

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1971 - 76

HOUSE OF ASSEMBLY

Tuesday, 18th November, 1975.

Pursuant to the adjournment, the House of Assembly met at 12.10 p.m. o'clock.

PRESENT

His Honour C. A. E. HOPPIN, (Deputy Speaker); Hon. C. E. TALMA, C.B.E., (Deputy Prime Minister and Leader of the House); Hon. G. G. FERGUSSON, (Minister Without Portfolio); Mr. R. StC. WEEKES, J.P.; Mr. W. R. LOWE, J.P., (Chairman of Committees); Hon. F. G. SMITH, Q.C., S.C., B.A., (Minister of Education, Youth Affairs, Community Development and Sport); Hon. P. G. MORGAN, C.B.E., (Minister of Tourism, Information and Public Relations); Mrs. G. L. EASTMOND; Hon. P. M. GREAVES, B.A., (Minister of Housing, Lands, Labour and National Insurance); Mr. H. deB. FORDE, M.A., LL.B.; Dr. the Hon. R. B. CADDLE, (Minister of Communications and Works); and Hon. L. E. SANDIFORD, B.A., M.A.(Econ.), (Minister of Health and Welfare).

Prayers were read.

MINUTES

Mr. DEPUTY SPEAKER: I have the honour to inform the House that the Minutes of Tuesday, 11th November, 1975, have been circulated and are before you for confirmation, and unless there are any alterations, they will be confirmed.

There being no alterations, those Minutes are duly confirmed.

I have the honour to inform the House that I have received from the Accountant General Accounts and Statements for the month of July, 1975.

DOCUMENTS LAID

Hon. C. E. TALMA: Mr. Deputy Speaker, on behalf of the Minister of Finance and Planning, I am commanded to lay the following:—

The Customs Tariff (Amendment) (No. 2) Order, 1975.

The Customs Duties (Barbados Rifle Association) (Amendment) Order, 1975.

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, I am commanded to lay the following:—

Statement showing Money Order Transactions through the Crown Agents for Oversea Governments and Administrations for the months of March – June 1975.

Statement showing the sums Advanced to the Postmaster General for the payment of Money Orders for the Months of March – June 1975.

GOVERNMENT NOTICES

Hon. F. G. SMITH: Mr. Deputy Speaker, I beg to give notice of the following:—

Resolution to grant the sum of \$17,600 out of the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1975–76, Part I – Current, as shown in the Supplementary Estimates 1975–76, No. 18, which form the Schedule to the Resolution.

Resolution to grant the sum of \$44,188 out of the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1975–76, Part II – Capital, as shown in the Supplementary Estimates 1975–76, No. 19, which form the Schedule to the Resolution.

GOVERNMENT BUSINESS

Mr. DEPUTY SPEAKER: The first Order of the Day stands in the name of the Hon. Leader of the House to move the House into Committee of Supply.

COMMITTEE OF SUPPLY

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee of Supply to consider the money Resolution for the sum of \$556,000.

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

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

SUPPLEMENTARY ESTIMATES

1975-76 No. 17

Hon. P. G. MORGAN: Mr. Chairman, this Resolution as noted in the Resolution is divided in two parts. The first is for the sum of \$360,000 which is a revote. I could not honestly say I agree with the wording of the Addendum because I happen to know the facts, and the reason why this money was not withdrawn from the Treasury before 31st March, 1975, was quite genuinely a misunderstanding between two senior Civil Servants. It is necessary for the money from last year's vote to be revoted so that the Board would not be that much short.

The other matter is quite different. The sum of \$196,000 is for the purpose of getting a toe hold in tourism on the Continent of Europe. We have wanted to do this for some time now, but financial constraints in particular have held us back, and it has also been difficult to find anyone with sufficient qualification who is a Barbadian who can head that office. We have now had a coincidence of situations which makes it possible to make a start on the Continent of Europe. Firstly it has been agreed that we will make an arrangement with a company called Trans Charter Market which is the general agent in Germany for International Caribbean Airways to provide us with a person for a period of two years who will represent Barbados and will be working out of their office. They are one of the leading wholesale tour operators in Germany, indeed in Europe, and they are a very highly reputed firm. The proposal is that a Barbadian

will be sought and is already being sought who will be a counterpart to that person for those two years and who hopefully will take over as manager at the end of that time.

There are three or four principal requirements for that kind of work in that place. The first is that we want a Barbadian; the second is that that Barbadian must have some working knowledge of German; school knowledge of German is not sufficient to work in industry of any kind in a foreign country, so that if the person is a little weak in German he may in those two years have the opportunity to study German, live among German-speaking people and perfect himself. The third is that of course it is necessary for someone who is going to represent us in tourism to have some knowledge of tourism. If the person has an excellent knowledge of German but lacking in knowledge of tourism, it will give him an opportunity to learn while not wholly responsible for the entire operation, and the fourth thing is a knowledge of the German market, and the whole continent of Europe.

This is a very wide subject, but it is hoped that the person would have some knowledge of Europe because the travel industry is one in which it is very important to know people.

12.20 p.m.

Mr. FORDE: Mr. Chairman, I wish the Minister had been a bit more specific in explaining to the Committee the reason for the misunderstanding which has occurred between the two civil servants. Hazarding a guess it appears to me as though the Ministry of Tourism had requested the money but the Ministry of Finance had not made it available during the year, and as I take it I do not know whether the Ministry has already spent the money but this is a revote and this House is merely being asked in accordance with the law to revote the money, and with that we cannot quarrel particularly if we have commitments already, but I think that this Committee should make a comment on the necessity for the smooth functioning of Ministries intra Ministries. I have frequently commented in the Committee and in the House as a whole on the fact that too often we find there is no co-relation between Ministries of Government, and even on a small matter like making the money available within the time there seems to be a breakdown in communications between the civil service personnel. This is not satisfactory because what it means is that time and money, the time of this House and the money of the people of Barbados, are taken up with bringing this Resolution again before the House the problems of going before Cabinet and putting up

a further paper on it. Civil servants have to do better. Over 50% of the public revenue is spent on maintaining the public service and it is necessary for them to recognise that they cannot fritter away time and energy because of a lack of communication between themselves.

Having said that, I should like to deal with the more substantive part of the Resolution which deals with the request for \$196,000 to promote the tourist market in Europe. I am happy to say that the Barbados Labour Party foresaw the need for this several years ago. I think the Minister will recall when the Government was — I would not like to use the term running down — but reducing the staff of the London office we pointed out then that instead of reducing the staff of the London office that we should have been looking towards increasing the staff of the London office for launching into Europe. It was during the days of a lady who has contributed in my view outstandingly to the promotion of tourism in this country, Miss Denise Hope. Even now one travels to London and meets people in the travel business, in diplomatic circles and business circles who all speak in glowing tribute of what an outstanding ambassador she was for this country, and I trust that one day the Government will recognise her contribution. I believe that her family has very strong sympathetic leanings with the Barbados Labour Party, but their political conviction should be no reason why her contribution should not be recognised.

I am glad to see that rather belatedly Government has seen the necessity, if I may quote the Minister, to make a start in the promotion of the German market in particular. I think we have to look beyond the German market to the whole of the European market. The Scandinavian countries happen to be among the most travel conscious of people and their economies more so than the economies of other countries, except perhaps Germany itself, have withstood the buffeting of the world economic situation from time to time, and I believe that we should be making a big bid as well into Scandinavia particularly where we have entered into agreements in Civil aviation with Scandinavia and where I believe that SAS up to some years ago was very interested in promoting the whole of the Caribbean market.

One of the problems about promoting tourism from the Caribbean is that each country understandably is interested in its particular border, its particular hotels, its particular Tourist Board, but it seems that if we are to go for international tourism on a big scale that we are

going to have to ask for much more cooperation at a financial level as well between ourselves and the other Tourist Boards in other areas. I would like to see part of our promotion of the European market being an accent on not only what Barbados has to offer but what Barbados as part of a Caribbean tourist market has to offer to the tourists coming from abroad. This is very necessary. I myself after seven days in a particular place unless I am very, very tired wish to see surrounding sights. The tourists can exhaust the surrounding sights other than our sun and sea and good weather within a week, but the tourist is using Barbados, or maybe St. Lucia, as the jumping off point for exploring the whole area of the Eastern Caribbean certainly and I urge the Government to invite if possible through the Caribbean Tourism Research Centre the interests of the other territories in trying to explore this wider market.

I think too we have to look a little bit beyond Europe in the future. The Arabs have all of a sudden become significant in terms of their oil and their money and I would expect that very soon increasingly they will become aware of how to use their leisure outside their own middle eastern states. Places like Persia, if one looks a bit further than the Middle East proper, one would expect that we would be able to attract them into the Caribbean area. Tourism for us is a way of life, it is becoming an economic necessity, it is exposing our people to several cultures, and when one thinks that in the last 50 years communication has managed to turn the macrocosm of the world into a microcosm one must also be conscious of the advantages and the disadvantages to which tourism can expose our country. The German people, despite the retrograde period of their history in 1914 and 1939-45, have gone out of their way to show that they are part of a wider international community, and they have become increasingly conscious of the human rights of other countries, and despite the two world wars in which they have been involved they are people with a tremendous sense of culture and I hope that when they are here we will be seeing their good aspects and that we in turn will be able to contribute to them certainly the example of an outstanding multi-racial society in which race, religion or culture plays an insignificant part so far as being an adverse consideration.

We will therefore be voting for the Resolution, Mr. Chairman, and we trust that within two years there will be a suitable Barbadian available. I would have hoped that at this stage the direct control for the office would probably have been out of the London office, I

do not know if the Minister has made a decision on this point, I know that it cannot be staffed fully from London but I would like to think that the head of the tourist section in London is having some form of regular communication with the market conditions in Germany. I am not sure whether your office is going to be in Frankfurt, Berlin, Munich or Hamburg but I hope that there will be regular communication so that we are not only looking towards one Barbadian being qualified for the post but that we have a sufficient feeder staff who is able to make a contribution.

Hon. P. G. MORGAN: Mr. Chairman, I would like to thank the hon. member for Christ Church West for the support he has given me on this Resolution, and the encouragement too, because there is not one word he has said with which I would disagree.

12.30 p.m.

There is not one word he has said with which I disagree. It is a modest start, and I would have liked to have been able to do more. However, we have to make a start and this is it. It will be in Frankfurt, incidentally. I also would like to associate myself with the tribute that he paid to Miss Denise Hope, who has been a friend of mine for many years and, I think, still is. Few would know better than I the work that she did, particularly, in Britain. I was Chairman of the Board of Tourism at the time that she was the representative there, and I have a tremendous regard for her. I agree entirely with the comments made by the hon. member.

I would like to tell the hon. member of the efforts we have tried to make Caribbean wide to establish a front on the Continent of Europe. It has been very, very difficult. The problem always comes with this type of effort that those countries which can afford to participate in such a project do not need it, and those countries which need it cannot afford it. We have already offices of Jamaica, Bahamas, Puerto Rico in Germany, and they do not need any more representations. Even Grenada has opened a small representation in Germany, and so you get left with the other countries. You must not forget, of course, that the Dutch and the French Islands already have their connections in Europe. You get left with the other countries who would like to have representation but they cannot afford it.

Now, the only step that has been taken that has a measure of success through the Caribbean Tourism Organisation is the establishment of an Information Office with a part-time Sales Representative in Munich. Even up to this

morning I received a letter from the Executive Director complaining that, although everybody had agreed that they would pay the money — it is not very much money, a minimum of \$1,000 (US) and a maximum of \$3,000 per annum is the contribution — when the meeting was held in Barbados in September, he is having a very bad time trying to collect the money. Until such time as he receives the money he cannot make a move. It is not easy, but I hope the hon. member will be assured that we are doing everything we can to promote the Caribbean in Europe on a regional Caribbean basis.

The Question that the Resolution for the sum of \$556,000 do now pass was put and resolved in the affirmative without division.

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

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

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

On the separate motions of Hon. C. E. TALMA, each seconded by Hon. G. G. FERGUSON, the Resolution was read a first and second time and agreed to.

Hon. C. TALMA: Mr. Deputy Speaker, I am asking for leave to deal with Item No. 2, which stands in the name of the Hon. Prime Minister and Minister of Finance and Planning, and it is to move the Second Reading of a Bill to amend the Service Commissions Act.

Mr. DEPUTY SPEAKER: The Hon. Leader of the House has asked for leave to deal with Item No. 2, which stands in the name of the Prime Minister and the Minister of Finance and Planning. (Pause.) There being no objection, leave is granted.

SERVICE COMMISSIONS (AMENDMENT) ACT, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move the Second Reading of the Bill to amend the Service Commissions Act, in order to make provision for a Teaching Service Commission. The position is that, since the passing of the amendment to the Constitution in Parliament of the Barbados Constitution

(Amendment) Act, 1974, it has become necessary to amend the Service Commissions Act, Cap. 34 of the Laws of Barbados, 1971, in order to enable the Governor-General, acting in accordance with the advice of the Teaching Service Commission, to make Regulations in relation to the functioning of the Commission. This matter falls strictly under the Ministry of Education, and the Ministry of Education, Youth Affairs, Community Development and Sport has made certain requests to the Attorney General to draft this necessary legislation in order to achieve these objectives.

