

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1971-76

HOUSE OF ASSEMBLY

Tuesday, 7th October, 1975.

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

PRESENT

Hon. C. E. TALMA, C.B.E., (Deputy Prime Minister and Leader of the House); Hon. G. G. FERGUSSON, (Minister Without Portfolio); Mr. R. St.C. WEEKES, J.P.; Mr. W. R. LOWE, J.P., (Chairman of Committees); W. C. B. HINDS, Esquire; His Honour C. A. E. HOPPIN, J.P., (Deputy Speaker); J. M. G. M. ADAMS, Esquire, M.A.; ELLIOTT D. MOTTLEY, Esquire; C. L. BOLDEN, Esquire, LL.B.; 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); Hon. P. M. GREAVES, B.A., (Minister of Housing, Lands, Labour and National Insurance); H. deB. FORDE, Esquire, M.A., LL.B.; Dr. the Hon. R. B. CADDLE, (Minister of Communications and Works); Hon. A. MORRISON, (Minister of Agriculture, Science and Technology); and Mr. E. E. GREAVES, B.A., Ed.M.

Prayers were read.

CONFIRMATION OF MINUTES

Mr. DEPUTY SPEAKER: The Minutes of the Meeting of Tuesday, 30th September, 1975, have been circulated. (*Pause*). There being no amendment, or objection, I declare these Minutes duly confirmed.

PAPERS PRESENTED

Hon. C. E. TALMA: Mr. Deputy Speaker, I am commanded to lay the Reports of the Barbados Marketing Corporation for the years ended 30th June, 1970, 30th June 1971, 30th June 1972 and 30th June 1973.

GOVERNMENT NOTICES

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to give notice of a Resolution to grant the sum of \$24,480 from the Consolidated Fund and 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. 12 which form the Schedule to the Resolution.

REPORT FROM SELECT COMMITTEES

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, I beg to present the Report of the Select Committee appointed to consider and report on the Succession Bill, 1975.

LEAVE OF ABSENCE GRANTED TO HON. P. G. MORGAN

Hon. P. G. MORGAN: Mr. Deputy Speaker, I am asking for leave of absence from any Sittings of this House during the remainder of the month of October, as I shall be away on Government business.

Mr. DEPUTY SPEAKER: There being no objection, leave is granted to the Hon. Minister.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. C. E. TALMA: Mr. Deputy Speaker, we have a lot of business to be done today. I am asking for leave to suspend Standing Orders 6, 16, 18, 20, 42, 43 and 44 for the remainder of today's sitting with the usual undertaking that we will deal with any urgent matter which the Opposition may wish to deal with. We have a full Order Paper, and we may be here until tonight.

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

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

Mr. BOLDEN: Mr. Deputy Speaker, the Leader of the House said that we have a full Order Paper today, but I want to draw to the Chamber's attention that certain papers were delivered this morning at a quarter to ten. I made inquiries about my papers yesterday, and I was told that papers were supposed to have been delivered on Friday. I received my papers at a quarter to ten this morning, and I know that other Members on this side have only received their papers at a quarter to ten this morning.

Mr. DEPUTY SPEAKER: I will have the matter investigated. I am sorry to hear of the late delivery of the papers.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Item No. 4 standing in the name of the Rt. Hon. Prime Minister and Minister of Finance be the first Order of the Day. It is to move the Second Reading of a Bill to validate certain matters respecting land valuation and land tax in Barbados.

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

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

Mr. DEPUTY SPEAKER: Order No. 4 is the instant Order of the Day.

LAND VALUATION AND TAX (VALIDATION) BILL, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, as the Objects and Reasons set out, this Bill is to validate certain matters respecting the land valuation and land tax in Barbados. The position, briefly, is that an Order which should have been made under Section 8(1) of the Land Valuation Act, 1969(2) had not regularised and legalised the collection of taxes and fixing the date for the first valuation, etc., etc., as set out in the Bill. This piece of legislation is to validate all of that. The first date will be the 15th February, 1972, and the other one will be the 17th March, 1975, to bring the fresh valuations into force and to be in a position to issue the new tax bills. That is the gist of the matter, but if hon. members want me to give further information I can do so. I have it all in the file before me.

This has become necessary because the provisions of Section 8(1) of the Land Valuation

Act, 1969(2) appears not to have been fully satisfied. The Section provides that subject to subsection (2) the Minister shall by Order fix a date on and after which the first valuation made by the Commissioner of all parcels of land shall subject to objection or appeal under the Act be the valuation of all parcels of land required by this Act to be valued by the Commissioner. That is how Section 8(1) reads. The date of the first valuation which is the 15th February, 1972, was agreed to by the Minister of Finance and Planning at an emergency meeting held on Christmas Day in 1971 when the plans for the issue of the land valuation notices and the land tax bills were completed. However, the Commissioner of Valuation has reported that the requirement to have the Order made seems to have been overlooked, and for that reason we have to come here now with this piece of legislation to validate and legalise the entire matter and fix a new date.

12.20 p.m.

New valuations have now been made by the Commissioner and the Minister of Finance has approved his recommendations. The fresh valuations are to come into operations on the 17th March, 1975. The Attorney General advised that the circumstances it would seem to him the most appropriate manner to deal with the matter was an enactment of the Validation Act, which we are now doing.

I beg to move that the 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 House has made this appear as though it is a mere routine and simple measure, and I think that he would wish us to treat it in that way; but before we can give our concurrence to this type of legislation we should wish a bit more information from the Leader of the House concerning various aspects of the Land Valuation procedures and Act and also on the collection of land tax in the island of Barbados.

If I may deal with a matter very presently in the minds of persons, it is that a lot of people have speculated as to the exact reasons why the bills in respect of land tax for this year have not yet been sent to them; and they are not welcoming the prospect of late bills coming to them in such a manner as would possibly make it necessary for them to pay two sets of land tax in 1975 or one in late 1975 and one in early 1976.

Certainly the Government ought by now to have made some proper announcement concerning why land tax bills for this year are late. A lot of people are speculating that they may be bringing onto the valuation roll not only land as such, but the hereditament on the land and this may well mean an increase in the amount of taxes which must be met this year.

I believe, Sir, that if the errors of which the Minister has spoken have been caused by an oversight on the part of the administration, that Government must bear in mind that two sets of taxes coming quickly one after the other will certainly mean an unusual strain on people who pay their land taxes.

But, Sir, there are one or two other problems that I would like to hear the Minister on at this stage. Various appeals were lodged under the Valuation and Land Tax Act as well as under the Land Tax Act itself; and during the Estimates earlier this year I believe that we were given some limited amount of information on how these appeals were being disposed of. If my memory serves me right, there were many which were still outstanding, and part of the problem was that the tribunal had not been established earlier.

I myself have personal knowledge of some of these appeals that are still outstanding, and I should like to hear the Minister on what steps are being taken to have all outstanding appeals disposed of quickly. The reason for this must be obvious. It is an untenable situation so far as administering justice is concerned where appeals may be outstanding for such a long time. We cannot insist in this Parliament that the Law Courts must act speedily when we are going to turn a blind eye to administrative tribunals which do not function speedily.

I have before suggested in this House that the Government would be well advised to establish a permanent administrative tribunal to deal with the hearing of appeals from those tribunals which exercise quasi judicial functions. In my four years in Parliament I have witnessed the creation of quite a few quasi judicial tribunals without any adequate arrangements having been made for their staffing and for their proper functioning administratively; and we must be careful not to create such tribunals if we are not at the same time giving them the manpower and the resources under which to function properly; because justice in this respect is now being dispensed not in the Law Courts, but by these tribunals; and if they can take a long time before they adjudicate between subject and the State, in

my view the subject is being denied prompt justice. I need not repeat the well known and trite phrase that "Justice delayed is justice denied". Certainly I think that in the case of these appeals people have some cause for concern at the delay that has occurred.

The other section of this Validation Act that I feel unhappy about is Section 3. Although I can understand the Legislature being asked to validate an omission which seems to have been an administrative omission, yet I cannot see why the Legislature must be asked to give blanket approval under Section 3 of any non-compliance with any provision of the Land Valuation Act at large. This is what I call an omnibus section and what it says is that "Non-compliance with any provision of the Land Valuation Act shall not prevent any land tax that remains due and owing under the Land Tax Act, 1973 after the first valuation was deemed to have come into operation from being recovered in the manner provided by the Land Tax Act, 1973."

That is what I would like to describe as a worthless piece of drafting. This means therefore that if the administrative bodies have done anything that would make their actions *ultra vires* to the Act, that Parliament is being asked to sanction their *ultra vires* acts without seeing the exact manner in which the *ultra vires* acts occurred.

I am really concerned about the trend that legislation is taking in the Parliament and the island as a whole. Day after day, or Tuesday after Tuesday we are being asked to give a blanket approval to ministerial and administrative action even where that action has been a breach of Acts passed by this Parliament. That is a bad form of legislating. What are the other sections that I am being asked to comply with here? Non-compliance with what other sections? I can understand Section 8 and I can understand Section 10; and we are being asked to validate omissions under these sections. But am I to validate everything that has been done even if it has been done contrary to the particular provisions of the Act?

If the draftsmen are too lazy or if the Government is too lazy to come down to Parliament on every occasion that it needs a Validation Act that is retrospective and retroactive in its effect, then I say that we are legislating in an awful manner in this Parliament.

Nobody who has any concept of a proper system of legislation, nobody who has any real belief in the democratic process of Parliamentary

Government likes this type of legislation; and anybody who would read standard textbooks on the administration of justice which deal with the freedom of the subject and takes note of the cogent arguments advanced by authorities in this field would be concerned about a Section 3 provision such as the one we are being asked to pass in Parliament.

12.30 p.m.

I am counselling the Minister that this is not necessary. It is unfair to come into Parliament and ask legislators to vote for this with their eyes shut. Could the Minister tell me what other provisions he believes or what information he has on his file showing what other provisions of the Act they have failed to comply with? I would like to know that. Suppose someone has a case pending before the Court taking an objection to non-compliance with sections 8 and 10, am I to understand that we in Parliament are going to nullify the effect of an application before the Court by passing this blanket matter willy-nilly? I would hope the Minister would give some reply to these facts. I seriously counsel Government in future not to come into Parliament with that type of clause, because it is an erosion of legal rights. I want to make it quite clear that I am not arguing against the lawful payment of tax due once this legislature has passed the law, but I am arguing very strongly against the habit of retroactively validating administrative Acts that might have been illegal unless we are certain as a Parliament as to the nature of these Acts which we are being asked to validate.

