is of full strength at all times so that when blame has got to be laid, you can find other methods of blaming the non-working of the Committee rather than talking about who turned up and who did not turn up. The hon. Member said that he turns up when he feels like. I think that one of the features of meetings of this House was that there was no Quorum.

Mr. SPRINGER: I think that I am right in saying that one of the reasons why the Member for St. Joseph is no longer on that Committee is because he did not turn up very often.

Mr. BOLDEN: I do not know if the hon. Member wants me to reply to that; because every time that I turned up, I have been here and waiting for half an hour. When I am leaving and going down the road I meet him and he asks me if they are still meeting. Many times we have had to call him asking him "can you come today?" He would say "No, I cannot come. If you want to know if I am coming, call me the day before. Do not worry with that kind of thing."

ADJOURNMENT

The Question that the House do now adjourn until Tuesday the 10th June, 1975, at 12 o'clock Noon was put and resolved in the affirmative, the House dividing as follows:-

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. A. MORRISON, Dr. the Hon. R. B. CADDLE, Mr. W. R. LOWE, Mr. E. E. GREAVES, Mr. F. L. WALCOTT and Mr. J. B. SPRINGER — 8.

Noes: Mr. L. S. CRAIG, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 5.

Mr. DEPUTY SPEAKER adjourned the House accordingly.
3.05 p.m.