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

Mr. FORDE: Mr. Deputy Speaker, I think I should begin by stating quite clearly that the Barbados Labour Party has always advocated the establishment of the Teachers Commission. Those persons who took the opportunity to read the Manifesto of the Barbados Labour Party — and I hope that it was read by several people — would have noticed that this was part of the Party's Manifesto. To the extent, therefore, that part of our ideas is being implemented by this Government, we would join hands with them in making sure that our ideas, although not accepted in the sense that the country did not accept us as the Governing Party, are being implemented by the Government to the extent of which we have a common policy on matters of this nature.

I would like to say, however, as someone who has sat on the Public Service Commission in this Island and also has been in the position of advising public unions on matters coming before the various Service Commissions, something about the functioning of the Commissions in Barbados and the necessity to improve the climate of industrial relations that exists. Some people find it difficult to understand how the civil servant can be appointed in many instances other than where the Constitution now gives the right to appointment to the Prime Minister — appointed in many instances by a Service Commission; disciplined by them; paid by the Establishment's Division, and work for a group of changing men or women called Ministers. It is a concept that you find it difficult to explain sometimes to the man in the street and, indeed, it is a concept that one finds it difficult sometimes, as a politician, to agree with, simply because it is always felt that the person for whom you are doing the day-to-day work should have the right to sack you.

There are historical reasons for the development which we now have, but there are

many more than these. The fact that Parties change and Government personnel change at the political level must mean that we should have a Teaching Service and a Public Service as a whole that, to some extent, are political in the advice which they give. If one looks at the systems appertaining in most of the democratic world, there are provisions such as a Teaching Service Commission which safeguards the independence, to a large extent, of the public servant.

I am, however, not enamoured with some of the procedures adopted by the Commissions. I have already said that the Public Service is big enough in this Island where we should have had an Executive Chairman dealing with the question of the day-to-day functioning of the Public Service.

12.40 p.m.

Many decisions are still being delegated to panels of two or three Civil Servants, legally delegated let me say, and it is only at the last moment that the Commission gets an opportunity to really pass on the matter, and it would be impossible for a Commission which meets from time to time to look in detail at the personnel files of all of the persons who may from time to time come before the Commission for the Commission's decision. That is why I hope that with the Teaching Service Commission one would see a commission that meets much more frequently. The teaching sector of the public service is a very big sector, and the problems that come from the teaching service are many.

I am not satisfied that in the last few years the teaching service as a whole has always got the attention that it deserved from the Public Service Commission under whom their matters lay, and I am hoping that if this is the arrangement which we have now entered that the new commission will have more time to pay attention to the teachers' business.

Having said that, I think that the Public Service Commissions as a whole must become more conscious of the fact that the public service is now not only an elitist core of public officers. It is also very much a trade union and no more is this more demonstrated than in the teaching service and the Public Service Commission or Teachers' Service Commission must understand that there should be a rule that they will consult often on many matters which involve discipline with the heads of the particular unions involved. I refer in particular to the dispute which arose at the time of the St. Leonard's teachers' strike, and I am satisfied myself that there should have been in the commission at the time a much more

consciousness of the industrial relations aspect of this teachers' dispute. The Ministry of course was in a position that it could not deal with the industrial aspects of it or indeed the personnel aspect of it in so far as the Public Service Commission had jurisdiction, but this to some extent frustrated a decision being taken which would have probably made the crisis less pungent than it became at the time. I am counselling the commissions to become conscious of the fact that they are no longer dealing with individual public officers. Some of these matters raise questions that involve the whole aspect of the relationship between employer and employee, and there is no longer any relationship being called between master and servant with the connotations that the words carried before. I hope that the Teachers' Service Commission recognises that the Barbados Teachers' Union as well as the Barbados Secondary Teachers' Union are unions that are responsible and who have a contribution to make, and with whom they should have regular consultation from time to time.

Now I want to move on to some aspects of appeals to this commission. I am not satisfied that the existing regulations made under the Public Service Commissions Act are good enough for dealing with these disciplinary matters and that they safeguard sufficiently the rights of the public service. In little St. Vincent there is established by statute and under the Constitution a State Appeal Board in which a public servant has the right of appeal in a more judicial manner than at present exists under our regulations, and the right of appeal not merely goes to Privy Council that has no published rules for its procedure, but it goes to a Board which has established Rules and which exercises administrative jurisdiction.

A few years ago when I was advising the various public unions on matters connected with disciplinary matters, I made a study of the procedure for appeals on disciplinary matters in several countries. The United Nations has put out an outstanding publication on this, and it has recommended that the system adopted in France where there is actually an administrative court is perhaps the fairest system to adopt to safeguard the rights of teachers and Civil Servants as a whole. I counsel Government to look at this aspect of the matter and to have a proper review of the proceedings. I do not believe that many people understand that the Privy Council of Barbados — I do not mean the Judicial Committee of the Privy Council which is the ultimate Court of Appeal — is the ultimate body for appeals in respect of disciplinary matters affecting the Civil Service as a whole. That body

keeps to itself the right to give you the reasons why you have been convicted, for instance, and why you are being sacked from the Public Service. You are being asked to appeal to the Privy Council against a decision, you do not know what are the reasons why the decision was reached, you have not got access to the findings of the Commission, but you are supposed to appeal and not once has the Privy Council permitted a single individual to appear in person before it. Now I know that as a fact because I have dealt with several of these appeals, and I cannot understand how in the 20th Century when people are moving to a wider concept of justice, the Privy Council can persist in this archaic manner of dealing with questions involving the livelihood of people by saying this is a matter of custom. It is an elitist, almost official snobbishness that should be got rid of in the concept of industrial relations in the 20th Century, and I make bold to say that if the Teachers Union or the Public Service Union was as strong as the Workers Union and had similar political alignments, one would have seen this type of attitude removed a long time ago because more attention would have been paid to it. How in the life of the world can you be asked to appeal against a decision and you do not know the reasons why the decision was reached, on what grounds they came to a finding? You are supposed to write a letter setting out the grounds and they write back and say the Governor General has been advised by the Privy Council that your appeal has been turned down. That is not a sense of justice, and as an administrative lawyer and as a person interested in the industrial relations of the country and in the public service, it is a bad practice, and I counsel the Government to do a careful study of the developments that have taken place in this field in many countries throughout the world.

Now I hope that with the Teachers' Service Commission we will not find that the archaic procedures that pre-existed the establishment of this Commission are going to be continued from time to time. I trust that one will see a different approach to public relations matters, that one will see a different concept of industrial relations, and one will see an amelioration of the archaic laws which exist in relation to appeals to the Privy Council, and that the rights of the Civil Servant will be much more protected. The legal position of the teachers is an amorphous one so far as the rights of contracts are concerned. It is true we have passed an amendment to the Education Bill. Unfortunately I was absent from the House on that occasion, but I think there are sections of the Bill that will give cause for quite a bill of legal wrangling.

12.50 p.m.

Maybe Government's legal advisers advised them properly on it. There was no amendment, I understand, introduced in the House at the time, but if we are conscious now that it leads to legal problems I think we ought to be sure about whether or not we are affecting existing rights and whether there has been any consent in relation to the affecting of those existing rights. I do not particularly want to go into that aspect of the matter, the teachers have their own separate legal advisers, the Secondary Teachers' Union have their own legal advisers on this aspect of it, I am not advising on it, but I understand that there is a lot of doubt in the legal circles concerning their situation.

I think we can avoid that type of situation. I would hate to see that the changeover which I believe in principle is beneficial to one composite teaching service in the island. I would hate to think that that would come into a position of rancour, but let me make my position clear on that. I do not believe in the perpetuation of the teaching service into segments based on the position which was mostly of class in my view, either an elitist structure, I feel that there should be one proper teachers' union for the country, one proper teaching service commission, and that there should be transfers within the teaching service right through the service, and it is the only way we are going to have a complete global approach in terms of Barbados to the whole question of teaching the children and education as a whole. Teachers must themselves move on to this, and anything we can do in Parliament to spur on this ultimate goal we ought to do.

Hon. F. G. SMITH: Mr. Deputy Speaker, I shall not be long, there are just two aspects I would like to speak on for the benefit of the public more than anybody else. I find that in Barbados there is a complete lack of understanding of certain constitutional provisions, and we Ministers and perhaps Parliamentarians are often embarrassed in the performance of our duties in representing our constituents by these misunderstandings.

I think the hon. member for Christ Church West will agree that one of the drawbacks or one of the benefits, depending on how we think, of the Public Service Commission, the Police Service Commission and now the Teaching Service Commission is that they owe no allegiance to anybody. They do not get elected and they could not care about the elected representatives of the people because they are supposed to be independent and outstanding members of the community who have been chosen for their impartiality and for their lack of being involved,

their inability to be influenced either by their friends, families or acquaintances, so that the public must understand, and this depends on where the power lies in a democracy, that any of these Commissions that have power to appoint are independent bodies who can only be dismissed in a very cumbersome procedure, and that in their hands not in the hands of the politicians or the Ministers, lie the power of appointment, in the case of the police the Police Service Commission, in the case of legal officers the Judicial and Legal Service Commission, in the case of the civil servants the Public Service Commission and in the case now of the teachers to the Teaching Service Commission. This is something people do not understand because you get people running to you saying "my daughter has six 'O' levels and I want a job in the Civil Service for her," or "my son has two As" and you, representing the people, are powerless to help because to interfere or try to influence the Public Service Commission is a criminal offence. Power resides not in the Ministers, not in the parliamentarians, but in a body of people who every five years or, as the member for Christ Church West reminded us, at stated times, less than five, two or three, they do not owe allegiance to any one, so the public must understand this, this never gets to them.

I can see a man who has a son who wants a job, a daughter who is qualified, and he goes to his representative or he hears you are the Minister of Education or that you are in charge of Establishments, and he would like you to place his daughter, but the public must understand. In nine cases out of ten in the representation of our constituents we are very sympathetic and would like them to be employed, but they cannot understand when you tell them you would like to help them but they should go to Service Commission in Collymore Rock or wherever the other Commissions meet, that you are really powerless. So you have position without power as far as the employment of policemen, civil servants and teachers are concerned in this country.

The first point I am making is that the public must understand that these are independent bodies, once appointed can only be dismissed at certain times and that the employment in these vital aspect of the country rests in the hands of these moguls. As I said before, these are drawbacks in a democracy. Civil servants on the one hand argue that you must have the Commissions because politicians are going to appoint their friends, their yard fowls and what have you. If the public accepts that that is the reason and they think that that should

obtain then do not complain to the members of Parliament when they are stymied by people who do not even have to see them. The Commission does not have to see anybody because they do not have to ask for a vote from anybody, but the Ministers who to the public are the administrators of the various departments are powerless in this regard. I have no guarantee that human nature being what it is that the public is always entirely satisfied with the results of their deliberations. I am just taking this opportunity to give the public some idea of power or position without authority, and I think it is time, and I have asked already that certain aspects of the Constitution be aired and discussed because I find very often that there is such a sad lack of knowledge of the position of certain persons in this community that you can find your own constituents quarrelling with you because you cannot give them a job somewhere along the line.

The question of the Privy Council. I do not care if my learned friend, the member for Christ Church West, wants a proliferation of courts, the number of persons who are disciplined in the Government and in the teaching service in a whole year could almost be counted on the fingers of one hand. I want this to go on record too, that even although politicians are members of the Privy Council, as soon as it comes to dealing with appeals of civil servants, policemen, teachers or whoever it is, we ask the Governor-General to excuse us. Not one of the politicians on the Privy Council has ever sat on an appeal from any civil servant, teacher, policeman or anybody who has had a right of appeal to the Privy Council. Our duty is confined mainly to whether you should remit a sentence whether you should hang somebody or commute the sentence, and as soon as we finish we pick up our brief cases, ask to be excused and leave. I want that in the record, because some people would think that because they can cite the list of politicians on the Privy Council that therefore we can influence the Privy Council. If he wants a proliferation because France has administrative tribunals, if he wants all these trappings of metropolitan France with so many million people to a mere quarter of a million, I do not mind. It would mean jobs for the boys, they must have lawyers, if he wants to hire lawyers to staff them I do not mind.

Mr. FORDE: On a point of explanation, the Hon. Minister must really try and appreciate the speech I made when I talked about administrative bodies in this House. I have said before that there are so many administrative tribunals now that one should have one permanent tribunal permanently staffed, not a proliferation of them.

In fact, I have been against the proliferation of them, and the Minister must not give the impression that I am asking for a separate court, I am not asking for a separate court.

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

Hon. F. G. SMITH: As soon as you hear the word "Court", it means more work for the boys.

Mr. FORDE: On a point of explanation, Mr. Deputy Speaker. The hon. member must not say such things. Again, I do not want to be misrepresented. I have never begged for work; I have more than I can handle at the moment. The point I am making is not to create jobs for lawyers, but to improve the system. Let him deal with that point.

Hon. F. G. SMITH: If by improving the system lawyers will get more work, Mr. Deputy Speaker, I am not quarrelling with that. I would never accuse the hon. member for Christ Church West of begging for work because he is one of the leading Counsels in the City and his reputation stands very high in legal circles. I would never suggest that, as far as he is concerned. As a matter of fact, the reservations I had about the member for the City and the member for St. Joseph have also gone after years of experience in their profession. I take this opportunity to.....