Hon. C. E. TALMA: Mr. Deputy Speaker, the hon. Member made a very good speech, but in truth and in fact he wants information which can be better secured by asking a substantive question dealing with appeals, or dealing with the setting up of a Committee. I have not got all the files dealing with land valuation before me. I am not excusing myself, but I have not come in here with all the files dealing with land valuation and the entire matter of land tax which is very essential. I have dealt with a specific matter and if the hon. Member wants specific and accurate information on certain specific matters, the normal practice is to ask a substantive question and get a reply on a specific matter. I am not in a position to tell him what sort of appeals we have....

Mr. BOLDEN: On a point of order, the hon. Member did not understand the argument raised by the hon. Member. What the hon. Member for Christ Church West is trying to say is that what we are doing in Barbados is what

Mrs. Ghandi did in India. When you commit an offence, you come to the legislature and say "absolve me".

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

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Dr. the Hon. R. B. CADDLE; Hon. F. G. SMITH; Hon. P. G. MORGAN; Mr. R. StC. WEEKES and Mr. W. R. LOWE — 9.

Noes: Mr. J. M. G. M. ADAMS; Mr. ELLIOTT D. MOTTLEY; Mr. W. C. B. HINDS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 5.

On the 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. W. R. LOWE took the Chair.

Clauses 1, 2 and 3 were called and they stood part.

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

On the separate motions of Hon. C. E. TALMA, each seconded by Hon. G. G. FERGUSSON, the Bill was read a third time, passed and cited as THE LAND VALUATION AND TAX (VALIDATION) ACT, 1975.

RESUMPTION OF THE POLICE (AMENDMENT) (NO. 2) BILL, 1975.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Order No. 8 be the next Order of the Day. It is to move the resumption of the Second Reading of a Bill to amend the Police Act, Cap. 167.

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

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

Hon. C. E. TALMA: Mr. Deputy Speaker, on the last occasion Your Honour will recall that the honourable and learned Member for

Christ Church West raised a question about the legal representation of the Police Association and he wanted me to give an assurance that the Police Association had been consulted on these amendments to the Police Act. I was not in a position to give that assurance and I moved that further consideration be postponed.

The position after making further checks with the Legal Department is that the draft Bill was first submitted to the Commissioner of Police on 21st May, 1973 for his comments and suggestions etc. on this Bill to increase penalties and against the making of false alarms. His comments were made on the first occasion on 21st August, 1973, then on 24th October, 1973, then on 1st November, 1973, and again on 12th December, 1973. All these were made by the former Commissioner of Police, and comments were made by the present Commissioner who stated that he had no further comments on 29th November, 1974.
12.40 p.m.

This matter has been going on for quite a long time, for over two years this has been up and down and the Police Commissioner and the top members of the Police Force have been consulted. (Mr. BOLDEN: Absolutely untrue.) The Commissioner of Police has been consulted.

Mr. HINDS: On a point of order, is this how things are being done now? We have not heard anything about the Police Association.

Hon. C. E. TALMA: The former Commissioner and the present Commissioner were consulted.

Mr. HINDS: I am on a point of order, you take your seat. The point we on this side of the House are concerned with is that the Leader of the House is laying stress on the fact that there are notations to the effect that the Bill...

Mr. DEPUTY SPEAKER: Please make your point, you are making a speech.

Mr. HINDS: I am coming to the point, Sir. What we want to lay emphasis on is that he has not been able to say up to the present that the Police Association or the members of the Force have been consulted.

Hon. C. E. TALMA: If the hon. member would wait he would hear the whole story. I gave the history as to the consultation with the Commissioner of Police, but I am coming to that next. The Police Association as such was not consulted as it was considered that the proposed

amendments to the Police Act did not relate to the welfare of the Police Force as such except for the question of discipline which is taken care of in other ways. I may further add that as far as the penalties are concerned they are in line with other legislation in another country, and the proposed increases are normal and directly in conformity and compliance with the standard increases and scheduled fines in current legislation.

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

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

Hon. P. M. GREAVES: Mr. Deputy Speaker, I might be wrong but I thought I had replied on the Second Reading.

Mr. DEPUTY SPEAKER: It was not a Reply.

Hon. P. M. GREAVES: Mr. Deputy Speaker, you can make your ruling, but are we debating further consideration or the Second Reading?

Mr. BOLDEN: Mr. Deputy Speaker, if I may say so the Order Paper would have to be wrong if the Minister is right.

Mr. DEPUTY SPEAKER: Will you please sit? Information has come from the Leader of the House as regards the Second Reading of the Bill.

Hon. C. E. TALMA: I have given my reply to the question raised by the hon. Member on the assurance he wanted, I have nothing further to say.

Mr. BOLDEN: Mr. Deputy Speaker, if we look at the Order Paper...

Mr. DEPUTY SPEAKER: The hon. Member has already spoken.

Mr. BOLDEN: I am on a point of order, the Order Paper is either right or wrong. If we look at the Order Paper we will see there "Mr. Elliott D. Mottley spoke, Mr. C. L. Bolden spoke, Mr. H. deB. Forde spoke. On the motion of Hon. C. E. Talma, seconded by Mr. H. deB. Forde, further consideration of the Bill was postponed." There was no reply by the Minister. I do not understand what sort of ignorance is going on today. What are they afraid of?

Mr. DEPUTY SPEAKER: You have made your point.

Mr. BOLDEN: The Order Paper has to be right or wrong, what are you afraid of, you are not Minister of Home Affairs any longer.

Hon. C. E. TALMA: On a point of order, the hon. member for Christ Church West wanted an assurance and I got up and gave that assurance.

Mr. BOLDEN: He never made a reply, he asked that further consideration be postponed.

Mr. DEPUTY SPEAKER: Let us have a little order. I have heard quite clearly what took place. The Leader of the House got up, he did not say that he was making the final Reply. (Hon. P. M. GREAVES: Since when is that necessary?)

Hon. C. E. TALMA: If I may assist you, Sir, I got up and in a very polite way, said, the hon. and learned member for Christ Church West had raised a very important matter on which he wanted an assurance and I gave that assurance. Normally after I have given all the information I do not worry to waste time, but he wanted a specific assurance and I gave him that assurance.

Hon. P. M. GREAVES: The hon. member made his speech without interruption and the only other time he can speak under the Standing Orders, except on a point of order, is to reply.

Mr. BOLDEN: Mr. Deputy Speaker, that is not correct, the Hon. Leader got up and said that the next Order of the Day was in his name and he went on to say what he said.

Mr. DEPUTY SPEAKER: Your point is taken.

Mr. ADAMS: Sir, I want to be very short. I might have sat down already were it not for the intervention. I think we must always be beware of giving the appearance of conducting a police state. It is just not true that these penalties are in conformity with the increases for other penalties. Just to take one example, in no legislation since I have been in the House except this can I recall penalties being increased by way of adding a term of imprisonment to an existing term. Throughout this Act you will see that there were cases where there were fines of \$25 and a default one month, or \$500 and it has gone on to six months. That is a little different but if you look at section 29 \$100 or imprisonment for six months is now raised to \$1,000 or imprisonment for 12 months. The value of money falls but the value of imprisonment does not fall. Six months in 1898 is still six months in 1975, so when you increase the possibility of going to prison for six months

to the possibility of going to prison for 12 months....

Hon. C. E. TALMA: On a point of order, the hon. member is about to rule, he is making a speech which as far as I know...

Mr. DEPUTY SPEAKER: I think the Hon. Leader of the House is mistaken. The Leader of the Opposition got up to speak and was interrupted. He has not spoken, I am quite aware of what is happening.

Hon. C. E. TALMA: Your Honour will recall that the hon. Member was not in the Chamber and he lost his right to speak.

Mr. DEPUTY SPEAKER: This is a second reading speech and he has not spoken. The Leader of the House gave information on the Bill, that is why the Bill was not read. (Hon. P. M. GREAVES: There is no Standing Order for giving information.)
12.50 p.m.

Are my words so dangerous to the public or to the House of Assembly of this Island that I am not to be allowed to speak, Sir? There are some hon. Members who are not in their seats and will still come and speak during the debate. We are not just increasing the value in the form of penalties. We are increasing penalties to create a far harsher situation than existed before. I do not want to dwell too long on Section 22, but I want to ask all hon. Members, the hon. Member for St. Michael South Central particularly, the hon. Member for St. Michael North Central and hon. Members who understand these things and who have the welfare of the public at heart to look very seriously at this.

Now, Section 22 previously stated that if a policeman told you to move and keep moving and you refused to do so there was a fine of \$10.00. There was no right to be sent to prison, if you refused to obey a policeman's order. When you now increase that fine from \$10.00 to \$500.00 and you say that in addition you can also go to prison for six months, then you are putting a potent and dangerous weapon into the hands of an unprincipled person. (Asides.) I can supply the name to any hon. Member who cares to have it, but I do not think that a young policeman should have his career any more blighted than it has been by having his name repeated unnecessarily in the House of Assembly. There is still in the Force a young policeman who has made a number of

arrests under this same Section 22 some two or three years ago. (*Asides.*)

Mr. DEPUTY SPEAKER: Members on the Government Benches, please speak in undertones!

Mr. ADAMS: Do not take that from my time, Sir. To my knowledge he arrested a young lady in Broad Street and dragged her through the street. He arrested a lady who was selling in James Street, and dragged her through the street to the Central Police Station. In the case of the lady who was selling in James Street it was even worse, because when he got there he realised that he had done wrong. He left the lady at Central Station without charging her and went on his beat. I believe that some settlement was made afterwards by members of his family.