Mr. BOLDEN: Mr. Deputy Speaker, I do not understand what the hon. member is saying about the member for St. Joseph. If he is talking about legal capacity and he will tell the truth, he will say that I offered him a seat in my Chambers to assist me with the volume of work I have. Since 1966 I have been offering him a job.

Mr. DEPUTY SPEAKER: That has nothing to do with the Service Commissions Act.

Hon. F. G. SMITH: Mr. Deputy Speaker, I came back here in November, 1966, as the Attorney-General. Where did you offer me that job? In Jamaica?

Mr. BOLDEN: The hon. member must tell the truth. Ask him if I did not offer him a seat in my Chambers when he was going to be thrown out of the D.L.P.?

Mr. DEPUTY SPEAKER: That has nothing to do with what is under discussion.

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

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

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

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

Clauses 1 to 8 inclusive were called and passed.

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

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

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

On the separate motions of Hon. C. E. TALMA, seconded by Hon. G. G. FERGUSON, the Bill was read a third time and passed and cited as the SERVICE COMMISSIONS (AMENDMENT) ACT, 1975.

IMMIGRATION (AMENDMENT) ACT, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, the next Item on the Order Paper which we propose dealing with is Item No. 3, which stands in my name and it is to move the Second Reading of a Bill to amend the Immigration Act, 1975. As the objects and reasons set out, this Bill will amend the Immigration Act, 1975 (Act 1975-20) in order to empower the Minister responsible for immigration to prescribe by regulations the fees to be paid on the application for and the issue of any permit, certificate or other document under the Act or the regulations made thereunder.

The position is that the Immigration Act, 1975, is not yet in force, as far as I know, and these are regulations which have to be made under the Act. The Bill to amend the Immigration Act seeks to give the Minister the power by regulations to prescribe fees not only with respect to applications for work permits for which provision is made under Section 18 of the Immigration Act, 1975, but also with respect to

the application and grant of the many other permits, certificates and documents which may be dealt with under the new Immigration Act, or the regulations. The object of this amendment is to enable regulations to be passed where fees, etc., have been stipulated.

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

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

Mr. FORDE: Mr. Deputy Speaker, I may comment that even before this Bill has been proclaimed and brought into effect Parliament deems it necessary to amend it. This really surprises me. It is only this year that we debated a change in the Immigration law. Either we are doing our work in a slap-dash way, or we are in too much speed to dispose of some of these matters. The same thing has happened with the Hotel Proprietors Act. We are having to come back with amendments that should have been obvious and should have been passed at the time when the original Act came before this House. That is one of the reasons why I believe that Bills of this nature should really go to Select Committees, which have a greater time to look at many matters that are involved in them. It does not seem to me that Parliamentary time need be used in this way.

Having disposed of that, let me make a comment. I am still appealing to the Government for the necessity to amend the Immigration Act in such a way as to permit the non-national husbands of Barbadian wives the right to work here and to get our nationality. Now, if the Minister had brought such an amendment, he would have seen that I would have had a wide smile, but no matter how much we preach and pray, beseech and beg the Government in International Women's Rights Year for an amendment such as this, the Government remains wedded in its misogynist approach on this question of the equal rights for our women.

1.10 p.m.

I am again asking the Government, because they committed the political error of voting against my Resolution and because they have committed the political error at the time of making it appear as though the Leader of the Opposition and myself were doing something fantastic, not to continue in their attitude. They cannot sit down around the Caricom Heads of Governments Conference and agree with equalising the rights of women, we cannot issue statements saying we have subscribed to various

United Nations Resolutions and set out in our foreign affairs bulletin which was issued only a few days ago that the Government has given the United Nations an undertaking to make sure that none of our laws are discriminatory in the treatment of our women, when we treat our men in one way in so far as their non-national wives are concerned and our women in a different way so far as their non-national husbands are concerned. There is too much difference between what the Government professes and what the Government does. There is no principle on which Government can continue this discriminatory practice on the basis of our legislation, and every opportunity that I get to remind this House or to remind the Government of its attitude, I will do so because I think it is indefensible for the Government to take this stand on women's rights. I am appealing to them again to make some sort of changes under this Head.

I want to raise the issue of what is going to happen to the policemen who handle immigration matters. There is the view that the Government intends to have a special corps of immigration officers outside of the Police Force. The reason for this, I understand, is that it would be intended to relieve the policemen of this type of duty so that there will be no necessity for an increase in the numerical strength of the Police Force. I would have thought that prior to the concept of the Defence Force this might have been a good move, but I query now in the light of Government's commitment to having a Defence Force outside of the para-military duties performed by the police whether it is any longer necessary for them to want this bulk of policemen who have got tremendous expertise in this field relieved from handling immigration matters. I have made a plea in this House, Mr. Deputy Speaker, for additional facilities and room for the immigration Department at Police Headquarters. I again make that plea. I have made a plea for improvement of the living conditions of policemen at Seawell International Airport, those who handle immigration matters. I again make that plea, and I hope that the Government will give us a policy statement as to whether it is going to have a separate corps of immigration officers which means creating additional places in the Civil Service, or whether it is going to allow policemen to continue to exercise this function in circumstances where they at the same time perform a custodial function whilst at the two major ports of this Island.

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

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

Clauses 1, 2 and 3 were called and passed.

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

On separate motions of Hon. C. E. TALMA, seconded by Hon. G. G. FERGUSSON, the Bill was read a third time and passed.

THE SCHOLARSHIPS, EXHIBITIONS AND BURSARIES REGULATIONS, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, the next item which Government proposes to deal with is Item No. 6 which stands in the name of the Minister of Education, Community Development, Youth Affairs and Sport.

Hon. F. G. SMITH: Mr. Deputy Speaker, in moving this Resolution I think I should take the opportunity to clear the air, because Barbadians seem to have lost their powers of logic and reasoning and are apt to jump to conclusions and misinterpret what to me are simple procedures. I assumed duties as Minister of Education on 15th September, 1975, after the Education Act was passed by this Parliament, and in an endeavour to speed up the process, about a week after I had been in the Ministry, regulations were brought to me and I was asked if I wanted to go through them. I said I was not going through them, and I said send them out to the interested organisations and when the interested organisations have replied, then we will sit down and discuss their objections, their comments and their improvements. On 1st October, 1975, a letter was sent to the Secretary of the Barbados Union of Teachers, the Secretary of the Barbados Independent Secondary Schools Association, the Secretary of the Association of Independent Schools, c/o St. Ursula's School, the Secretary of the Heads of Comprehensive Schools, the Secretary of the Association of Secondary Schools and the Secretary of the Barbados Secondary Teachers' Union. The letter was headed "Draft Regulations". The emphasis is on "draft", because at this point in time no policy has been laid down. I had just taken up the Ministry, the Regulations had already been drafted, I had not had any opportunity to see where and in what direction I was going to look at this matter, but

in the meantime I wanted a feed back from persons involved in education so that we could sit down and discuss their objections to the draft. There was no policy, yet I am reading that this is going to happen and that is going to happen, and this is the policy and this is not the policy. If draft means anything, it certainly cannot be decisions and draft certainly cannot be policy. It reads as follows:

"Draft Regulations made under the provisions of Section 82 of the Education Act, 1975.

Dear Sir/Madam,

I am directed to forward for your consideration the enclosed copies of regulations made under the Education Act, 1975.

It is proposed to discuss these regulations with representatives of your Union, and you will be notified later of the date and time of the meeting. The meeting or meetings will be held some time after October, 15th, and it will be appreciated if you could submit any comments you may wish to make to these regulations at least seven days in advance of the date of the meeting. Copies of the remaining regulations which are now being finalised will be sent to you shortly."

On the 29th a similar letter went out with other regulations headed "Draft Regulations made under the provisions of Section 82 of the Education Act."

1.20 p.m.

The first point I want to make is this. If people in this country do not know the difference between a draft, which is a basis for discussion, and a final decision God help us, because it is very annoying to read that this is the policy of the Government when you have predicated and said in no unmistakable terms to intelligent people that this is something I have put forward for your discussion, yet you read editorials on all kinds of policies by a Minister who has only been in office 15 days, who has to meet his heads of departments to know their problems and where things are headed before he can make a decision. So rather than my going through these in detail, then to go through them again in detail after the comments have come in, in all honesty and sincerity you say to them "here is a draft, please may I have your comments by 15th October," and because the draft happens to be in the hands of people it is bandied about as if the Government is discriminating, the Government is doing this, the Government is doing that, the Government is

being accused of all sorts of wrongs and faults, on a draft regulation which they will have a right at meetings which start on 25th and 26th November to discuss, to tear apart, and then as a result of that they can then at that point say the Government is doing this or that, but right now you hear the Government is discriminating, and I will in due course lay down what I consider my policy speech for the Cabinet's approval on certain aspects of this Bill.

I just wanted to clear the air that at this point in time the regulations submitted to the interested bodies are purely for discussion, there has been no finalisation, there has been no policy decision, it will be finalised in the light of the comments and discussions from the people who are involved in education, because I have not gone into the Ministry for any confrontation, I have gone into the Ministry to try and make education relevant to the people of this country and I am prepared to listen to those who are involved in education, whose life's work has been education, and I think I can say without any degree of conceit that I am capable having listened to people who know about education to make decisions in the interest of the young people of this country.

These regulations are coming now, because these regulations are based on the recommendations of the head teachers of the older secondary schools who have approved these regulations. We have a consensus. This is how it works. We ask them what they think should be the qualifications for a Barbados Scholarship, they have agreed to this and sent it in, we have accepted it and it is now before the House as a result of discussion. The only amendment to their original proposal is the question of allowing the Minister, as happened this year, to give scholarships to persons who have done outstandingly well but who failed the general paper. There is a youngster who has gone abroad called Mr. McClean, there were two of them who got entrance scholarships, who on the examiner's report had done so well that they would have got into any university in England including Oxford and Cambridge, and we felt — and rightly so, I think — that if these boys had done so outstandingly well but because the regulations state that they must pass the general paper the Minister not willy nilly or because he liked somebody, but because the results of this boy's labour are so outstanding that he should not be penalised especially as we have now under the Act removed the limit on scholarships and exhibitions. That is the only amendment, but these regulations here are as a result of a consensus with the teachers, and I hope as I lay regulations in this Chamber from time to time

that these regulations will be with the consensus of the head teachers or teachers..... (*Asides*)..... The Barbados Scholarship is not controversial and the other regulations will not be head teachers because I have sent them to every union, every secondary teachers' union. We are having meetings with all the unions, that is all.

It hurts me when I find people are out gunning for you before you get the seat warm on issues that are non-issues. I just wanted to clear the air, on the fact that the question of draft regulations have been assumed by people to be the policy of the Ministry of Education before discussions with the Unions.

Anyhow, Sir, that is enough. I beg to move that this resolution do now pass.

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

Mr. GREAVES: Mr. Deputy Speaker, before this resolution is put to the vote I would like to make a comment on an aspect of the regulations, particularly on the area dealing with National Development Scholarships. I would first like to state how important it is that this area of scholarships has been opened up for potential scholars in Barbados, and I think that all credit should be given to the Ministry of Education, and indeed to the Government, for having created this avenue for a number of people to pursue areas of study which are considered to be of national concern, and of course people who under ordinary circumstances might not be able to afford to pursue the area of study for which they are given awards.

As I said, I think it is important that this avenue had been opened up, because for too long there were situations where people were going abroad and studying in areas which even although they were of some importance to the country, nevertheless these areas were not considered or could not by any stretch of the imagination be considered to be of high national priority, and it is for this reason I believe that the National Development Scholarship scheme has been operating. This scheme has undoubtedly created a number of opportunities for people and has gone some way in dealing with some of the pressing needs in some crucial areas in this country of ours. I think that the situation regarding national priorities is one which has to be constantly borne in mind and this has got to be constantly brought under review, because as time goes along one is going to have a number of changes. I am sure that this is the whole purpose of the operation of the scheme, that is, that there are no limitations as to the areas which scholarships can be awarded, particularly if they are in the national interest.

If one were to really examine a number of areas in this country one would see that there are still a number of areas to which attention has to be paid. Within the last couple of weeks this country experienced very heavy rainfall and as a result of this heavy rainfall we immediately saw the danger to which this country can be subjected if proper planning as far as roads and as far as drainage is not done, and this is something which I am sure concerns everybody in this country because one would not like to have a situation where the flooding could reach an extent where people would have to evacuate houses, where houses are washed away and where people's property is damaged very seriously. I would therefore like to submit, Mr. Deputy Speaker, that the question of providing training under this scheme for engineers who can really when they gain the knowledge come back and work in this country and assist in solving this important problem, the question of road building and the whole engineering connected with that aspect of our life. Added to that would be the provision of training of people who can really bring to bear their knowledge and expertise on the question of drainage, because these are two very crucial areas in our lives, and even although we are now subjected to heavy rainfall all year round nevertheless when it does come we can see the kind of danger and the problem which this country is faced with, and I would hope that this scheme would be used for training people at a high level of professionalism and a high level of technical knowledge to overcome this particular area.

Mr. Deputy Speaker, there is another area I would like to mention, because again I consider that it is of tremendous importance. Under the National Development Scholarship scheme a number of people have had an opportunity to go abroad to be trained as Accountants. Again this is an area where there was a tremendous shortage. 1.30 p.m.