Now, I had occasion to be present in court and heard the strictures delivered on this young policeman's conduct by Mr. Justice Williams in the Court of Appeal on a subsequent occasion when he outlined the conditions which should be applied in the jurisdiction under Section 22. Now, things were not so bad then because the young lady could only be fined, according to the Act, \$10.00. I believe there may have been some other charge for not giving her name and address or something so. But now that somebody can be sent to prison and fined \$500.00, you have an even more potent weapon. I would ask all hon. Members of the Government to consider whether the only consultation they think necessary on such a matter as this is that of the Commissioner of Police.

I will remind hon. Members of the words of William Ewart Gladstone: He would sooner consult with the Gracchi on sedition than consult with the railway owners on a new Railway Bill to be promoted in the House of Commons. There are two sides to every question relating to the penal laws which must govern the public order of this Island: the side of those who are interested in order, and the side of those who are to be governed. The governors and the governed, and we have to be very careful as governors not to be led by the person who has the greatest interest in stiff penalties and severe condition. I do not believe that the education of the Barbados Police Force — I do not mean the academic education; I mean the cultural and social influences to which the policemen are subjected at the Training School and in

uniform are such as to persuade them that to abate penalties, or to abate the possibility of high penalties — I do not believe their social education is such as to persuade them that it is better not to have severe penalties especially for anything concerning the police.

You will note that in this Act there are special provisions for cursing a policeman. The fine for the worst and filthiest abuse in front of school children; the vilest abuse of persons which might amount to serious and damaging slanders on a highway remains at \$9.60. But if you tell a policeman: "You must be an idiot." he has the right to arrest you; drag you before the court, and I do not even know what the fine is. I would judge that, under this new Act, it would be not less than \$500.00. It is on record in the Courts that the most frequently charged for insulting behaviour to a policeman is that a policeman is called an idiot. It seems that the public of Barbados, when they are addressing a policeman, only know the word idiot. (*Asides.*) That can be checked. It used to be \$50.00; I presume it has been raised; I have not checked the Section. The maximum used to be \$50.00, but it will be, I presume, raised. Is that reasonable? Could that be an honest balance of penalty that 800 members of the Barbados Police Force need \$500.00 of protection against being called idiots, plus six months in jail where you and I, Sir, our wives and children can go in the bus stand and be abused past our burial points and \$9.60 is the fine? There are people who curse and are glad to pay the \$9.60.

I will tell you a little secret of lawyers, Sir. Lawyers, I believe, like to hide from their clients — it is only \$9.60 for indecent language — because they feel that most clients would prefer to pay the \$9.60 than pay a lawyer \$100.00, or whatever fees he has to pay if he is to be defended. I am a little beyond those days, Sir, and I do not know what the practice is at the present time. I seriously suggest that hon. Members of the House should pause. There may be a case for increasing the penalties, but I seriously suggest that they should pause, or take note of the fact that the customary processes of consultation have been extremely limited in this matter and that the Courts have to be guided by Parliament. The Courts are not going to hear that the Commissioner of Police approved these new penalties. The Courts are going to hear that Parliament passed them, and that is all that is going to matter. The fact

that none of the members of the Police Force, apparently, or very few members of the Police Force, knew about this Bill until they had seen it in the newspapers is not going to come before the Courts. All that the Courts can take cognisance of is that we now think it is worth six months in prison, but it is just as serious an offence when a policeman tells you to move — and you do not understand it or whatever — and you do not move. It is just as serious an offence to do that as it is to drive down Broad Street the wrong way with a motor car. That is what we are doing.

1. p.m.

I have spoken to the Attorney General, to the Chief Justice and to Puisne Judges and I have introduced a private Bill in here based on what responsible persons thought was a reasonable fine for careless driving in this island. I think that the fine for careless driving was five and that for dangerous driving was ten in 1937. I believe that there was consultation on that occasion before I introduced my Private Members Bill, and the Government subsequently got a Bill passed which embodied the provisions of my Bill and set the same figures which I had discussed with my seniors in the Legal Profession and on the Bench.

Now we are going to be told that the Commissioner of Police is going to raise the fine of \$10.00 set in 1961 — not so long ago — to \$500.00, 50 times as much, without any consultation with the judges who have to interpret Section 22 and who have seen the behaviour of policemen seeking to exercise the power given to them under Section 22; without any consultation with the Police Association who can at least say how serious an offence they regard it as.

The chief cause, for example, of this particular offence, the chief occasion of its coming before the Court is to justify an arrest. The Clerk of Parliament can remember the occasion perhaps where he had to acquit somebody which to my mind — although he said on that occasion when he was a magistrate, that he did not believe the evidence of the defence, but a doubt was raised in his mind and he had to let him go. That was perhaps the only occasion — because it was the night of the Cave Shepherd fire and the police were trying to clear spectators out of the way and one of the spectators would not move and so was arrested. That is the only occasion on which that I have ever seen Section 22, in my humble respectful opinion, legitimately used; and on that occasion the man was acquitted through a skilful, ingenious and untruthful defence.

I have said, Sir, that I was going to be short and I have already been a little longer than I intended to be. I do not expect the Government, committed as it is to this Bill in the present form, is going to accept a relegation to a Select Committee or to reconsider any of the penalties. I think that the Government will pass the Bill and trust to luck; but I would predict here on the floor of this House that this is going to give cause to many Court of Appeal cases in which the Court of Appeal will ask itself whether Parliament's approval of these extremely high penalties has not introduced a new scale altogether into the policing of this island.

I would not like to sit down without saying, whether it is the development of the Police Force or my own development — I want to go on record as stating that I think that we have one of the finest Police Forces I have known anywhere. I observe examples of maturity in policemen. I observe examples of tempering harshness with mercy. Every day I see policemen trying to do their best to act as unmaliciously as they can in a way that I cannot say that I observed when I used to live in the U.K. or that I have read about in countries which I know less well.

The fact that we have a Police Force which by and large can be relied upon not to be oppressive in the administration of the laws which are put there for the protection of the public rather than for the protection of the Police should not obscure our eyes to the very real dangers of putting into the hands of the Police unusual or unnecessary powers.

At the present time I think it is fair to say that the present Commissioner of Police is engaged perhaps on a crusade to show that nobody is above the law; and to my knowledge he has personally authorised the prosecutions of a superintendent and inspector and indeed of persons in the political field and other situations of life previously considered to be of one sort of eminence or another. That is all to the good, but upon the occasions when the Police take against somebody it is unfortunate that these fearsome weapons are placed in their hands under the Police Act.

I cannot believe, Sir, that since 1961 public order in this island has declined to such an extent as to require these savage and repressive penalties for acts which most of us do not regard as warranting this severity. We can understand that in Spain General Franco, faced with the assassination of policemen, might find it necessary to enforce the death penalty in all cases

where policemen are killed. Policemen are killed every day in Spain. No policeman has been killed in the course of his duties for a long time in Barbados, nor indeed particularly beaten, pushed about, disrespected or otherwise. This is a country where we have respect for the Police and the Police have respect for themselves; and I think that Parliament will go too far if it passes this Bill in all of its stages.

Hon. F. G. SMITH: Mr. Deputy Speaker, I will not be too long on this. I just want to make a few general observations. I do not care what the penalty is for murder. I pray God that I would not kill anybody. I do not care what the penalty is for fraud. You could make it death. I do not care what the penalty for corruption is. You could make it death plus killing again. A law abiding citizen in the community need not be concerned with penalties. Those who obey the law of this country.....

Mr. ADAMS: On a point of order. Is he suggesting that you return to the situation of 100 years ago when you could be hanged for stealing a loaf of bread?

Mr. DEPUTY SPEAKER: Point made.

Hon. F. G. SMITH: That is a point of ignorance. What I am saying is that in a community law abiding citizens should not be perturbed by the maximum penalty. I am not perturbed about the penalty for a million and one offences. What I am saying is that when you deal with the penalties which are imposed under the law those who obey the law never run up against the penalties.

The Act may say a penalty of \$1,000. The point is that this is not the penalty that is automatically imposed. If the Judicial Officers are aware of their functions then one expects that they would award a penalty to suit the particular circumstances of each case. That is what they are paid for. Some of them may be inexperienced. But even though the Act says that the penalty is \$1,000 or six months I would expect if I were still at the Bar, that whether I am for the Client or for the Prosecution, that having first heard the evidence the magistrate will say "in this case \$20 meets the ends of justice, or that convicted, reprimanded and discharged meets the ends of justice."

If you look at it from the point of view that every magistrate is going to impose the maximum whatever the offence the Opposition is going to have an argument; but if we assume and we can only assume (*Omnia praesemuntur*) all things

are rightly and properly done — that any judicial officer, whether he be the Chief Justice or the lowly Magistrate, will, having heard the evidence, decide on guilt and will say "I do not care what the maximum is. I say that this particular offence merits C.R.D., \$10, \$20, \$30 or \$40."

That is how I expect justice to be executed in this country, so that the law abiding citizen, since every citizen is presumed to know the law and ignorance of the law is no excuse — then I assume that the Police Force in particular would be likely to know the law more than Mr. John Citizen.

Here let me join with the Leader of the Opposition in paying tribute — I have said this on a previous occasion — I share the view of the Leader of the Opposition that we have an excellent Police Force and one of which we can be justifiably proud.

1.10 p.m.

I certainly would not be a party to the imposition of anything which would destroy the morale or in any way interfere with the smooth running of the Force whether they are 800, 400 or ten. What I am saying is that one would expect that since it is part of a policeman's functions to correct the citizen on breaches of the law, they would be the first persons to obey the law, just as I would expect my legal friends on the other side as lawyers to obey the law more than Mr. John Citizen who has not had the benefit of a legal education, and therefore I would expect — I may be wrong — that any magistrate would view any offence, no matter what the maximum penalty is, in the light of the circumstances mitigating or otherwise on which the offence is based. The Opposition is talking as if the slightest offence before the magistrate carries the maximum penalty. It doesn't. (*Asides*) I am nothing to do with what they do. If they do it, it is wrong. If a magistrate gives any citizen the maximum penalty because the law says it is the maximum, that magistrate is unworthy of being a magistrate. I have been a judicial officer; so I can talk as being a judicial officer in the course of my career. I have been a prosecutor, a defender, a judicial officer, and I am talking about something I am aware of. It was my duty to punish and to send people to gaol. I am not talking out of the air. When a man came before me I never automatically said that the maximum for this is three years' imprisonment. I sat down, Mr. Deputy Speaker, and listened to the facts; I heard his antecedents; legally he is guilty, I make a fine of guilt and then punishment is a question of taking into consideration background, antecedents and

the particular circumstances of the crime, the prevalence of the crime etc. I may be wrong, because I have not practised in the courts of this Island for about nine years and probably never will again, but I would expect a judicial officer to exercise his function in a manner befitting the high administration of justice. The lawyers know this, but they are only trying to mislead the public. If you are increasing the penalty, it is like damages. Damages before a Judge depend on each Judge. One Judge gives you \$10,000 for libel, another gives you \$25,000, another gives you \$35,000, and another gives you \$45,000. When it comes to penalties there is no yardstick by which a Government can increase it from \$10 to \$20 or from \$10 to \$50. The point is that each increased penalty is a matter of opinion. It is not a question that because the money was \$10 fourteen years ago in 1961 that you are going to work out some permutation that \$10 is now equivalent to \$20. The question of fixing a penalty is a matter of opinion, and if you take all of us here and take all of them and bring the Judges into it, they would not arrive at a uniform penalty increase for any offence. They know this.

When I hear the lawyers argue sometimes I am particularly amused. You will read in the papers that a man cuts off another man's arm; one Judge gives him four years. Next day a man cuts off the arm of another man and another Judge gives him eighteen months. Watch the Assizes or read the papers from abroad. Do not talk about America because that is a different society. I have seen a man steal and get five years; I have seen a man practically maim another man and get three months; but the man stole to feed his family or through necessity. These are Judges I am talking about. One fellow cuts off a finger and gets four years, another man cuts off an arm from the shoulder and gets eighteen months. Even Judges who sit down daily and whose function is to dispense a fine and imprisonment cannot be unanimous on the magnitude or unanimity of punishment. Are you going to make it \$50 or \$20? Each member of this Parliament, Mr. Deputy Speaker, will differ on how much it should be. They agree it has got to be increased, but they say it is too high. What does it matter? It comes back to my basic and initial premise that a law-abiding citizen who is going to obey the laws of his country has nothing to fear from the penalty which is imposed. If it were death my learned friend the Leader of the Opposition would say he has nothing to fear; he could not care less. The hon. member for Bridgetown would not care if the penalty was the extinction of his life. What has the policeman who is going to give back his uniform got to

fear? The policeman who is going to execute his duty has got nothing to fear whether the penalty is death or \$1 million. You must obey the law, and the policemen themselves must be the first people who must not only know the law, and I expect that the law is so vast and so wide that although there is the principle that every citizen is presumed to know the law, it does not operate. You cannot plead ignorance of it.

I think the Opposition is quibbling and trying to gain political advantage. The Opposition want the police and the rank and file to feel that they are on their side and the Government is placing undue power in the hands of the Commissioner. I would like to fight monkey cases. The lawyers have to live too, and if the police or the Commissioner act foolishly, we have got to earn our bread. Law is a profession of which I am proud and it is the only thing that has contributed to my survival. Be that as it may, I think we know that the penalties have got to be increased. What figure are you going to use? Would you make it \$100 instead of \$500, or \$200 instead of \$500?

I do not want to prolong this because as I say a law abiding policeman need not fear the penalty. The lawyers will protect those of whom advantage is being taken, and I expect the Judges to exercise their functions in the highest and in the best traditions of the administration of justice; so that they have their protections. They have the lawyers who will see that their freedom and rights are protected, and they have the Judges who should administer. I am not going into cases where Judges act foolishly. You do not argue on the basis that a Judge acts foolishly; you argue on the establishment of a system which you expect to function in the best traditions of that particular system. No Judge is going to lock up a policeman for six months for some little offence, and lawyers will see that justice is done as was recently seen by I think, the hon. member for St. Joseph, the hon. member for Bridgetown and one or two others.

Mr. Deputy Speaker, I think I have said enough. We may argue that the penalty seems hard, but I think there are sufficient built-in safeguards in the legal profession of which I am proud to be a member, and of which four of the six members of the Opposition are members, and who are always prepared, often I know for a fact at no fee to themselves, to see that justice is done as was recently seen in the case of a policeman; and you have the Judges who must discharge their functions in the best traditions of the judicial administration.

Mr. HINDS: Mr. Deputy Speaker, I really never wanted to enter into this debate, but it is only after hearing the hon. member for St. Michael South Central's exposition on the administration of justice and bearing in mind that the same hon. member intimated in writing that he wanted to become a Judge and gave as one of his reasons this fact....

Hon. F. G. SMITH: On a point of explanation, I said so publicly; that is no secret.

Mr. DEPUTY SPEAKER: Is the hon. member for St. Peter discussing the Bill?
1.20 p.m.

Hon. F. G. SMITH: On a point of explanation, I have said so publicly, that is nothing secret.

Mr. DEPUTY SPEAKER: The hon. member will take his seat. Are you discussing this Bill?

Mr. HINDS: My submission could not be more appropriate. (*Asides*). I am being heckled. The same hon. member gave as one of his reasons for wanting to become a judge in this country that in his opinion too many cases on being adjudicated were going against the Crown.

Hon. F. G. SMITH: That is not true, that is a downright lie.

Mr. BOLDEN: That is unparliamentary, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: I heard the Hon. Minister of Education use some words which I am asking him to withdraw.

Hon. F. G. SMITH: I will withdraw them, Mr. Deputy Speaker, instead of a downright lie I will say that that is an untruth of the greatest magnitude.

Mr. HINDS: Mr. Deputy Speaker, the Hon. Minister must first withdraw. Treat him as you would treat me.

Mr. DEPUTY SPEAKER: The hon. member has withdrawn.

Mr. HINDS: He has not withdrawn, Sir. With due respect to the Chair, he has not withdrawn.

Mr. DEPUTY SPEAKER: I spoke to the Hon. Minister of Education and I heard him say that he has withdrawn.

Mr. BOLDEN: Mr. Deputy Speaker, one cannot seek to change a phrase and at the end of the phrase then say "I withdraw", he has to withdraw the words which Your Honour asked him to withdraw, if not that is making a mockery of the rules.

Mr. DEPUTY SPEAKER: The Hon. Minister of Education has withdrawn the words. The hon. member for St. Peter, if he so desires, may resume his speech.

Mr. HINDS: If he has withdrawn, he has withdrawn. However I will continue, and the sting is going to be in the tail. We have heard from the same Hon. Minister what a nice Police Force we have. How would I feel, Mr. Deputy Speaker, being an Hon. Minister, an hon. member of this House, coming into Parliament and saying what a nice Police Force we have, how it could match against any Police Force in any part of the world, and being a member of the Government that has decided not to give that same nice Police Force any salary increases. That is the decision of his Government, not to give the police any increases.

Hon. C. E. TALMA: On a point of order, Sir, the Police Force receive increases as all other sections of the Government are granted increases when salary revisions come up.

Mr. DEPUTY SPEAKER: Point made.

Mr. HINDS: You cannot say that is a lie anyhow. What we are saying is this, Mr. Deputy Speaker, if consultation with the Force had been embarked upon on a Bill of this sort, and nobody can really believe what the Hon. Ministers on that side are trying to impress upon this House, that there is a note to the effect that it does not concern the discipline or the welfare of members of the Force. That is a huge joke, because as far as I know there has never been a prosecution against a policeman for deserting the Force, but here you will find that in this same Bill it has been found absolutely necessary to increase the penalty for desertion. This type of thing gives us to understand the trend of thought that is permeating somewhere along the line engaging the attention of some of the people who are placed in certain positions, and undoubtedly are hoping to get an opportunity such as this Act now provides to further torment and prosecute certain members of the Force. It is undoubtedly very much to the credit of certain hon. members who have been subjected to the type of treatment that has been meted out to them in the Force from time to time to have still maintained their equilibrium that has so enabled the hon. member

for St. Michael South Central and others to be able to say what a wonderful Police Force we have up to the present.

I believe, Mr. Deputy Speaker, that anyone who understands and appreciates all the implications of a Bill such as this must very well realise how necessary it is to be taking the Police into their confidence, and the policeman of today is not the policeman of forty, fifty or sixty years ago, the policeman like every other group of workers feels at some stage he must be consulted on this, that and every other matter, and we are sure that if consultation had taken place, if the Leader of the House had been able to give us an assurance that the members of the Force had been consulted on any point it would make a total difference to the whole debate taking place in this House.

I will give the Deputy Speaker the effect of this point. The pensions option that members of the public service and others are now asked to sign, do you know what is going on in the Police Force and will cause a certain amount of concern and uneasiness? Members are given a slip of paper to sign, they are not given the freedom which is their right to take it to their barrack room and make a study of what they are asked to sign, they have to sign it in the presence of an officer and leave it there and then. It is not fair. The people need an opportunity to be consulted, they need an opportunity to consult with others, to seek legal advice in their own interest as this same Bill requires of them.

1.30 p.m.

This is one measure which, in our view, requires the attention of the entire Police Association and consultation with their legal adviser. Nobody can deny this, and for one to suggest that it does not concern the welfare and discipline of the Police Force because there are other ways of dealing with this matter is just making a mockery of the situation that could be extremely explosive, if we examine the implications involved.

Mr. Deputy Speaker, you will find that questions have been tabled in this Honourable House, and they have been found to be very necessary. I think the hon. member for the City of Bridgetown inquired into the accommodation provided for Station Sergeants at out Stations in the light of the changing conditions in the Police Force. You must bear in mind that the Barbados Police Force is a Force that is subjected to the same changing conditions that are taking place outside of the Force in our society, so to speak. The policemen have to

gear themselves to be able to cope with such changing conditions, because they must become part and parcel of the entire change, too. If we were to continue with this outmoded manner of bringing matters here affecting the welfare of the policeman without having any sort of consultation with them, how do you think they will feel?

Mr. Deputy Speaker, it was on Wednesday morning when this matter appeared in the newspaper that some Superintendents of Police knew for the first time that this Bill was coming before Parliament. Police Inspectors had no consultation whatsoever with the Commissioner of Police or anybody else. Is it fair? Is it reasonable? Is it just? How can we expect these people to perform their functions in the manner in which the Government would like to make us believe that they have a wonderful Police Force, when the Government has planned not to give one cent more as an increase in salary?