I would hope that this programme can be stepped up even more because what has really come out is that there is a tremendous shortage of skilled and competent accountants in the Public Service and, indeed, in the country as a whole. I think this is a very important area and, therefore, some attention should be given to it because we would want to overcome this difficulty as quickly as possible.

The other area, Mr. Deputy Speaker, which can be identified is in the area of industrial relations, and this relates, in particular, to the crucial Government Department which plays a very important role in the area of industrial

relations in this country. One is appalled at the scandalously low level of expertise which is found in the Department of Labour. This comes up ever so often whensoever people, who are involved in an industrial relation situation, go to the Department of Labour.

This, I consider, to be an area of national concern because, after all, the Department of Labour can make a very important contribution to a stable industrial relations situation, if they have people who are skilled and can clearly distinguish the wood from the trees in any industrial situation. This can go a far way in preserving the healthy industrial relations climate in this country. I believe that one of the things in which we have prided ourselves over the years is the fact that we have a, relatively speaking, stable industrial relations climate in Barbados. I, therefore, hope that some attention will be paid to this area with a view to up-grading the level of expertise which is available to the Department of Labour.

The other area of concern, Mr. Deputy Speaker, is in the provision of medical services in the area of doctors and dentists. In spite of the number of people we have overseas undergoing training as doctors it will still be necessary to step up training in this particular area, because when we look at the two areas of doctors and dentists we can see that there is a shortage. Mr. Deputy Speaker, I am sure you are aware of the fact that for several years we have been unable to attract a doctor to work in St. Lucy. We felt that, with the number of doctors we have available in the country, we would, at least, have been able to attract one to work in this particular area. I think that the Government should be able to step up the number of scholarships which are awarded to people in this particular area.

In the area of teaching, it is true that there are a number of Training Schemes and Training Programmes going, but I would like to see more attention being paid and more opportunities being provided for teachers in the remedial area. There is no doubt that a lot of work has to be done in this particular area. It is an area of remedial teaching. Again, I would hope that the National Development Scholarships Scheme would be used as an avenue for providing help in this area for the country because it is something which is considered important. It has a lot to do with our children who will be the future citizens of this country. If we are concerned with this question of nation-building and the development of the nation, then we have to be concerned with these areas.

Now, there have been complaints about a number of people who have taken scholarships, gone overseas and undertaken training at Government's expense, and have not returned to this country. This clearly demonstrates a lack of commitment and indeed, displays a high level of dishonesty in those persons concerned. I would hope that, with the provision of these opportunities, people would become more committed towards their country and realise that through the Scheme opportunities would be given to them which they would not have had otherwise and, therefore, they have a duty to return to this country. I would also hope that the Government would implement even more stringent means and measures to get scholars, who have gone overseas and trained at the taxpayers' expense, to return to this country. If they refuse to do so Government should impose some very stiff penalties.

I understand, for example, that Trinidad also had this problem, and the Government, among other things, had to implement a scheme so that as soon as such people arrive at the Airport a list was placed there. They were immediately confronted and they had to make some kind of arrangement before they could leave the country. It is not fair, Mr. Deputy Speaker, I am submitting, for the country to make this kind of financial sacrifice and then allow people to escape, as it were, and take their talents which would have been developed at the expense of the taxpayers of this country and give them to a country which can better afford to train people in areas that we are so short in.

Mr. Deputy Speaker, I would really hope that some attention would be paid to the areas which I have outlined because, in the final analysis, they all relate to what we are talking about and the development of our nation. This is something I consider to be very important, and it is something which all of us should be aiming to achieve.

Mr. BOLDEN: Mr. Deputy Speaker, the Minister of Education seems to be having some row with himself or his Cabinet. I have said before that I heard a former member for St. Joseph, Mr. Lloyd Smith, say that there are lawyers and awyers. I do not know in which category the present Minister of Education falls.

Hon. F. G. SMITH: Make a speech and do not talk nonsense! I am a lawyer, and there is no argument about that.

Mr. DEPUTY SPEAKER: Will the Hon. Minister control his passion and himself! Let us have some order, please.

Mr. BOLDEN: This is how they behave when they find that they have run up against somebody who can tackle them. Now, the hon. member is putting up a defence before he puts his case. That is why I referred to the term lawyers and awyers. You put your case first, and when you are tackled you put your defence. He cannot stand this.

Mr. DEPUTY SPEAKER: Let us hear something about scholarships.

Mr. BOLDEN: I am dealing with scholarships, Mr. Deputy Speaker. Do not rush me, please.

Mr. DEPUTY SPEAKER: I am not rushing the hon. member. The hon. member need not shout at the Chair because I can hear.

Mr. BOLDEN: Mr. Deputy Speaker, I apologise for shouting, but do not interrupt me. Let me develop what I am saying. If there is a fight or a conflict between the present Minister and the last Minister, then let him remember that when you have a Cabinet Government like this each and every man is responsible for the act of the other. When he comes here today and talks about a draft and points out that the people of this country do not understand the meaning of a draft, he is saying to the last Minister of Education: "You made these Rules, brother, and I am nothing to do with them. Leave me out. I do not agree with you." That is what he is trying to tell the public today.

You will remember two weeks ago in this Chamber he got up and said he was looking at a scheme whereby those who were able to pay for secondary education will pay in order to give the others school meals. The Hon. Minister of Labour sat down and said: "I am not in that. Leave me out!"

1.40 p.m.

Let him come inside and answer. He said that the Draft went out to find out what the teachers wanted. Is he responsible for the draft or not? If he is not responsible for the draft, he knows he should forthwith withdraw it and prepare his own. Who is making policy in this country now? He should not tell us that he gave instructions for the teachers to look at it and see what they wanted and then he would look at it; he either accepts what is going on in the Ministry or he does not accept it, which means that he is shirking his responsibility. If he is saying that the previous Minister of Education had done things with which he did not agree, he should find other means of doing it; but he should not come in

here and tell us that the people in Barbados do not understand what is a draft. It irks me when he says somebody reads this and then says so and so. That is Government policy decided by Government and executed by the Minister of Education, and if he does not agree with it, let him say so now. But as he goes along he is making his decisions on education which in my opinion differ considerably from the last Minister of Education. The hon. member should talk with the intelligence of a lawyer, but when he talks in here he talks like an "awyer"; so when he tells me to get up and talk I will talk. Look at the Regulations you have put up.

Mr. Deputy Speaker, in the Queen's Speech which opened this Session of Parliament the emphasis was on agriculture and agricultural development. I believe I know nothing about education, but I believe that the Exhibitions are going to be the highest grants which you are going to get from Government; this takes over what was called the Barbados Scholarship. But look at it! There shall be awarded annually on the basis of the University Entrance Examination five exhibitions to the University, of which three shall be open to male and female candidates in any field of study; one shall be open to male and female candidates in agriculture; and one shall be open to male and female candidates in engineering. Where is the new emphasis? We are still prepared to train the B.As and the B.Sc.s, people who have degrees and can only sit down under the mango tree and recite Plato, Socrates and the like. The "awyers" on that side still do not understand the meaning of the word "shall". (*Interruptions*)

Mr. DEPUTY SPEAKER: Let us have some order, please. Every member has a right to speak.

Mr. BOLDEN: They cannot keep quiet now. (*Asides*)

Mr. DEPUTY SPEAKER rose.

Mr. DEPUTY SPEAKER: Let us have a bit of order. The hon. member has his way of putting things, so when you get up you can put it your way. (*Asides*) I do not need any help. If there is any bad behaviour somebody is going outside today.

Mr. BOLDEN: I am going to make sure you are not going to send me out today. I heard the hon. member for St. Lucy say that we should have some ways and means of making scholars return to Barbados. Why doesn't he check with the Public Service Commission and see what happens? You come back here with a B.Sc. in

engineering and they send you to the Courts to write up the bastardy orders, or they send you to a Department not connected with what you have studied. The point about it is that those on that side are afraid of discussing the problems facing this country on agriculture. This is the reason why we have got a conflict between the former Minister of Education and the present Minister of Education, because each man has his own thoughts. There is no unified policy among them over there.

Mr. Deputy Speaker, if you are talking about changing the development pattern in Barbados you have got to start from the educational level. You have got to let people know that the maximum number of exhibitions, bursaries or whatever you are going to give are in a particular topic if you want to develop your region. For too long have the Caribbean Islands been producing non-effective degree holders. That is the system we are faced with. You go to Town Planning Department and you hear that somebody has a B.A. in Sociology, so he is working with that Department; somebody else has a B.A. degree in something and he is working in a technical department, but if you telephone either one of these B.A. holders and ask a simple question about the department in which they work, you cannot get an answer which makes any kind of sense at all.

If the Government talks about agricultural development, its primary aim should be to train people in agriculture. You should be men enough to face up to it and say that the days of the B.As and B.Sc.s. are out, you have enough of them. I remember an occasion — and it is still happening today — where a person applied for a Government scholarship to do law, but he was refused on the grounds that there were too many lawyers; but that person can still qualify as a B.A.; so all you are doing is creating facilities for somebody to get an added increment to his salary without being reasonably effective in a society like ours. That is why I say the present Minister of Education must have his problems; but he must face them differently. He must not come in here and say that the public is wrong when it comes to a decision based on information released from his Ministry. He must be honest enough to say that that was the policy, but that this is the new policy. He must not seek to tell people that when a draft is sent out that it only means something for discussion. A draft has to be based on some foundation and the foundation in my humble opinion has to be the policy decided on by the Government. If after you find out what the people decide you want to change your policy, you can do that, but you cannot criticise

the public for commenting on something which you have instituted.

Let me get back to the hon. member for St. Lucy. When the Government sent out a draft Bill dealing with the Port under the Essential Services Act, the Union kicked up about it. Was that a policy of Government? Does it not show that the Government really has a policy which is as flexible as twine?
1.50 p.m.

That is what it is, so when you talk about a draft and the public does not understand a draft, a draft could only come about based upon the policy of the person who is sending out the draft, and that is the Government.

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I really did not intend speaking on this Item but I would just like to clarify one or two issues as I have heard them. First of all, let me deal with the matter that is before us, and the hon. member for St. Joseph did quote from clause 10 of the amendment which is before us.

Let me say first of all that I have no quarrel with any of my colleagues, I have no quarrel with the present Minister of Education, he has to the best of my knowledge no quarrel with me, he has said so publicly on a number of occasions, and I would like to make this clear, that contrary to what the hon. member for St. Joseph has been saying this Government has a policy that is enunciated in various places and in various documents setting out the programmes which the Government seeks to introduce and to implement, and that is the policy which we have been working on. All of us as Ministers follow a policy that is set out either in our Manifesto or in the speeches from the Throne or in other important policy documents. The Education Act was something promised by this Government and the regulations under the Act flow from that particular promise, and when draft regulations are sent out they are essentially what they say, drafts for the comment of interested persons, and the comments made by the interested persons and bodies are then taken into account and assessed and analysed to see whether any amendments would be required in the draft that has been sent out.

This is the essence of democracy. If we did not wish that particular policy to be pursued, and if we did not wish the comments of interested persons, the draft would not have been sent out, and this means that when you send out a draft you do not have a closed mind on the issues, and particularly in a case where there is a new

Minister taking over the portfolio, obviously he would have different emphases and input to make in the particular matters for which he has competence. Therefore when a draft is sent out persons and bodies can make comments on that draft and they will naturally be taken into account. If somebody believes that "shall" should be used instead of "may" or that a particular matter should not be dealt with in a particular way, those observations and comments are forwarded in the manner determined and are then taken into account and analysed by the Ministry, and a decision made thereon.

I really am not getting into that particular issue at all, but as far as clause 10 is concerned I think on this side we all agree that agriculture is a very important sector of high priority in the affairs of this country, but I think we have to retain a balance when we come to our interpretation. I have not been blessed with the training of an Attorney-at-law, or should I say blessed or cursed, with that particular discipline and training, but I have before me as all hon. members — and I am certain you have, Mr. Deputy Speaker — the relevant clause and I will read it: "There shall be awarded annually on the basis of university entrance examination five exhibitions to the university of which —

- (a) three shall be open to male and female candidates in any field of study."

This means that agriculture is or can be included in those three exhibitions that are offered, so all three could be in the field of agriculture.

Mr. MOTTLEY: On a point of order, Sir, is the hon. member right in going into detail at this stage?

Mr. DEPUTY SPEAKER: He is making a point.

Hon. L. E. SANDIFORD: The point I am making is that the three open exhibitions can be in any field, so that if the university authorities recommend that those three scholarships should go to people who opt for agriculture then they would be awarded in that field on the recommendation of the University of the West Indies. Then in addition to that, not only are they eligible under this open clause, but then agriculture is put together with engineering in a special position.

Mr. MOTTLEY: On a point of order, Sir, the Minister said that the university will recommend people for scholarships based on the examination. Let the Minister indicate whether

there will be examinations in agriculture so that the university will be in a position to recommend based on an agricultural examination.

Hon. L. E. SANDIFORD: Three of the scholarships are open scholarships which can be awarded in any field including agriculture. Then engineering and agriculture itself are put in special positions, so that one of the five scholarships shall be in agriculture, so that agriculture has a special place. So far from arguing that this particular piece of legislation does not make provision for agriculture it places agriculture in a special position because the open scholarships can be awarded in the field of agriculture and then agriculture has a special scholarship of its own allocated.