Mr. Deputy Speaker, the Leader of the House will deny that some members of this House have said that, before they would give the Police one penny more, they would recruit a private police force. They would ask Brinks to supply police to look after law and order in this country. Some members of the House have said that. I do not want to say that they said that at a Cabinet session because I was not there. That is exactly what has happened. You will understand the position in which we find ourselves at the present time. They do not care anything about this matter. They feel strong, and they can recruit private police to look after law and order in this country. Do you want to have something like the Machete Gang they have in Grenada? We have condemned the Grenada Government for that sort of thing, and the Government of this country now wants to do likewise!

I had no intention of engaging in this debate, Mr. Deputy Speaker. I know what is under the skin of some of the members of the Government. I know much more than what I have said here today. The point that we are making is that you cannot expect to treat policemen as less than human beings when you are in a Cabinet session, or wherever you are, when the opportunity is there for you to do justice to them, and then come before Parliament and the public and make us believe that you have a Police Force on which you can rely. You rely on them, but you do not want to give them another penny by way of salary!

Hon. C. E. TALMA: Mr. Deputy Speaker, before we put the question, I just want to highlight this point. The hon. member said that the Government, or certain Ministers, have already said that they will employ private policemen. This is the first time I am hearing that sort of nonsense. Which Minister, or which Government said that? I am shocked to hear that.

Mr. HINDS: The Minister is shocked to hear it outside of Cabinet Office.

Hon. C. E. TALMA: I do not think I will waste any more time on that. I did not come in here to waste time: I come in here to get the Government's Business done.

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

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Hon. P. G. MORGAN; Mr. W. R. LOWE; Mr. R. St.C. WEEKES; Hon. F. G. SMITH and Mr. E. E. GREAVES — 9.

Noes: Mr. ELLIOTT D. MOTTLEY; Mr. W. C. B. HINDS and Mr. H. deB. FORDE — 3.
1.40 p.m.

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

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

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

Clause 1 was called and it stood part.

Clause 2 was called.

Mr. FORDE: Mr. Chairman, it was on this section of the Act that the Hon. Leader of the Opposition spoke with great conviction. Unfortunately he has had to go out on another engagement. He has asked me to suggest to the Minister that this Clause be further amended by deleting the words "500" and substituting the words "50", and deleting the term of imprisonment. If indeed there must be a term of imprisonment, I would respectfully suggest that it should be no higher than one month.

We cannot argue that between 1961 and 1975 there has been a 500 times increase or decrease in the value of money so that penalties must be also increased by 500 times.

I believe that the point that he made was a very cogent point and I would like to make a few comments on the speech made by the member for St. Michael South Central. I am not sure if he was asking for a situation where the maximum penalty for any offence should be eliminated because of the fact that one has judges or magistrates who will exercise their discretion on every offence which comes before them. In my view that is really not correct.

The best thinking in penal reform is to try to organise the system of penalties which accord with the gravity of the offence and takes into account at the same time the necessity to reform penal life rather than to be repressive in one's attitude towards those people who may offend society's standards. In fixing these, one must be conscious of the fact that by society's standards what may constitute an offence and the gravity of the offence vary from century to century and from decade to decade.

For instance, it was an offence in England up to five years ago to commit a homosexual act with a consenting adult in private. That is no longer an offence because society has changed its attitude to these things. Attitudes change from time to time and surely we should not be talking in terms of absolutes when we are dealing with the fixing of fines. What we need really is a proper review of all the Acts which carry a monetary or penal or corporal punishment rather than the ad hoc review that we see taking place now in Section 2. I think that the Minister's argument that the members of Cabinet are not agreed on what should be the minimum or maximum convinces me that these amendments are done on an ad hoc basis and that no proper sociological approach to the question of penalties has been made in Barbados.

I made a plea in the last Session for a proper study of community orders; and the Government coming here with fines and imprisonment in this amendment in Clause 2 is one example where a person to perform some kind of community service would be better than fixing terms of imprisonment.

I would ask the Minister to review this situation in view of the cogent arguments which he has heard or must have heard from this side of the House. I now formally move that Clause 2 be amended by deleting (1) The words "500"

wherever they appear in sub-clauses (a) and (b) and substituting the words "50" therefor (2) the words "to a term of imprisonment not exceeding six months", wherever the words appear in sub-clauses (a) and (b) therein.

Mr. HINDS: I beg to second that.

Hon. C. E. TALMA: Mr. Chairman, these penalties are being brought into line in conformity with the present practice, and therefore I am not in a position to accept the proposed amendment.

Mr. MOTTLEY: Mr. Chairman, I must take issue with the Leader of the House that this is to bring these penalties into conformity with other amendments. There is no other offence where the fine has been increased from \$10.00 to \$500.00. It is not true. If you look at the penalty for indecent language under Section 45 of the Highway Act you will see that it is not \$500.00. It is untrue, and he is misleading the House when he says that this is in conformity with the present practice.

The Question that Clause 2 be amended by deleting the words "500" wherever they appear in sub-clauses (a) and (b) and substituting the word "50"; and also that the words "or to a term of imprisonment not exceeding six months" be deleted was put and resolved in the negative, the Committee dividing as follows:—

Noes: Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. R. St. C. WEEKES, Hon. F. G. SMITH and Mr. E. E. GREAVES — 8.

Ayes: Mr. ELLIOTT D. MOTTLEY, Mr. W. C. B. HINDS, Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 4.
1.50 p.m.

The question that Clause 2 stand part, was put and resolved in the affirmative, the Committee divided as follows:

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Hon. P. G. MORGAN; Mr. GREAVES; Hon. F. G. SMITH and Mr. R. St. C. WEEKES:— 8.

Noes: Mr. ELLIOTT D. MOTTLEY; Mr. W. C. B. HINDS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 4.

Clause 3 was called.

Hon. C. E. TALMA: I beg to move that Clause 3 stand part.

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

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Hon. P. G. MORGAN; Mr. E. E. GREAVES; Hon. F. G. SMITH and Mr. R. St. C. WEEKES — 8.

Noes: Mr. ELLIOTT D. MOTTLEY; Mr. W. C. B. HINDS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 4.

Clause 4 was called.

Hon. C. E. TALMA: I beg to move that Clause 4 stand part.

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

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

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Hon. P. G. MORGAN; Mr. E. E. GREAVES; Hon. F. G. SMITH and Mr. R. St. C. WEEKES — 8.

Noes: Mr. ELLIOTT D. MOTTLEY; Mr. W. C. B. HINDS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 4.

Clause 5 was called.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Clause 5 stand part.

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

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

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Hon. P. G. MORGAN; Mr. E. E. GREAVES; Hon. F. G. SMITH and Mr. R. St. C. WEEKES — 8.

Noes: Mr. ELLIOTT D. MOTTLEY; Mr. W. C. B. HINDS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 4.

Clause 6 was called.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Clause 6 stand part.

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

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

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSON; Hon. P. M. GREAVES; Hon. A. MORRISON; Mr. E. E. GREAVES; Hon. F. G. SMITH; Hon. P. G. MORGAN; and Mr. R. St. C. WEEKES — 8.

Noes: Mr. ELLIOTT D. MOTTLEY, Mr. W. C. B. HINDS; Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 4.
2.00 p.m.

Clause 7 was called and passed.

Clause 8 was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Clause 8 stand part.

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

Mr. MOTTLEY: Mr. Chairman, if there is one Clause that one must really vote against it is this Clause, because this is one of the discrepancies I have brought to the attention of this Chamber from time to time. Included in this Clause is a fine that if you use indecent language at the Bridgetown Harbour the fine will be increased from \$50 to \$500, and at the same time under the Highways Act the fine is only \$10. For this reason I am going to vote against this particular Clause.

The Question that Clause 8 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Hon. C. E. TALMA; Hon. G. G. FERGUSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Hon. P. G. MORGAN; Hon. F. G. SMITH, Mr. E. E. GREAVES and Mr. R. St.C. WEEKES — 8.

Noes: Mr. J. M. G. M. ADAMS, Mr. ELLIOTT D. MOTTLEY, Mr. W. C. B. HINDS, Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 5.

Clauses 9 to 11 inclusive were called and they stood part.

Clause 12 was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Clause 12 stand part.

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

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

Ayes: Hon. C. E. TALMA, Hon. G. G. FERGUSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Hon. F. G. SMITH, Mr. E. E. GREAVES and Mr. R. St.C. WEEKES — 8.

Noes: Mr. J. M. G. M. ADAMS, Mr. ELLIOTT D. MOTTLEY, Mr. W. C. B. HINDS, Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 5.

Clause 13 was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Clause 13 stand part.

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

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

Ayes: Hon. C. E. TALMA, Hon. G. G. FERGUSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Hon. F. G. SMITH, Mr. E. E. GREAVES and Mr. R. St.C. WEEKES — 8.

Noes: Mr. J. M. G. M. ADAMS, Mr. ELLIOTT D. MOTTLEY, Mr. W. C. B. HINDS, Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 5.

Clause 14 was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Clause 14 stand part.

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

Mr. ADAMS: Mr. Chairman, I regret that I did not have an opportunity to speak earlier, especially after I heard the speech of the hon. Member for St. Michael South Central whose resolute defence of the indefensible makes me think that he is practising for that necessary prelude of his return to the Bar which we can confidently expect, whether at the hands of the Prime Minister or the electorate remains to be seen, within the very near future, but he really knows nothing whatsoever about

principles of sentencing. That being so, and hearing what he had to say about judges makes me regret that once upon a time the hon. Member was himself a judge, however an acting one.