I do not wish to speak any longer on this particular matter, Mr. Deputy Speaker, I have concluded.

SUSPENSION OF SITTING

Mr. DEPUTY SPEAKER: As the clock on the wall shows 2 o'clock this sitting is now suspended automatically until 2.45 p.m. 2.00 p.m.

On Resumption —

Mr. DEPUTY SPEAKER: The sitting is resumed. There are no questions. We will deal with Private Members' Business.

PRIVATE MEMBERS' BUSINESS

Mr. BOLDEN: Mr. Deputy Speaker, we have no Private Members' Business today.

GOVERNMENT BUSINESS

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

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

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

Mr. DEPUTY SPEAKER: When the sitting was suspended the Hon. Minister of Health had concluded his speech on Item No.6. The Minister of Education did indicate that he would....

Hon. F. G. SMITH: Mr. Deputy Speaker,....

Mr. DEPUTY SPEAKER: Just a minute.

Mr. FORDE rose.

Mr. DEPUTY SPEAKER: The Hon. Minister has given way.

Mr. BOLDEN: Mr. Deputy Speaker, the Minister has not given way. The member is entitled to speak.

Mr. DEPUTY SPEAKER: Yes. He is entitled to speak

RESOLUTION RE SCHOLARSHIPS,
EXHIBITIONS AND BURSARIES
REGULATIONS, 1975

Mr. FORDE: Mr. Deputy Speaker, a lot of this debate has gone on on the construction to be placed on Section 10 of the Resolution which this House is being asked to approve. I do not want to enter into any argument on this Section. I wish, instead, to deal with one or two....
(Asides.)

Mr. DEPUTY SPEAKER: Let us have a little order, please!

Mr. FORDE: I want to get this Section out of the way. I think the point which the hon. member for St. Joseph was making is simply that under Section 10 of the Regulations it is only obligatory on the Minister to award one scholarship in agriculture and one in engineering, and that the other scholarships may be awarded in any other subject at all. What the hon. member was saying is that if the Act says "is on agriculture" he would have wished to have seen some greater indication in the Resolutions concerning the need to appoint people under the agricultural field. He is very strongly reminded, Mr. Deputy Speaker, of the fact that since the National Development Scholarships were being operated in the last five years none of these scholarships have gone in the field of agriculture other than, I think, in this year, 1975, and it is intended that one of the scholarships may be in one of six fields in which agriculture or animal science is one. It is correct that four scholarships have so far been awarded in the field of veterinary science. I think it is reasonable for the hon. member to address this Chamber and urge that there should be a reorientation in the approach of the Government in the field of agriculture.

Let us go on to the question of the Minister's statement. I myself am very perturbed over the Minister's statement which is to the effect that the Regulations which have come out of his Department — not that there are drafts, but they do not represent his policy on the view

of what Regulations should operate scholarships or entrance at secondary level. I think the Minister must get a few things clear. I do not see how it could be possible for Draft Regulations to leave the Ministry and be sent for circulation to members of the public — even though it may be a selected class of members of the public — unless it had some fiat from the Minister himself. What I think the Minister would be more correct in stating is that it may not be the final policy of the Ministry on this view, but is the current thinking of the Ministry which is put up for discussion and final decision.

I believe that the criticism, therefore, which the hon. member for St. Joseph levied is justified on that ground. The Minister may say that this was more in the nature of a Green Paper than in the nature of a Black Paper. It is not that I am against the term White, but in this era in this country I think people would more or less prefer that term. I also believe that the Minister cannot say that there has not been some policy decision in his Department, otherwise it would mean that civil servants can send out any sort of document that the Minister did not have a peep at, his Parliamentary Secretary has not looked at, they have no views on the idea, and this is supposed to go as representing Government's own thinking on the matter.

I myself am perturbed about what I see in some of the Regulations. I believe that there should be the widest possible consultation on the Regulations and, if possible, we should try to get the best system which would ensure that the greatest number of our children — not a few selected ones — have an equal opportunity to move on to get the type of education that their abilities can best make use of.

I, unfortunately, was not here when the House dealt with the Education Bill, so that every opportunity I get to talk I have to put in some of the views which I hold on these matters. I want, for historical reasons, to state that I belong to the school of those who find it contradictory that a Government that professes nationalism should wish to do away with the term Barbados Scholarship. Some people must have an inferiority complex about the concept of the Barbados Scholarship, if they want to do away with it because its terms before were such and its numbers were such that only a few people obtained the Barbados Scholarship.

Now, I would agree if the Government's case on this matter was that it is necessary to widen or increase the number of scholarships and to widen the terms of awards so that we will be awarding scholarships towards national

development goals in the context of our needs and our aptitudes at the particular time. The term Barbados Scholarship has always had a special pride for Barbadians — not for Englishmen, not for Americans, but in the context of Barbados. It seems to me a little topsyturvy thinking to do away with that term merely because it was a restricted number of scholarships before and to bring in a new term to satisfy something. What?

On the other hand, we persist in keeping the monument of Nelson, subject to the nation's amendments to that figure, at the head of Broad Street, and we cannot think it necessary to have as the national monument, or the national hero, Sir Grantley Adam's figure, or even Sir Conrad Reeves. Dr. O'Neal, or preferably Bussa who started it all a long time ago. I think the Government is really not being consistent in its thinking. I support the silent members of Cabinet who were in favour of this. I believe that our point of view was the better one. I was not in the Cabinet, but I believe that our point of view was the better one on this on logic, on nationalism, on national pride, and on a rationalisation of the position. I urge on the Government not to get the idea that national development is something great. The name Barbados Scholarship is a hallowed name. It has a special place for this country. In fact, there are many Barbados scholars who have not only made outstanding names for Barbados, but have made outstanding names in the international sphere.

Wherever you went in the field of education throughout the whole Caribbean and throughout the world as a whole you will always hear people refer to the Barbados Scholarship and to some extent the Island Scholarship, just as we had the Bovell Scholarship in agriculture. I think that is a retrograde step. There may be a few people who think that because the former Minister of Education, the Speaker, myself, the Deputy President of the Senate and the Leader of the Opposition and others were all Barbados Scholars that we have a vested interest in this matter. Let me say right away that my interest is not simply because I was fortunate enough to win a Barbados Scholarship. My interest is that this is something which is a national designation, and there is no reason why, if it has been hallowed with a hundred years almost of history, we should reverse the trend and adopt a different title.

2.55 p.m.

I think the Government has been misled on this and I hope that the Minister will in due course add his strong recommendation on the

amount, and Government has no reason to be afraid of public opinion on this score. These matters if explained in my view would have got the plaudits of public opinion. I agree with the sentiment that the conditions of award should have been changed. These regulations and Section 68 of the Act seek to do this, and to this extent it is an improvement in the former conditions of award. I would go so far and say I agree that those scholars should be bonded if necessary to come back and make some contribution to national development in Barbados, and I agree a bit further that even those scholars who want to take subjects of their own choice should also be told that they have to look at fields that are available at the time for them to study having regard to the needs of Barbados; but that is substance. Those things could have been done and yet we could have retained the name "Barbados Scholar".

Now I want to make it quite clear that in the education of this country we must be careful about a few things; we must be careful that we do not throw out the babies with the bath water, and I am really serious about that. When we are going for a change, let us get a change that is going to make a contribution. We cannot believe that merely change for change seek in all circumstances is necessarily good. It is true to say that despite all the arguments I have heard that the educational system in Barbados has been built up over a period of time, and we are not going to change it in one swell swoop. I counsel the Minister about this seriously; we cannot change it in two or three years. We have not got all the resources to do it and in any event within two or three years it is not possible.

I agree with him that I have made a speech in this House, as you will recall, Mr. Deputy Speaker, saying that we should have greater accent on primary education, and to the extent that he has now found it possible to adopt the recommended policy of the Barbados Labour Party, but I will remind him that I think his predecessor in office also said that Government has seriously to look at this aspect of education in view of the national needs that were coming. In other words I do not believe that when it comes to orienting our accents at a particular time that the party in power is doing any more than any Minister of Education from this side of the House would have done, and a lot of the rancour on this seems to be a rancour based around personalities. I am not getting into the personalities of it, Sir. I counsel the Minister that the private sector in education will continue to play a role in the education of Barbados, for the simple reason that it has been traditional and in-

stilled in Barbadians, and for a better reason than that, the economic resources do not allow Government to take over private education at all its levels even if it wanted to do so right away. That is a fact one must face. We have to work towards it. It is the ideal solution for the country, but I honestly cannot see Government going all out and saying they are going to take over all nursery education. Do you know why, Mr. Deputy Speaker? I should take a different angle. Special education, one of the most expensive aspects of education, and yet I cannot see the Government carrying out its obligation towards that. These are the realities we have to face; so rather than my seeing a good deal of rancour about where we go from here, I would welcome the widest area of consultation at all levels of Governmental and private bodies to ensure that the best thoughts come forward, because we cannot afford the luxury of making mistakes in our educational field.

I hope that I have said enough to put our position clear on this. I must say that despite the exchange of words that occasionally occur in Parliament that the hon. members on the other side must give to the hon. member for St. Joseph that he has been consistent in advocating a greater emphasis on agriculture and agricultural science in the curriculum of the schools in Barbados. I have listened to him four years in the House and I have read debates and he has consistently advocated this. It is a matter on which he feels very strongly and I think quite rightly so in the context of the Caribbean he should think this way. Indeed I will say that whereas both political parties speak of agricultural diversification, I think it is truer to say of the Barbados Labour Party that it has been the strong plank of our policy. Certainly since I knew the Barbados Labour Party in 1966, agriculture is pre-eminent in our thinking at all levels of our national development, and for this reason if the Minister assures us he is going to put a lot of accent on scholarships in agriculture in future, I welcome that.

Let me make a plea for some other fields. I would like to see, for instance, in the field of banking, in the field of insurance, in the field of actuarial science that we do orient some of our national development scholars, formerly Barbados Scholars, to think along these lines as well. I think we are probably reaching the stage where we are saturated with economists; some people seem to think we are saturated with lawyers; I believe we are saturated in many other fields of the arts, but it is within the field of business management and all of the allied techniques that

we need more and more to have a look at where we are going. Since the hon. member for St. Lucy has now joined the Chamber, I will end by supporting a plea that he has made. In the field of industrial relations it is still true to say that we need at Governmental level, particularly in the Ministry of Labour, to have people who are much better trained than we have had in the past, and I hope that that will be one of the spheres on which we will see some emphasis being placed under the new Minister of Education — new only to the extent that he is new to the field of education as a Minister. I believe that his family has had a lot of connection with the educational field. As a matter of fact, Mr. Deputy Speaker, it is timely for me to say that one of the most outstanding headmasters in the secondary field in Barbados has been a very close relative — the late Mr. Waterman — of the hon. member for St. Michael South Central, and no one speaks other than with great reverence about the outstanding work wrought by his late father and by his brothers and sisters in this field. So I do not mean he is new in the field of education or that he has not been surrounded by educational matters, but I think he has available to him quite a lot of expertise on a familiar scale in the Ministry in the presence of the past Minister, and he is now doing a tremendous public relations job for the Government. This is his expertise. He has made more speeches since he has become Minister of Education than the past Minister of Education probably made in his time, but I would not want to comment on whether they are better in content than in length, but the point is that he is making them in the field of public relations and he is softening up the teachers. I know his technique very well; he is outstanding in his field. So far he has not put his foot wrong, but I want to know as well that although he is making the right step in public relations that he will keep us on the correct course in terms of substance.

Mr. BOLDEN: On a point of privilege, before the Minister replies, Mr. Deputy Speaker, we have always had problems in this Chamber over ventilation. There seems to be only one unit working and everybody is perspiring, and I find that Tuesday after Tuesday we leave this Chamber to end up with colds the next day.
3.05 p.m.

On a point of privilege, Mr. Deputy Speaker, we have always had problems in this Chamber with ventilation. There seems to be only one unit working, everybody is perspiring, and I find that Tuesday after Tuesday we leave this Chamber to end up with colds the next day. I believe you will have to give some positive ruling that these air conditioners be put on the

day before, or open the windows and let us get some air, because I cannot go on in this state perspiring as I am.

Mr. DEPUTY SPEAKER: I will have that rectified.

Hon. F. G. SMITH: Mr. Deputy Speaker, I shall not be very long. My main quarrel with the member for St. Joseph is that on a resolution attacking me or even referring to me disparagingly is not advancing the cause of education or even the resolution. Even although it is done in a friendly banter people do not know the relationship which exists between the two of us, will feel that it is an attack on me, therefore I am asking him in circumstances like that to avoid that sort of starting out on a resolution.

With these regulations there can be no argument and as my colleague, the former Minister, has said, and I have gone on record as saying that he has made an outstanding contribution to education in Barbados. The only problem he had that I will have is that everybody in Barbados is an authority on education. Every parent is, every journalist is, every citizen is, and therefore when you operate in an intelligent and literate community like Barbados every action of yours is scrutinised, because somebody has an interest from a parental point of view or from the point of view of an intelligent citizen taking an interest in his community. That is the main problem we have, that whatever we do vast sections of the community, either because their children are involved or parents are involved, but in some form or other they are extremely critical of what action we take, and that is the problem we have in Barbados.