The whole point which the hon. Member has not taken on the raising of these penalties such as we are being asked to do in Clause 14 is that Parliament is considered to be uniform. It is considered that when Parliament passes legislation that it intends a level of punishment for one offence to be equivalent to the level of punishment for all other offences for which the same punishment is prescribed, so if you say that to curse in the bus stand is \$5.60 but to curse a policeman is \$500 the courts are obliged to consider that this is an offence for which Parliament has provided a penalty of \$500 or six months' imprisonment. They do not have to impose the maximum, they are precluded if a thing that is only halfway to the maximum of imposing a fine of \$500. I venture to say that you will never see a court impose a fine of \$5.00 for a \$500 offence. Just as the Traffic Courts now in these days impose fines of \$100, \$200 and \$300 where they used to impose a fine of \$15 before, the courts dealing with the Police Act will be constrained by Parliament to fine on the higher scale, and I am not joining with the hon. Member in his criticism of the judges and magistrates of this country in saying that they give one man four years for cutting off a finger and another man 18 months for cutting off an arm. That will have some effect on the respect which the public should feel for the judges and magistrates of this country. If a man gets his arm cut off and his assailant gets 18 months you will find that the arm which was cut off at some stage had a weapon in it and that in the course of a fight the penalties will be less. If there is criminal liability the penalties will be less, but I will tell you this freely. If I were a judge and I had to deal with a man who saw a boy sitting down by the road and said "move out of the road, you idiot", and the boy said "who are you talking to?" and the man took a piece of iron and hit him with it and cracked his skull, that man could look forward to some imprisonment from me.

2.10 p.m.

If, on the other hand, a man said to a boy: "Move out of the Road", and the boy said: "Who are you asking to move?" The man pushed him, and the boy took a piece of iron and struck the man on his head, that would not merit imprisonment at all, although

the injury would be identical, and the quarrel would be the same quarrel. Just to say fullstop that the Judges are inconsistent, and they have different fines is to strike a very dangerous blow at the respect the public have for the judicial process in this Island. We are going to strike a blow anyhow at the respect the public have for us if, as I suggest, you make it the same quality offence to drive a car the wrong way down Broad Street to the danger of the public as to refuse to move when a policeman tells you to move in Broad Street. A member of the public, faced with the most resolute defence by the hon. member for St. Michael South Central, cannot really accept that. There is no way you can tell a member of the public it is just as bad to refuse to obey a policeman in those circumstances as to drive a car the wrong way down Broad Street. Is there anybody in here who could think the two offences merit the same penalty? But yet within this last 12 months we have applied the same penalty to both.

Now, this Section which deals with a person who imitates a member of the Police Force used to be thought to be 10 times more serious an offence than the offence of failing to move, and I think it is 10 times more serious. I happen to think in respect of this particular Section that it is a very, very serious offence, indeed, to masquerade as a policeman, or to put on a policeman's uniform, or produce a card to somebody saying that you are a policeman in order to obtain entry to that person's house to rob therein, etc. Unless I am mistaken, we are giving it only twice the penalty for failing to move on. In failing to move when a policeman tells you to move is worth \$500.00 then, to my mind, a member of the public who masquerades as a policeman in order to do somebody some harm, or some mischief — you do not know what mischief he might be up to — should be fined \$5,000.00 and not \$1,000.00.

These penalties are conceived without regard to the seriousness of the offences to which they relate. I think this is one of the most serious offences a policeman can commit other than offences in the way of semi-treason, disaffection in the Force and so on, because, again, this strikes at the root of the respect which the public have for the police. None of us would like to know that somebody comes to our home and we let him in because we think he is a policeman and so on. Members of the House have lost their

sense of proportion, in my respectful submission, Mr. Chairman, if we regard this particular offence as being only of a slightly greater degree of seriousness than the offences which have been dealt with before.

Sir, I really think, especially since the person whose advice while no longer solicited, or requested, by virtue of his office and yet, I am sure, is offered, whether requested, solicited, or otherwise, is offered with a view that it should be respected and that is the former Attorney-General. If his concept of penalties is really such as he sets out in his speech, I think we are in a very bad way. None of us can ever be masters of all branches of the law of penal reform. I think the only person in this House who really has any pretention to a deep knowledge of penal reform is the hon. member for Christ Church West who sat at the feet of some of the greatest penal reformers in the United Kingdom after he left Cambridge University, and I would respect anything that he said about penalties a great deal. But we cannot all be as well trained as he and his advice may not be available. I think that the Government should seriously consider delegating to some sub-Committee, or some individual, the duty to master some of the principles of penal reform, and have a look at every penalty throughout the penal legislation of this country, so that we do not fall into the anomalies, I am respectfully submitting, we have fallen into.

Hon. F. G. SMITH: Mr. Chairman, I wonder if he was in here when I spoke. Whether he had listened at all, or understood what I was saying, I do not care whether he respects my opinion or not. That is neither here nor there. I said that one of the safeguards was the Magistrate's intervention in looking at each crime. I started out by saying that maximum does not matter. Therefore, the Magistrate, if he is conscious of what his function as a Judge is, will listen to antecedents, the circumstances of the crime, the prevalence of the crime, the likelihood of repetition, and every facet of the particular offence of which a man is charged. I made that quite clear, and I particularly said to him that if the penalty for corruption was death, he need not fear it because he would not commit the offence.

Mr. Chairman, when I hear him talk about my not knowing the principles, when it comes to law I may not have practised for nine years, but I am an older man, more experienced, more exposed than he will ever

be to legal matters. It may surprise him to know that I still keep up with what is happening. I do not remember the case of *Jones versus Jones* as he, a practitioner, must know it, but I know what the legal principles are, and I have always kept up with the law. On the question of \$9.60, I...

Mr. ADAMS: Mr. Chairman, is he saying that the principles of sentencing form any part of a lawyer's particular training?

Hon. F. G. SMITH: Mr. Chairman, sentencing must form part of the law. I would not give him a case. If I gave him a case and he is not concerned with whether I got six months or life — I thought he would be concerned and would argue mitigation and ask the Judge not to send me to prison, and he would understand what he is arguing. I could not give him a case, because he would get me locked up forever. The lawyer must know and must be able to put to the Judge the principles on which he has something to say....

Mr. ADAMS: On a point of order, Mr. Chairman. I asked if the penal reforms, or the principles of sentencing, form any part of any legal training; I will add, to which he has been subjected. That is something you will pick up by constant practice, and I speak as a very accomplished mitigator, I think, Sir.

Hon. F. G. SMITH: Penal reform is a matter for a sociological team, for sociologists and penologists. I am talking about the principles of sentencing, which is what this Act is about. This Act has nothing to do with penal reform. You are not changing imprisonment and fines which are traditionally the basis of punishment. I am talking about punishment. Whether you send them to Dodds, or send them to an open prison, is something else. Penologists and reformists will look after that.

With regard to the fine of \$9.60, I feel that with the spate of indecent language existing in Barbados, and with the ancient nature of the \$9.60 referred to by the Leader of the Opposition, the fine is too low. I would like to see it at \$500.00 to stamp out the abuse of the ears of decent people by others, without any respect for sex or age, who use indecent language in public. He cannot justify the magnitude of this fine by pointing out that the fine for cursing John Brown is \$9.60 because he knows, and I think he may have said it in this House, that \$9.60 bears no relationship either to the change

in money, to the prevalence of the offence, and the desire to stamp it out in public.

2.20 p.m.

If tomorrow the Government came in with a Bill to make the use of abusive and indecent language in public \$500.00 it would have my support. You cannot argue from a fine which the hon. member knows is outdated and which nobody has bothered to change, that because this is \$9.60 you cannot make it \$500.00. My answer to that is that I would make it \$500.00 in order that we could clean up the complete disregard and disrespect which seems to be creeping into the society not only in books and literature, but in ordinary conversation.

We are not at cross purposes, and I have not attacked any judges. He wants to get in that theme so that it will be read that the member for St. Michael South Central has attacked the judiciary. I am talking to the layman especially as it is reported in the newspaper. John Brown was convicted at the Assizes of wounding with intent. His Lordship says that it was a serious offence and sentenced him to 18 months. Henry Jones is convicted of wounding with intent. His Lordship says that it is a serious offence and John Brown sees him get four years. I agree that John Brown did not know the circumstances, and maybe the judges were completely satisfied; but what I am talking about and what does strike the public as peculiar is that for the same criminal offence there is this disparity in the sentences.

That is no indictment of the judges. Even as the hon. member knows, and we will soon know that in damages for libel some judges give \$35,000 and some give \$30,000; but there is the danger that another judge may give \$65,000 or \$100,000. There is no yardstick by which you can say that this penalty is too high or too low. That is all I wanted to say.

The Question that Clause 14 stand part was put and resolved in the affirmative, the Committee dividing as follows:—

AYES: Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, Hon. F. G. SMITH and Mr. R. StC. WEEKES — 8.

NOES: Mr. J. M. G. M. ADAMS and Mr. W. C. B. HINDS — 2.

Clause 15 of the Bill was called and it stood part.

Clause 16 was called.

The question that Clause 16 stand part was put and resolved in the affirmative, the Committee dividing as follows:—

AYES: Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, Hon. F. G. SMITH, and Mr. R. StC. WEEKES — 8.

NOES: Mr. J. M. G. M. ADAMS and Mr. W. C. B. HINDS — 2.

Clause 17 was called and it stood part.

Clause 18 was called.

The question that Clause 18 stand part was put and resolved in the affirmative, the Committee dividing as follows:—

AYES: Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, Hon. F. G. SMITH and Mr. R. StC. WEEKES — 8.

NOES: Mr. J. M. G. M. ADAMS and Mr. W. C. B. HINDS — 2.

Clause 19 was called.

The Question that Clause 19 stand part was put, and resolved in the affirmative, the Committee dividing as follows:—

AYES: Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, Hon. F. G. SMITH and Mr. R. StC. WEEKES — 8.

NOES: Mr. J. M. G. M. ADAMS and Mr. W. C. B. HINDS — 2.

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

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

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

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

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

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

AYES: Hon. C. E. TALMA, Hon. G. G. FERGUSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. W. R. LOWE, Mr. E. E. GREAVES, Hon. F. G. SMITH and Mr. R. StC. WEEKES — 9.

NOES: Mr. ELLIOTT D. MOTTLEY and Mr. W. C. B. HINDS — 2.

Hon. C. E. TALMA: I beg to move that the Bill do now pass and be cited as the Police (Amendment) (No.2) Act, 1975.

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

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

AYES: Hon. C. E. TALMA, Hon. G. G. FERGUSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. W. R. LOWE, Mr. E. E. GREAVES, Hon. F. G. SMITH and Mr. R. StC. WEEKES — 9.