When your mind is clear you get accused of all things. As I have said before, the civil servants were working, there were a lot of regulations to be drafted, the Act was passed or assented to on 8th August, 1975. In an endeavour to get the regulations which are really the vital part of the Act working I have just taken up the Ministry, I was meeting heads of departments to find out what were their problems and how we could solve them. Rather than going through this, I could not have a policy myself personally, because I have just gone into the Ministry, so rather than delay the carrying out of regulations or the discussion of the regulations, I assumed that the civil servants had gone through them, I did not even assume that the Minister had gone through them — he may or may not have — but it is a useless exercise for me to sit down, take those regulations, cut out what I then would have had to formulate as policy in minor terms,

because this is not a policy for education, this is only certain aspects of education, so I said rather than have two bites at the cherry I would sit down and discuss it with the bodies along with my civil servants, I told them to send it out as a basis for discussion, so that it saves me sitting down amending, then for them to send in their comments, to sit down then with them and we arrive at what is the policy. They are not making policy for me, I am going to have the broadest consensus, but I want to hear their views because when I want these regulations working I want them to work.

I told the teachers in the early stages of meeting the unions not to come to me with any amendment to the Act, the Act has to work. After it has been working and we find that there are areas which are not working then we can amend, but that Education Act has to work. So when I am accused, or the Government is accused, of running discrimination in areas or doing things when in all innocence you are trying to expedite the working of an Act which has been promised as my colleague said for twelve years, and then you get accused of making a draft policy, the intention is not to impose but to start something as a basis for discussion. The public cannot be the repository of all wisdom, I think I am as qualified as anybody in Barbados to be a Minister of Education academically and otherwise, and above all I think I am capable of listening to the people involved in education and making a decision in the context of Government's policy for education. That is all it is about, so when I hear all this talk as if I am criticising my colleague of laying down a policy for education, it is not that in these regulations, and that is why I wanted to clear the air, not because the Opposition had said anything but I had read where the Government was discriminating against this person and that they were robbing people of this, that and the other. It was necessary, I think, that I should let the Public know that the main purpose of the regulations was as a basis for discussion giving me time as Minister, having just taken up the Ministry, along with the Cabinet to work out what is the policy. These draft regulations have not been to Cabinet, because that is not how we work.

If an Act is passed, and I think I should tell you the procedure, giving a Minister power the Minister sets about drafting them in consultation with the Legal Department. He then as in this case sends them to organisations, whatever the organisations, he gets their comments which then allow us to modify what we intend, and then it is sent to the Attorney General for final vetting and then it has to go to Cabinet for approval before it

is laid here. So Cabinet has not seen these regulations and it is not fair to say that these regulations are Cabinet policy because they are not. The Ministry itself, not laymen – and this is another thing you will know in Barbados, that no Department in this Government has a lawyer in it except the Attorney General's Department, so that nine-tenths of the regulations are drafted by laymen in consultation with some legal draftsman from the Attorney General's Department.

When you know and have been in Government for all these months and years you then realise that the people outside who do not know the workings of the Government would jump to the conclusion that this is Government policy. Cabinet has not seen them, Cabinet will see them in due course when we finish our discussions, I have made my decision whether I have accepted what they suggested, then Cabinet will either support me or not. Then is the time when it becomes Cabinet policy and then when in truth and in fact it becomes the policy of the Government, because the Minister's policy is not Government policy. The Minister works within a general context of what Government wants.

The member for St. Joseph referred to the old dead horse that I said I was going to impose fees to feed somebody. If he had read the report in the Advocate the morning after he got in here trying to say that I said it he would see that he was not supported by the paper, so we need not go into that because the paper did not report my saying so at all, and again I categorically deny that I had said that I am going to impose fees. I am concerned not with revolutionising education, it has always been my concern during my political career to make a contribution to my country in whatever field is created. If tomorrow I am put as Minister of dog catching I will try and catch the stray dogs. To me it would not make any difference, because to me being a Minister in any Government and in the Barbados Government I look on as an opportunity to serve my country, so I have not come into the Ministry to show up anybody. I have my own ideas as an intelligent, educated Barbadian. As the hon. member for Christ Church West has said, I have in my family a long tradition of teachers and other persons.

The regulations are not controversial. I shall look sympathetically on all areas where I think the country needs persons to assist. There has to be a limit to finance. Insurance, banking, actuarial science, definitely we need Barbadians but you have to find people interested in these areas, you cannot just give a scholarship. As you know, because of the historical development of

Barbados Barbadians will still be only interested in certain fields.

The member for St. Lucy mentioned other fields, too, the labour Department, Accountants and other areas, and I would like to assure him that I had a discussion with the President of the Association of Chartered Accountants, the body that grants the degree of ACCA, and in the light of that new discussion we will look at the curriculum of the Community College in view of the new development that institution has set up to see if we cannot train people for a degree which is a halfway house between the full ACCA and I think it is called the AIS.

3.15 p.m.

The Institute has instituted a new degree half-way between the final A.C.C.A. to train accountants who can still go on and do the A.C.C.A. A lot of people seem to think that education is a static thing. Education is a constantly evolving, developing, discipline. What is relevant today, well intentioned, next week may not be relevant because the society is changing in concept, the society is changing in outlook, technology is developing, and all developing societies have to readjust their educational policy, not from day to day, but to meet the developmental needs of the community.

If a change comes around, it is not because you are out to destroy something which is sacred, but you endeavour to adapt and to adjust things. If education is not meeting the needs, developmental or otherwise, of the community it is a waste of taxpayers' money; therefore, constantly you have to keep your eyes out. You have to look at the question of manpower planning to know from day to day what you need, how many technicians are in any field you need, in order to adjust things. If you see adjustments in the educational policy, from time to time, it is just an attempt by the Government and not me – everything has to be done with the approval of the Government – to meet the developmental needs of Barbados as discovered either through manpower planning, or by us who know what Barbadians need and ought to have.

I shall not get in the argument with the member for Christ Church West and the Barbados Scholarship. That is a *fait accompli*; it is finished. I can assure him I will look at the matter. I was not a Barbados scholar, and I have never seen my name on the board at Harrison College. Be that as it may, I can see the idea if we could remove the snobbery which formerly existed and can find either that name, or a suitable name, and it is something that I would not reject for all time.

This is a matter which I would take a look at in due course. I think I can see, from time to time, you may need a descriptive name to indicate the best scholars.

I would like at this point, dealing with these Regulations, to say that I was more than delighted to know that, on my predecessor being transferred to the Ministry of Health, Barbados received some of the best results in the Barbados Scholarships and exhibitions for a very, very long time. In all the criticisms you have heard, to me, this is a tribute to his tenacity and his dedication to that particular Ministry. I am very glad to know that this was a gift to him, as it were, quite unknowingly that the students for whom he had this responsibility would have done so remarkably well on the eve of his transfer to another Ministry. Of course, you would not hear about that, but you would hear about other things because Barbados is a society where people like to tear you down and never put you up. Therefore, I would like to go on record as saying how very happy I was that he could look back, at least temporarily, on this achievement in the secondary schools as one of the final contributions to his satisfaction that he has made an outstanding contribution to the cause of education in this Island.

I am not perturbed because I know why I sent them out. We know that they were sent out in all sincerity. Like the member for Christ Church West, I am not perturbed. I am just saying that I am unhappy to think that it was misunderstood. Thank you very much, Mr. Deputy Speaker.

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

BILL TO AMEND AND CONSOLIDATE THE LAW RELATING TO MARRIAGE

Hon. C. E. TALMA: Mr. Deputy Speaker, the next Item is Item No. 4 standing in my name, and it is to move the Second Reading of a Bill to amend and consolidate the law relating to marriage. As the objects and reasons set out, this Bill is to amend and consolidate the law relating to marriage and make new provisions for the uniform age of 16 for marriages in Barbados. Now, this piece of legislation has been occupying the attention of various Ministries and mainly the Ministry of Home Affairs for quite a number of years, and within recent years the Ministry of Legal Affairs has been considering this new Marriage Bill. Eventually, this Bill was prepared in the Attorney-General's Chambers when the revision of the Laws of Barbados was being

undertaken, and it was referred to the Professors at the time who were seeing after the law revision and they had the opportunity of making their comments. It was then referred to the former Ministry of Home Affairs, the Chief Justice and the Registrar who were all invited to make their comments and they did so. The Bill we have before us today is as a result of the long years of consultations, negotiations, and seeking the advice, assistance and comments of various experts.

The new features of this Bill are along these lines: Marriage is prohibited between a man and a woman standing in the following relationships mentioned in the first column of the First Schedule. It means, in other words, that a man cannot marry his mother, daughter, father's mother, mother's mother, son's daughter, daughter's daughter, sister, father's sister, mother's sister, brother's daughter, sister's daughter. A woman, on the other hand, cannot marry her father, son, father's father, mother's father, son's son, daughter's son, brother father's brother, mother's brother, brother's son, sister's son. That is the First Schedule to which I have referred.

The second main feature deals with what I have already intimated. Marriage between persons under the age of 16 renders that marriage void and of no effect. This Bill also seeks to establish that only ministers of religion who wish to perform marriages must be duly appointed as marriage officers by the Ministry responsible for Legal Affairs under Part III of this Bill, and also buildings used as places of public, religious worship in which banns of marriage are published and marriages solemnized must be registered under this Act.

3.25 p.m.

Another of the features of this Marriage Bill is that at present applications for marriage licenses are made orally and only one party is required to make the declaration stipulated under the Act. Under section 25 of the Bill application for a marriage licence must be made on a prescribed form and signed by both of the persons intending to marry, and both parties must sign a statement to the effect that they know of no lawful impediment to their marriage. Another very important feature of this Marriage Bill relates to consent. The consent of one parent, guardian or other person into whose custody the child is committed is necessary, and not the consent of both parents.

There are provisions under the Act for making regulations by the Minister. This is a very lengthy Bill. It is divided into IX parts and

contains 49 sections. Part I deals with the interpretation, Part II relates to prohibited Marriages, Part III concerns Marriage Officers, Part IV relates to Registered Buildings, Part V deals with Preliminaries for Marriage, Part VI relates to Solemnization of Marriages, Part VII concerns Marriages in Extremis, Part VIII concerns Marriage Registers, Part IX relates to Miscellaneous matters. There have been many attempts in this Chamber to amend the Marriage Act and Bills have been introduced into Parliament by private members, but this Act consolidates marriages and consolidates the Marriage Act of 1904. These are some of the main features which the new Marriage Act contains, and I think it is a means of improving the present status as far as marriages are concerned in that it prohibits marriages under sixteen. That is one of the main features of this Bill.

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

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

Mr. FORDE: Mr. Deputy Speaker, the Leader of the Opposition introduced into this Parliament not so long ago a Bill to amend the Marriage Act to prohibit marriage between persons under the age of sixteen, and that Bill is due to come into effect on 1st January, 1976. It is obvious therefore that this bit of legislation, if it is passed by both Houses of Parliament prior to December 31, 1975, will make nugatory the amendment which the hon. member for St. Thomas moved. But I think we ought to record that the House is much indebted to him for having given the spur to the Government to hasten up and bring before Parliament a Bill which seeks to reform some of the archaic regulations governing the solemnization of marriage in Barbados.

The Marriage Act which I think became law some time in 1904 has long been ripe for review and for reformation. I am surprised that it has taken the Government this length of time to draft this Act since there should have been no difficulty in the Government finding a precedent both within the Caribbean Commonwealth and outside the Caribbean Commonwealth for legislation such as this. Let me say that the Bill as it stands does remove some areas of ambiguity which existed because of the 1904 provisions. It seeks now to deal with what effects, for instance, marrying within degrees of consanguinity and affinity will have on a marriage; and it seeks now by legislation to make only a certain set of marriages void, that is, those marriages where the

parties to the marriage are within certain degrees of consanguinity, and it seems no longer to make void marriages where they are within certain degrees of affinity. To this extent it is probably a forward looking Bill. It also sets out the system for registration of marriages, and to that extent it brings some degree of certainty about the marriage ceremony.

I reckon there are certain criteria one must use to say whether or not the marriage ceremony has been properly performed and to carry out the social policy in a monogamous society. These are, whether or not the marriage has taken place, whether there is a public proof and public records available, whether there has not been any deception by either of the parties, and whether there has not been any consent in the case of minors. I think if the Bill is subjected to these tests, it does pass these tests. There are certain criticisms however which I would like to level at this Bill, and to suggest to the Minister that it may still be appropriate despite the period of consultation that has already passed for him to consult further, certainly the Bar Association, on provisions of the Act, and also people at the University of the West Indies who are very much concerned with Family Law in the Caribbean.

Let me begin by saying first and foremost that this Bill is defective in the context of Barbados in that it fails to provide for a system of registration of common law marriages. I want to repeat it because I think it is important. The Bill is defective in that it does not face up to the outstanding social characteristic of Barbados and the Caribbean, the presence of the large number of common law unions which have existed down through the ages and have been founded on as great stability as religious marriages have been. Those of us who are conscious of the sociology of the Caribbean scene must not follow blindly the legal forms that one finds in other developed societies without asking ourselves for what are we providing and what are the social criteria governing our legislation. It is still true to say that about 70 per cent of the family relationships in the Caribbean are based on the union of two people who have lived as man and wife or man and woman, if you like, for all their lives, brought up their families, considered themselves married and have never gone into a Church or before a Minister to be married.