NOES: Mr. ELLIOTT D. MOTTLEY and Mr. W. C. B. HINDS — 2.
2.30 p.m.

SUSPENSION OF SITTING

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that this Sitting be now suspended until 3.30 p.m.

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

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

ON RESUMPTION AT 3.30 P.M.

Mr. DEPUTY SPEAKER: This sitting is now resumed.

THE BREWERY (AMENDMENT) BILL 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Order No. 2, to move the

Second Reading of a Bill to amend the Brewery Act, be the next Order of the day.

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, this Bill would amend the Brewery Act in order to remove the provisions relating to the collecting of duty on beer brewed in Barbados.

Hon. Members will recall that in 1950 legislation was enacted to regulate the brewing of beer and to impose certain duties thereon. This Brewery Act of 1950 under section 4 provides for the payment of an excise duty at the rate of 12 cents per standard wine gallon, after a 12% allowance for production loss. In 1962 an Act to make provision for the imposition of a consumption tax was approved by the legislature and a consumption tax at the rate of \$1.03 per gallon was imposed on beer. The present consumption tax on beer is at the rate of \$1.40 per gallon.

The management of Banks (Barbados) Brewery Ltd. requested the combination of the excise duty and consumption tax into one tax, and we are now doing what was asked in having one consumption tax at the rate of \$1.50 per liquid wine gallon. That is really what the objects of this Bill are. The Cabinet at its meeting on 6th March, 1975, considered the request and concluded that excise duty payable under section 4 of the Brewery Act, 1950 on beer should be amalgamated with the consumption tax payable on beer, so that the new total tax payable would be a consumption tax of \$1.50 per liquid gallon.

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

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

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

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

Clauses 1 and 2 were called and they stood part.

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

On the separate motions of Hon. C. E. TALMA, each seconded by Hon. G. G. FERGUSON, the Bill was read a third time, passed and cited as the Brewery (Amendment) Act, 1975.

THE STATUTORY BOARDS CASUAL EMPLOYEES (PENSIONS) (AMENDMENT) BILL, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to move that Order No. 5 be the next Order of the Day. It is to move the Second Reading of a Bill to amend the Statutory Boards Casual Employees (Pensions) Act, Cap. 383.

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, as the Objects and Reasons set out, this Bill would amend the Statutory Boards Casual Employees (Pensions) Act, (a) to preserve the pension rights of employees in the service of a Board on or before a date to be appointed by the Minister by order, (b) to make provision for the grant of a gratuity, but no pension, to employees who join the service of a Board after the appointed day; and (c) for related matters.

Mr. Deputy Speaker, in applying the provisions of the National Insurance Scheme to Public Employees and Officers, the Cabinet decided in 1967 that most of the benefits including pensions may duplicate and because of this provision employees whose total earnings were insurable under the scheme and who were in receipt of service pensions became eligible for total retiring benefits from both sources in excess of their wages when employed.

Now in pursuance of the aim to institute a national pensions plan it is intended that as many employees as possible be brought within the full provisions of the National Insurance Scheme to the ultimate exclusion of a general service scheme thus relieving conditions generally.

It was agreed that casual employees joining the service after the date to be determined by the Minister should not be eligible for retiring

benefits under the Casual Employees (Pensions) Act. This was implemented by the Casual Employees (Pensions) (Amendment) Act, 1971. In 1969 Government took over the functions of the former Local Government Authorities by means of the Local Government Council (Dissolution and Interim Commission) Act, 1969, and the Local Government (Transfer of Functions) Act, 1969, and part of the functions and staff passed to the Ministry of Health.
3.40 p.m.

The casual employees of two of these Boards, the Sanitation and Cemeteries Board, (the Sanitation Services Authority) and the Child Care Board, have enjoyed and are continuing to enjoy retiring benefits under this Statutory Boards (Pensions) Act, 1932 as well as their eligibility under the National Insurance Scheme, unlike the casual employees of the Central Government. In recent times efforts have been made to ensure that the conditions of service of staff of Statutory Boards which operate largely on Treasury subventions approximate as nearly as possible to those in the Civil Service.

Those are some of the reasons why this Bill is being amended. The Objects and Reasons of the Bill are enunciated here. All serving employees of Statutory Boards will continue to be eligible for duplicated benefits in their existing form under the Statutory Boards (Pensions) Act, 1969 and the National Insurance Scheme. With effect from the date to be appointed casual employees joining the service of Statutory Boards shall become eligible. This Bill would also make provision for the grant of a gratuity but no pension for employees who join the service of a Board after the appointed date, and also for related matters.

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

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

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

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

Clause 1 was called and it stood part.

Clause 2 was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. HINDS: Mr. Chairman, I would just like to hear briefly from the Leader of the House if this Bill makes any provision for the pensions of workers at the Transport Board, because the Transport Board is a Statutory Board and we very well appreciate that little or nothing has been done apart from promises made to these people from time to time, and we would like to hear exactly what is the position with regard to these workers, the drivers, conductors and others employed by the Transport Board.

Hon. F. G. SMITH: Mr. Chairman, this Bill has nothing to do with that. The question of the terms and conditions of the workers of the Transport Board has always been a matter of negotiation between the Workers' Union and the Transport Board. I myself have said to this Chamber that very often instead of arguing and asking for an increase in wages the Union itself should press for conditions for these workers. What has happened is that the Board within its financial ability has granted pensions to workers who have been laid off, and they have granted pensions as a good employer. Very often pensions, which as you know we have had to come to this House for money, were beyond the capacity of the Board to pay. What is going to happen in due course — and this is only affecting those old workers who were with the Board before the coming into effect of the National Insurance Scheme — but in due course all the workers of the Transport Board will get a National Insurance pension as a result of the fact that they will have by the end of their service paid sufficient contributions to qualify. The only problem is that those workers who were taken over from 1955, who have resigned before the coming into effect of the National Insurance Act and who were not able because of age to put in enough years to qualify for a pension after the National Insurance Act came in, but when the review is finished in the National Insurance Scheme the wages which the workers at the Transport Board get, if they increase the eligible income from \$200, which it is at present, to say \$400 or \$500, then all of those workers in another five years will be covered by this scheme.

This is also going to happen to the old age pensioners as the years go by and as the scheme develops. This Government hopes that old age

pensions will be a thing of the past because every worker in due course if he is an honest worker and works for a period of time will in due course get a National Insurance pension, so the necessity to give him \$8.00 or \$10 a week which we know is not enough will not apply. The Transport Board has never been seriously negotiated, they have always been asking for wages and conditions of work, and when I had responsibility for the Transport Board I always felt that pensions for these workers should have been something which should have been negotiated, but I think everybody accepted it over the years that the Board, not being able to run its own affairs.....

Mr. HINDS: On a point of order, I wonder how the Minister relates the situation where workers covered by this Bill are represented by the National Union of Public Workers who get their terms and conditions negotiated in the same way as he is now making us believe that it is a question of negotiation between the Transport Board and the Union.

Hon. F. G. SMITH: I am talking about the position as it is. There are certain Boards which the Workers Union represents which now get pensions, it is just that the Transport Board does not have the same facility for paying pensions as of right, by Statute or Agreement. I sympathise with the member for St. Peter, I have always felt that a man who gives 20 years to an organisation should not have to rely on any kindness of the Board to get a pension. I could not come to Parliament to get the money to run it and then say I want more money to pay pensions.

The Question that Clause 2 stand part was put and resolved in the affirmative without division.

Clause 3 was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Clause 3 stand part.

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

Mr. HINDS: Mr. Chairman, I am still to enquire since the Transport Board is a Statutory Board why is it excluded from this Act. This Act is in relation to Statutory Boards, what case can be made out for excluding the Transport Board?
3.50 p.m.

Hon. F. G. SMITH: The Board is not excluded. This Act is dealing with those Boards where pensions are now being given. It is not a question of excluding. If at this point of time the Transport Board had a pension scheme it would have been under it. All that happens is that under this Act it is automatically included because, as the position stands, it is not a board to which the workers are entitled to a pension either by virtue of the statute setting it up, or by virtue of some agreement with the organisation representing the workers.

The Question that Clause 3 stand part was put and resolved in the affirmative without division.

Clause 4 was called and it stood part.

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

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

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

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

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

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

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

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

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

Hon. C. E. TALMA: The next Order of the Day, Mr. Deputy Speaker, stands in the name of the Minister of Housing, Lands and National Insurance, etc. and it is to move the passing of a Resolution to approve of the compulsory acquisition of land at Free Hill, St. George, for the provision of a site for the pulverisation plant.

Mr. DEPUTY SPEAKER: Order No. 6.

RESOLUTION TO APPROVE OF THE
COMPULSORY ACQUISITION OF
LAND AT FREE HILL,
ST. GEORGE

Hon. P. M. GREAVES: Mr. Deputy Speaker, under this Resolution it is proposed to acquire about six pieces of land for the purpose of setting up a pulverisation plant for waste disposal. The Ministry of Health have carried out several tests and made several investigations in some parts of the country, and have come to the conclusion that the site at Workman's, or Free Hill, or whatever it might be — this area we are about to acquire — is the most suitable site from the point of view of acceptability and from the point of view of the comparative ease of disposal.

I would like to state that my Ministry which have been asked to acquire the properties, have not concluded all negotiations with the respective owners, but because of the fact that the site is urgently needed, for one reason I can say from the files that the components for the pulverisation plant are arriving or have arrived in the country, my Ministry have been asked to speed up the acquisition of this property. This is precisely why this matter is before us today. It would have been before us, in any event, in order that the Government might acquire an indefeasible title to property.

I move that this Resolution do now pass.

Hon. F. G. SMITH: Mr. Deputy Speaker, in seconding this Resolution, I would like to say that when I was the Minister of Communications and Works I was particularly worried as to whether the establishment of this pulverisation plant might have any effect on the water resources of this country either by seepage over a period of time, or in any way, and I was assured — I am no authority on it. It is on record in the Ministry of Communications and Works the expert opinion of the Chief Engineer of the Waterworks that the water resources of this country are not likely to be affected by this plant either because of the content of the material subject to rains over a period of time, or otherwise.