3.35 p.m.

I would remind this Hon. House that in the twelfth century it was not necessary to go through a religious form of marriage to be properly married. All that it was necessary to do was for the parties to exchange their consent for the present and it was not at all necessary to go

and get a priest to bind you together in holy wedlock. Now the Church in its ecclesiastical jurisdiction later assumed the power to control marriages and canon law rather than civil law took over, and from then we have had the forms of religious ceremonies and rites being placed on the union of a man and woman together. Unfortunately, or fortunately for us, our historical traditions have not kept up with the legal requirements of the marriage law, and I suggest to the Government seriously to give great consideration to allowing people who have lived together for a reasonable period of time as man and wife to register their union with their consent as a common law unregistered marriage, and certain benefits will accrue from this. The children of a common law union would be legitimated automatically and would have equal succession rights as do the legitimate children. Already we have made some tentative start in the field of the Succession Act in this regard, but I think we should not miss the opportunity in this legislation of taking this a step further.

If hon. members want some precedent for registration under customary laws and practices one should look at the Chinese in areas such as Singapore and Hong Kong and consider this, and I believe there are certain parts of Russia that this has happened. Why we must just take the English Marriage Act of 1949 and copy it slavishly without regard to the social characteristics of the Caribbean beats me, and I would have thought that any reformist Government who is conscious of our own identity and our national development and who wants to have something of course written that is peculiarly West Indian and Barbadian would have grasped this opportunity to deal with this. Obviously, no ideas, I wonder whether the people who formulate policy read enough, because they would see that this is one of the burning things that all the sociologists in the Caribbean are looking at and thinking about.

The other area in which I think this Bill falls down is that it fails to grapple with the concept of void and voidable marriages. In our Matrimonial Causes Act of 1935 there is a provision dealing with how you can get a declaration for a void marriage, but consistent thinking in the field of family law and social legislation has always been to bring all the provisions into the basic Marriage Act and to clarify them and simplify them and if possible to alleviate the consequences of void marriages for the children of a void marriage. To that extent I am very disappointed with the provision of section 46 of this Bill, Mr. Deputy Speaker. Although section 46 seeks to legitimate the children of certain void marriages the section

only applies where the father of the child is domiciled in Barbados at the time of birth or if he died before birth was so domiciled before his death. I am going to stop there.

I am told that this Government really loves women. I do not believe it, at least not in that way. I seriously do not believe it. How could Cabinet sit down and pass section 46 and say that your children of parents who solemnise a marriage and the marriage proves to be invalid, that those children are only legitimate if the father was a domiciled Barbadian at the time? If the mother on the other hand is a citizen of Barbados, all her connections are with Barbados, the Government is silent on that point, the child is cut off and he goes into the other category of illegitimate. Can we really be serious about women's rights in this country? This is another of the discriminatory provisions that I have unfortunately witness this House passing against women during the time I was in here. Now you say I have a hangup about women. Yes, Sir, I love them, I love them all, but it is not only on a personal level that I have this hangup, I am against legislation that discriminates against all women. Instead of Government passing section 46(2) Government should be moving to bring in provisions dealing with the question of domicile and giving to a woman her own domicile. That is proper reformation, that will be in keeping with our so-called commitment to United Nations resolutions to equalise the rights of women during this year. I give the Government an undertaking if at any time at all I ever form part of the Government of this country we will repeal this section and all other discriminatory provisions against the women of Barbados. I would resign from a Cabinet if it brings in this type of legislation and continue with this sort of discrimination against women. I cannot understand it, I am against discrimination on the grounds of colour, class, creed, anything of the sort, and on the grounds of sex in this respect. There is only one respect in which we should keep the little difference between us, Sir, and that is the biological one. Very nice and proper, but not in this respect.

I challenge the Hon. Leader of the House to let this Bill go to a Select Committee so that we can really put in some forward thinking legislation, make Barbados the really outstanding example of a country that legislates, having a broad look at the social characteristics of the region. There is a lot of thinking in the Opposition on these matters, you know. The public gets out there and believes that the Opposition cannot run this country. I reckon that there are several members of the Opposition that could lead the Government, run the country

better than the Government today with more ideas and much more progressively than a lot in the Government, and the people had better recognise it, because I cannot understand how Government persists in this type of legislation, come in here day after day, already today I have cited two examples of discrimination, and all I get is silence, nobody notices, they have 18 so they are not worried about it. They are either not receptive to ideas that have come in within their own party or I do not know what, they are tired, and I cannot allow this thing to go through, Sir. I must ask the Leader of the House, otherwise I am going to vote against section 46 in Committee, after we have debated this in the full House to take time off to get further instructions on this point.

That is only one section which discriminates against women. I want to turn to Consents of parents. We have lowered the voting age in this House and it is a good thing. We have allowed people to become men and women at 18, we are now making children get the consent of their parents between 16 and 18 to get married, what for? The age of 16 is the legal age at which you can get married, we say, you are ripe for marriage but if you want to get married you have to ask your father and mother to allow you to get married. Are hon. members aware that in that great country, Scotland, it has not been necessary for a child to get the consent of its parents to get married between the ages of 16 and 18?

3.45 p.m.

It has been proven in Scotland that, despite the fact that some young people make up their minds and marry between 16 and 18, they do not do it only in circumstances of 'shot-gun marriages'. I believe, Mr. Deputy Speaker, you are a man of this world and you, like other members of this House including our distinguished lady member, understand the term 'shot-gun marriage'. That is the type of marriage where you have the gun at your head. The lady has become pregnant and the parents have suddenly become respectable. They will then consent to allow the girl to marry the boy. Prior to that they would have felt that the boy comes from nowhere, but if she does not get married it will bring shame on her face, to use a Barbadian expression, Mr. Deputy Speaker.

Now, Scotland has made all of that unnecessary. If the young people want to get married, we think that 16 is a proper age. Then why do they need consent? I have witnessed in the Courts of Law people who have objected to their daughters getting married (a) because they come to us, lawyers, and make us believe that the

boy is no good at all. That is a social, snobbish reason, and it is one which exists, and some of them object because they think their children have an economic investment. It has nothing to do with whether the young people are mature enough; nothing to do with whether the young people have the test of marriage stability in mind, and many of us who have practised law in this country will tell you that we have come across those type of cases and we have been forced to put the young people to expenses by taking them into the Law Courts in order to get the consent of the Judge to be married.

Now, I do not think that is right. We should try, if possible, to make it easier for mature people who want to enter into the marriage union freely to do so. If we consider the age of 16 as a proper age on biological and sociological grounds and in terms of development for people to get married, then I see no necessity to insist that they should go and get consent. When dealing with consent, under Section 32, there are certain provisions which says that if the parents are divorced the parent to whom custody is committed by order of the court is the one whose consent must be obtained, but the Act is deficient in that it makes no provision for circumstances where no custody order has been made, or no agreement has been reached between the two parents who have been divorced. Do you know why this is so? The people who have been drafting this Act took the English provision with all of its defects without looking to see where England had gone wrong. Now, I recommend to the Hon. Leader of the House that he should in Select Committee, or when he has had further opportunity to consider this, get his draftsman to look at that particular provision.

With regard to the returns of marriages, the Act has made proper provision for people who perform the marriage ceremony to give a return to the Registrar, I believe, within 10 days of the marriage ceremony having been performed. The reason for this is that people other than the two people involved in the marriage are concerned with a marriage ceremony. The public at large may be concerned; the rights of children are affected; the rights of people under wills are affected; it is a question that affects the status of the parties.

I have a strong complaint to make about certain ministers of religion, and certain people who perform marriage ceremonies at present in Barbados. It has come to my attention that many of them are quick to draw the fees, and a lot of them are slow to make the proper return to the Registry. I have had complaints made to me that

people asked for Certificates of Marriage to find out that no Certificates have been filed in the Registry within the statutory time allotted. I want to sound a warning to these people. There is a reason why Parliament passed legislation with a provision such as this. If people are going to the Registrar and seeking to be licensed, in this case now the Minister, as marriage officers, then they are accepting a duty to make a proper return of the marriage ceremony in which they have taken part. They should do this because there must be public certainty about the existence of a union. I call on the Minister to ensure that the people who are registered comply with the legislation, otherwise he must use the powers which we are giving him in Parliament to strike them off the register.

Another complaint I have, Mr. Deputy Speaker, is that I do not see the necessity to have registered buildings for marriages. We have now to license building places where marriages can be performed. For what? This is a bit of archaic thinking that it could only be performed in certain limited places. What is important is the certainty that the marriage has been performed and not where it has been performed. I myself do not dig that provision! Having said so, let me sound another warning. At present it is necessary that a marriage ceremony should be performed at certain licensed premises. Now, it is a fact that there are a lot of people who are using yachts and boats around here to go through mock ceremonies of marriages — big sport! In my view the marriage union is a serious social and religious commitment. Those of us who are interested in the stability of the family cannot condone making a mockery of marriage. We should not make a mockery of it. If we want to get a stable nation, then we have to encourage a stable family. Wherever I see people getting on yachts, particularly non-nationals, and every day dressing up as Ministers — they are not on the stage now, but they are making fun every day at this — it gives me cause for concern. I feel that the Government should make it quite clear that unless this is performed on a stage or something like that it should not be allowed. One of these days we are going to have some serious cases before the Law Courts about some woman who goes aboard a ship, thinks she is married and then finds out that she had in a couple of Barbadian white rums and the man was only a mock priest and had no licence from the Registrar. I am warning against that, Mr. Deputy Speaker.

The Act is also deficient in this sphere. The Act fails to deal with the effect of duress, insanity, and lack of consent in general and fraud on the marriage ceremony. One is left to fall

back on the common law which itself has a good deal of uncertainties in it. I would seriously ask the Government, if it is serious about reforming this law and have a proper law once and for all, to deal with the questions of duress, insanity, lack of consent as a whole, as well as fraud and misrepresentation on the marriage contract.

The other area I am surprised at is that the Government should have taken this opportunity to abolish the action for breach of promise of marriage and seduction. In these days to bring an action for breach of promise of marriage, one should be laughed out of court. Why should a woman want to sue for breach of promise of marriage if the man is no use, or, on the other hand, the woman is no use, and he does not want to marry her, or she does not want to marry him? We should not encourage that. It makes for a good deal of bitterness; it has the element of vindictiveness in it, and any progressive thinking in social legislation on family law is against this type of provision.

Likewise seduction other than for a young woman where the criminal law deals with that. I do not know that it is possible for anybody to seduce a man who is *compos mentis*. This is one respect in which men say that they are discriminated against. It seems that it is only a woman who can say that she has been seduced, but a man can never in law bring an action for seduction. Being consistent in my defence of men and women's rights, I would think that we want to abolish the laws of seduction. I know of many hon. members who would not mind being seduced. I would suspect that we would not want an action for seduction, we would want it abolished. That is being frivolous, but on a serious note, Mr. Deputy Speaker, there is no longer any case for continuing with an action of seduction and speaking about it as we do under Section 45 of this Bill.

3.55 p.m.

I hope I have spoken long enough but more importantly deeply enough and sensibly enough to convince the Government that this legislation has begun on the right step. Our complaint on the side of the Opposition, to put it in layman's language, is that it is not reformist enough. It does not grapple sufficiently with the sociological factors in the Caribbean and in Barbados in particular. It has missed the opportunity of bringing greater certainty to the law, and it has confused certain provisions in discriminating against women. To that extent what could have been a very good piece of legislation on the part of the Government is deficient and cannot get our wholehearted blessing unless we send it as it

is a non-partisan measure, we should hope, to a Select Committee for improvement as we so well did with the Succession Bill.

Mr. BOLDEN: Mr. Deputy Speaker, I must join with the hon. member in criticising the Government. I believe as the hon. member has said that the Government is certainly tired and forgetful. The hon. member who has just sat down referred to the question of registration of common law marriages. I believe it was up to 1948 that certain parts of Russia provided this facility whereby parties could register as having a common law marriage for various reasons in order not to create the stigma of illegitimacy. From the time I came to this Chamber I have been asking Government to adopt the shortened form of birth certificates and the most they have done is to amend the law to allow the father to sign the Register of Births which gives some authority that he is the father of the child. Now it shows what we on this side contend, that the "awyers" are on that side, while the lawyers are on this side. I refer to this bit of legislation to show that you have amended one section of the law to give the father the right to signify on the registration of birth that he is the father of the child, and therefore to remove the uncertainty as to paternity in a young child. Now that you have an opportunity of creating a register for common law marriages you have omitted that bit of legislation which ties in with a former piece of legislation which has passed through this House.

Now we come to this particular Act and I join with my learned friend that the Government has copied wholesale the Marriage Act of 1949, and I would like with your permission to read a statement by a judge in the Caribbean dealing with the defects that we in the Caribbean are faced with when we copy English law. This is dealing with the contempt of Court and this is what Mr. Justice Frazer said when he dealt with the appeal because of the mutiny in Trinidad. The Government had copied the Defence Act wholesale from Britain which was 100 years old and did not take into account the changing pattern as the years went by, and found themselves in difficulty. This is what he said, a good piece of advice which I think the Government should adopt.

Mr. Justice Frazer emphasised the caution which the legislature should exercise in adopting from the United Kingdom or other sources statutory provisions which are carefully fashioned during the passage of centuries by a process of trial and error.

Now what that means is this: Britain draft their laws and amend from time to time based on

the errors which have been thrown up by the law. We do not go back to the decisions of the courts to see whether the legislation was good or not; we just look at the Act and copy it therefore importing into our system the same errors which were thrown up by a law which they have discarded. That is what is happening in this country today. Let us look at Section 28, Mr. Deputy Speaker, and I want to be down to earth. Barbados at the moment is enjoying a lucrative marriage market not only between tourists themselves who come to Barbados during the summer or winter months, but between those people and Barbadians. Let us be quite frank. It is one of the easiest outlets for men and women from Barbados to get to Canada or the United States, but what does this Act do? This Act tells you that before one of these persons can marry one of these beautiful Canadian girls or vice versa, the person must have resided for 21 days immediately preceding the giving of notice in the magisterial district. Now that is a sad state of affairs today because what it means now is that if a couple from Canada comes down here and the sun, the sand and the sea have excited them sufficiently that they want to become married and they have only got three weeks here and realise this after the first week, they can no longer be married in Barbados. They must give 21 days' notice before they can marry in Barbados. Similarly if one of them meets a Barbadian boy or girl and would like to be married, that also goes through the window because of the 21 days' notice which must be given before the marriage can be performed by one of the magistrates.

Again we look at another provision. The hour of marriages have now been stipulated — between 8 o'clock in the morning and 9 o'clock at night, and if you talk to any magistrate in Bridgetown or in Barbados he would say that he usually gets requests to come out on a Saturday evening between 8 o'clock and 9.30 p.m. after dinner. Now this is restricted. As my friend said, you license the building in which you are going to be married by a priest, and the significant thing here is the transfer of licence from building to building. Now I consider this rather onerous. Either you believe in the integrity of your Marriage Officers or you do not and I cannot see what is the difference between a licensed Marriage Officer marrying you in the Bethel Methodist Church or in the annexe somewhere down the road, but unless that section of the Church is registered, then you are performing an illegal marriage.

Mr. Deputy Speaker, we have gone back to the English Marriage Act of 1949, and if the

person who drew this up had looked at the law relating to Marriage and the footnotes, he would have seen the numerous cases which went before the Court to show how the provisions of the law were unworkable, but we are now throwing these very provisions into a 1975 piece of legislation in Barbados. How can you tell me that this is a progressive society? How can you hope to convince anybody that this is a progressive society? And you go into the question of disposing of objections before a judge and all these various things.

I am not happy at all with this Bill, Mr. Deputy Speaker. What we are going to see is a proliferation of Marriage Officers. There is one section which says that if there is no superintendent or overseer of a Church, you can license somebody to perform marriages. I know that in the profession now we are faced with the problem that we have got numerous Churches which spring up overnight in Barbados performing baptisms and what not, and day after day any lawyer who practises in Bridgetown will tell you that people come to them to get a certificate when their children want to take the 11+ examination or for other reasons, and they tell the lawyers that they were baptised at Brother So-and-so's Church in the back of Baxters Road and there is nothing recorded in any Register, and I believe the same thing will now happen in the case of marriages.

4.05 p.m.

I believe the same thing will now happen in the case of marriages. Every Tom, Dick and Harry who calls himself a preacher will go and become registered, like a certain gentleman from the other Chamber who went around from church to church begging to be ordained as a Minister. He will now be marrying left, right and centre but I do not see the..... (Asides)..... Did you say he is still awaiting the cloth?

Mr. DEPUTY SPEAKER: Are you still addressing the Chair?

Mr. BOLDEN: I am addressing the other local preacher who goes around from church to church. This is what I am afraid of. The difficulty does not show itself at this moment but there will come a time, perhaps three or four years after this Act has been in operation, that somebody will want a divorce and you would not be able to find a marriage certificate to put before the courts, and that is why we on this side usually object to provisions like these in an Act. We know the practical side of it and I will advise the Government to send this Bill to a Select Committee. It will need a lot of amendments and

I believe they should go back to the officer who drafted this and ask him to look at the various cases which have arisen out of this particular Act.

I believe Government should seriously look at the form of registration of common law marriages which would eliminate this question of illegitimacy. If you have already allowed a father to register his name as the father of a child you should allow the registration of common law marriages.

We are faced with another problem, Mr. Deputy Speaker. A man has lived in a house with a woman for numerous years, he begets certain children. He goes to the United States and he wants those children with him. He goes through the fiction of changing the children's names to his, but up to now our law has no provision whereby the children's names can be changed to the father's name despite the fact that the father and mother have agreed that they have lived together for all these years and have produced these children, you go through a form of an affidavit and the children have to walk with an affidavit, a deed poll, but the original certificate still has the name of the mother, there is no change, so how can we accept one section of the law as giving the father the right to place his name on the register but not giving the child the right to adopt the father's name in future, and this is where I believe this should have made that necessary provision. You do away with the problem of these children having to get deed polls and affidavits. Over there they will say that the lawyers on this side are looking for work but I can tell you 90% of the lawyers in Bridgetown shy away from providing deed polls for children of this nature because technically you still carry the name under which you were registered at birth, and this is work we are not looking for, we are looking for a social upliftment of the people in the community based on what is happening in the Caribbean today. I hope Government will take a careful look at this Bill and make the necessary provision.

Hon. F. G. SMITH: Mr. Deputy Speaker, I shall not be long, I just want to make two statements. One is that this Government believes in the sanctity of marriage, and the other is that this Bill is no piece of legislation on which the Government is committed to any particular thing. All we want to know is that the Christian marriage entered into between two people voluntarily is properly solemnized and as far as we are concerned we hope it will last for ever. I just want to get it straight, that is all I want to say, this is no big thing on which the Government feels strongly and that we have

brought down a piece of legislation to stop A, to penalise B or to deprive C, nothing like that, it is a piece of legislation of legal reform to update the law relating to marriages, and the Leader of the House will take such steps. I just wanted the record to indicate that this is no penal legislation to which we are committed, there is no policy in this.

Mr. BOLDEN: Mr. Deputy Speaker, I do not want anybody to say that anybody on this side talked about penal legislation. All we are talking about is the reform of marriage based upon the social atmosphere in the Caribbean today.

Mr. DEPUTY SPEAKER: Your point has been made.

Hon. C. E. TALMA: Mr. Deputy Speaker, I have listened to the contributions made by the hon. members on the other side. Well, it is in their field, I suppose they will get a lot of cases in matters relating to marriage, divorce, bastardy cases, etc., so they will be well up on those matters undoubtedly. What I want to point out to the lawyers on the other side is that this piece of legislation cannot make provision for everything imaginable by way of a criminal offence in the criminal jurisdiction. The hon. members would wish this bit of legislation to have provisions dealing with incest, duress, insanity, lack of consent, fraud and a lot of criminal legislation which is dealt with in criminal law.

Mr. FORDE: On a point of explanation, the Hon. Leader obviously is not following my arguments, if I may put it that way. I have not asked for criminal legislation dealing with fraud, incest, insanity and what not, what I have been directing the House's attention to is the fact that the law dealing with marriage, duress, fraud and misrepresentation has some effect, and it is necessary to deal with them in the legislation dealing with reform of the Marriage Act, because the common law provision is doubtful, not the criminal law legislation.

Hon. C. E. TALMA: The hon. member who has just sat down also spoke about the Act being ineffective in that provision should be made for some means of registering people who are living together, common law marriages, of which there are about 70% in the country. If provision were made for registration that might help but the fact is that provision has been made in the Succession Act for covering the main aspects of the question of children, the issue of people who are living as man and wife, the common law marriages, so that if a man is living with a woman and wants to get

married and you have a provision whereby they can go and register and that is tantamount to a marriage I do not feel that will get you very much further.

Mr. BOLDEN: On a point of order, the Hon. Minister does not understand what we are saying.

Hon. C. E. TALMA: You are noting it.

Mr. BOLDEN: I dealt with that. Mr. Deputy Speaker, the Government brought down legislation earlier this year which provides for a man to register his name on the birth certificate of the child as the father. Marriage in my opinion only gives the child the father's name because they live worse than if they were just living together. If you register the union the child carries the father's name which at this time although you register the father's name the child does not carry the father's name.

Mr. DEPUTY SPEAKER: Point made.

Hon. C. E. TALMA: I understood the hon. member for Christ Church West to say there should be some provision made to accommodate the 70% or so of the people who are living together as man and wife in a common law union. I am not referring to what the hon. member for St. Joseph is saying, he did not touch on this, I am referring to a point made by the hon. member for Christ Church West. He said that this does not face up to the outstanding social conditions in Barbados, and then he went on to say that about 70% of our people live together as man and wife in common law unions.
4.15 p.m.

He wanted some provision made to accommodate them. That is what I understood. I am saying that, in any case, if they care to get married there is no objection. Everything is being done in their favour, and no one can compel or force people to get married if they do not want to. Whether there is 70% or 50%, you will always find that sort of union going on.

My position is that if the legal luminaries took about ten years in preparing this bit of legislation, and it has been considered by the Ministry of Home Affairs, the Ministry of Legal Affairs, the Chief Justice, the Registrar, the Professors at the University of the West Indies, then I do not think any harm will be done if it remained in this Chamber for another four weeks and provide an opportunity for the legal luminaries across there and their advisers or consultants to assist them in producing the best

possible bit of legislation, as far as marriage is concerned, for this country.

This is not any Party politics; this is a question of producing a proper Marriage Act for the benefit of the country as a whole. If any further assistance can be secured it will be good. I am not the Minister responsible for this, but I brought it in here. I have not studied it for 10 years; I have only studied it for a week or two weeks. I am quite willing, Mr. Deputy Speaker, to allow this matter to go to a Select Committee after the Bill has passed its second reading.

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

APPOINTMENT OF SELECT COMMITTEE

Hon. C. E. TALMA: Mr. Deputy Speaker, subject to what the Leader of the Opposition may wish to say, I beg to move that the hon. member for St. Michael North East, the hon. member for St. Michael North Central, the hon. member for St. Michael South, the hon. member for St. Michael South Central, Your Honour and myself be members of the Select Committee from the Government side. Subject to what the Hon. Leader of the Opposition may suggest, I beg to move that the Hon. Leader of the Opposition, the hon. and learned member for Christ Church West, the hon. and learned member for St. Joseph, and the hon. and learned member for the City of Bridgetown be members of the Select Committee. They will have four and we will have six members on the Select Committee.

I beg to move that this Bill be now referred to the Select Committee I have just named, subject to any suggestions by the Hon. Leader of the Opposition.

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, the next Item is Item No. 7 which stands in the name of the Hon. Minister of Tourism, Public Relations, etc., and it is to move the Second Reading of a Bill to amend the Tourist Board Act, Cap. 342.

BARBADOS TOURIST BOARD (AMENDMENT) ACT, 1975

Hon. P. G. MORGAN: Mr. Deputy Speaker, the purpose of this very brief amending Act is quite simply to remove the word "Tourist" from the title of the Act and from the title of them. It is generally felt amongst people, particularly in the Caribbean, with whom I deal a great deal, that the word "tourist" today is an unfortunate one. It has come to mean someone who is something of a sucker; someone who has much money; someone who, if you happen to short change him, he would not ever notice, and someone, frankly, that you do not greatly respect. The word "tourist" has that kind of connotation.

On the other hand, the word "visitor" is someone for whom one has more respect, who one might invite into one's own home and, if there was a shortage of anything, one would make sure a visitor got it before one's only family sometimes. Before we decided what we were going to change the name to, if we were going to change the name, we went through many different possibilities. Visitors' Bureau as some countries call their equivalent bodies; we tried to work the word 'hospitality' into it; and as far as the organisation was concerned, we thought of the words "Bureau Service And Authority", but we resolved that the simplest thing would be the Barbados Board of Tourism which would be fairly equivalent to a Board of Trade, which is an accepted term. It had been hoped that this amendment might have been made a couple of years ago but, though we had decided upon this particular aspect of it, we waited to see whether in the course of re-organising our affairs we needed to make any other amendments before we brought this one forward. It proved that we did not need to. We were able to make our internal and external arrangements in the organisation and development of the tourist industry without the need for more amendments to the existing Act by the creation, first of all, of the Tourism Planning Unit, which is existing within the Government, and the National Tourism Advisory Committee which is comprised of people in the community. After having examined all the needs as to whether any other amendments would be necessary, we decided not.

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

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

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

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

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

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

Clauses 1 and 2 were called and passed.

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

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

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

On the separate motions of Hon. P. G. MORGAN seconded by Hon. L. E. SANDIFORD, the Bill was read a third time and passed and cited as the BARBADOS TOURIST BOARD (AMENDMENT) ACT, 1975.

4.25 p.m.

ADJOURNMENT

Hon. C. E. TALMA: Mr. Deputy Speaker, this concludes Government Business for today's sitting.

I beg to move that this House do now adjourn until Tuesday, 2nd December, 1975, at 12 o'clock noon.

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

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

4.27 p.m.