I am saying this because I do not want, when I am dead and gone, to hear that I allowed the water resources of Barbados to be polluted. I want to take this opportunity to say that while I agree with the Resolution, I also

for my part — I am no hydrologist; I am no expert — took the opportunity to assure myself, as far as was humanly possible, by consulting my experts to assure me that the establishment of this plant in that particular area in the country is not likely to interfere with the purity of the water resources of this country. I want to go on record now, because I do not want to hear it said that I did nothing. I want to go on record for future generations if, God forbids, something should happen.

Mr. HINDS: Mr. Deputy Speaker, I observe that, in almost every instance, there is a wall building or some sort of building situated on the land that is to be acquired. I am wondering whether Government gave any sort of consideration to offering these owners alternative sites anywhere.

4 p.m.

Seeing that in each case a wall building is situated on it, I take it for granted that these are residences where people now live. We are wondering if in these cases where the Government is acquiring land it puts money into people's hands just to be frittered away, so to speak, or if Government gave consideration to offering sites or giving the people the opportunity to select somewhere for themselves first and then go into the business of acquiring their lands.

It is all right to hear that the Government wants this pulverisation plant, but at the same time we have to look to see that the occupiers of these premises are not discommoded and left to be thrown to the wind with a few thousand dollars in their hands.

Mr. BOLDEN: Mr. Deputy Speaker, what worries me about the whole aspect of the acquisition is that the Minister said that negotiations have not yet been completed with the respective owners of these sites. Now, I am particularly worried about the manner in which the Government is going about this business in latter days. They seem to be riding rough shod over the citizens of this country and they are not giving any consideration to the feelings of individuals in our community.

If they are going to be negotiations in respect of these sites I would rather that this acquisition be done under normal circumstances, when the parties have come to amicable agreement over the compensation to be paid, rather than the Minister coming in and saying that in any case it would have to come before us. If it is a question of title and you want to over ride any deficiencies that

might arise on title then certainly this is the method of doing it.

I hope that we do not find ourselves in another Graeme Hall episode whereby the Government goes ahead and acquires land and then the owners of such land go to the courts in order to get a justifiable price. Once again the new Minister of Education gets up and parries for himself. Leave me out of this. I am clearing myself now.

Hon. F. G. SMITH: On a point of explanation. I am not parrying. I can parry for myself in St. Michael South Central when the time comes. What I am saying is that with a pulverisation plant and with the constant hammering, people have expressed their concern to me. Since St. George is a well known water area, I thought that as a member of the House I would explain to the public. The hon. member need have no fear because I have taken steps to ensure myself. I am not parrying. When the time comes it will be upper cuts and crosses. Parrying is for when you are not fighting. When the time comes you will see like what you saw last night.

Mr. DEPUTY SPEAKER: Point made.

Mr. BOLDEN: The hon. member is doing a Foreman then. He is backing on the ropes and fighting for himself. This hammering is going to be one aspect of the pulverisation plant. We had HARP. They had their hammering too, and the people in Christ Church complained about HARP and their hammering. I am worried about the dust that will come out of this plant. I hope that we do not find ourselves in a legal tangle.

I must say here and now that the advisers of the Government have not been using their intelligence in relation to Barbados. The wind factor is something that will have to be looked at. Will the dust annoy the residents of the area? What is the area of the land, and how will you control the dust? The Minister is saying that he does not want to hear something when he dies. He is different from anyone else. He will hear what happens when he is dead. I am talking about the living. What are the living going to do when the plant is set up?

It means that the Government has not yet completed its investigations and negotiations in respect of the land we are seeking to acquire; that is what worries me. You must not go acquiring people's lands against the wishes of the people. Probably you will end up like you did with the cemetery up the road. I have just learned that one of the main reasons for stopping

the erection of the cemetery at that point was that they were advised that the burning of bodies would affect the houses on the West of the proposed cemetery.

Whenever the Government comes with a big expensive project, Ministers break for themselves as if they are not in a Cabinet. The Minister of Education is now breaking for himself with water.

Hon. F. G. SMITH: On a point of explanation. I am not breaking for myself. I supported the Resolution. I am 1,000 per cent behind the Resolution brought by the Government. I am not breaking for myself. I am explaining one aspect of the operation which I think the public should know. I am supporting it 1,000 per cent. You cannot call that breaking for yourself.

Mr. DEPUTY SPEAKER: Point made.

Mr. BOLDEN: The Minister is breaking for himself with an exception. He is supporting the Resolution 1,000 per cent with the exception that — he broke for himself with the cemetery issue too. Hansard will record it, and when it was put to him early that the cemetery is running into trouble he said: "I do not know anything about it. I am building it for the Ministry of Health". The Minister of Health said: "I do not know much about it. I just took over". That is breaking for yourself. The Minister of Lands said: "It was passed to my Ministry to do the acquisition." Breaking for yourself. When a project collapses nobody will bear the responsibility. I have never seen Ministers who have shirked out of the concept of responsibility in a collective Government as I have seen them breaking for themselves whenever it is a big Government project. Not one of them is able to stand up and tell the public at large this is what is going to happen. I am responsible. I have looked at it and I feel sure that it will be for the benefit of the public and the project will go through.

Even the Minister says that the negotiations have not yet finished. Whenever they come to this Parliament with a Resolution for land acquisition there is always something hidden in the bag behind. Remember the piece of land up in Maxwell Hill when we on this side had to warn the Government that there were disputes in court over the acquisition of certain lands.

What I think the Minister should do is complete his negotiations. If the pulverisation plant is here there is nothing wrong. As the

Minister who has just sat down said on one occasion that he would take a member of his staff and give him a year off to make sure that he completed the Road Traffic Act so that it could be brought to Parliament by a specific date. If there is a hurry, the Minister could take a member of his staff, or request the Public Service for a member of their staff to complete these negotiations and make sure that everything is all right and then come to Parliament.

I do hope that when the law suits start coming every member will stand up and not break for himself at that time. It is clear as soon as you heard the Minister say that he would make sure that the water situation is going to be right that someone is looking at the environmental aspect of it as well.

Hon. P. M. GREAVES: Mr. Deputy Speaker, it is a pity that some people cannot make a well reasoned, logical and sound argument on matters of public interest, but that all kinds of extraneous matters have to be drawn in from time to time when one comes to debate public business.

The hon. member for St. Peter has asked about offering persons whose lands are being acquired lands in exchange or other lands so that they can resite their houses. Now, the Government is purchasing these lands; and I am sure that if there are any lands that Government might have, Government will not be adverse to giving some assistance in that respect, if there is any assistance that we can give. I do not know that we are dealing with helpless people; but if they make such a request and the request is a reasonable one, the request will be entertained. There is no doubt about that.

As regards the acquisition, I thought that I had made it clear that the land was being acquired compulsorily in order that the work on the plant could go ahead. That has nothing to do with the question of concluding the negotiations. This can be done even after these lands have been acquired. One does not have to come to Parliament after you have negotiated a price and then seek to get a proper title to the property. It may be done at an earlier stage. It depends on how soon one wants to move.

I explained the cause of the urgency of the matter. The Government is seeking to acquire these lands. This does not mean that the Government can pay any price it wants for the property. The price will be negotiated, and if the price is an unreasonable one we will say that it is an unreasonable one and the Government will do

all that they can do under the Land Acquisition Act. Even if we had attempted to negotiate a price before this stage and the price was unreasonable we would still have to come to this stage.

4.10 p.m.

If the price is reasonable by private treaty, that is by both parties negotiating freely, we will pay despite the land acquisition Resolution here before this Chamber; but if the price is unreasonable, we will not pay an unreasonable price and then we will pay what price we think should be paid and the parties will have redress under the Land Acquisition Act.

Mr. HINDS: On a point of order, one would have thought that in coming to the House today the Minister would have been in possession of the price of each plot of land he intends to acquire or seeks to get approval for.

Mr. DEPUTY SPEAKER: No point of order.

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

COMMITTEE OF SUPPLY

Hon. C. E. TALMA: Mr. Deputy Speaker, the next Order of the day is Item No. 1.

I beg to move that Your Honour do now leave the Chair and the House go into Committee of Supply to deal with two money Resolutions, that is, (b) and (c) of Order No. 1.

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

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

SUPPLEMENTARY ESTIMATES 1975-76

No. 11

Head 26 – Ministry of Tourism, Information and Public Relations (1) General Administration – was called.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that Head 26 – Ministry of Tourism, Information and Public Relations (1) General Administration, stand part.

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

Mr. BOLDEN: Mr. Chairman, this new Head for Loans and Advances becomes absolutely necessary because of what I consider the devious practices which employers are using in Barbados to get rid of their present work staff. I think it is time that Government take a very serious look at the method of employment and dismissal in this country. Employers are using all kinds of methods to terminate the employment of their employees, and Government will find that they will have to probably vote a larger sum in respect of the Severance Pay Tribunal in order to keep this particular Act going. People are complaining every day....

Hon. P. M. GREAVES: The hon. member is doing the wrong Resolution.

Mr. CHAIRMAN: We are dealing with Item 11 under Head 26(1).

Mr. BOLDEN: Are we doing one head or both heads? Item 11 is Grants to Public Institutions. This was not introduced by the Leader of the House; so the Leader of the House is wrong.

Hon. C. E. TALMA: What Leader of the House is wrong?

Mr. BOLDEN: The hon. Member looks as if he has been drinking today. I do not want to lose my temper.

Hon. C. E. TALMA: I said "I beg to move that Head 26(1) stand part."

Mr. CHAIRMAN: That is what the hon. member said.

Mr. MOTTLEY: Mr. Chairman, I notice that we are spending a great deal of money on this Authority. Only last week we had to vote over \$1 million in relation to this Authority for various expenses. On that occasion the members of my party stated they were not in favour of it because we felt then and we feel today that the Government's priorities are wrong in this respect. We feel that there are many other pressing things that should be done in this country rather than spending this money on these caves. My colleague for St. Peter said that they have left undone those things which they ought to have done, and have done those things which they ought not to have done. We find that Government seems to be losing sight of its priorities. We started off with a Caves Authority and now the expenditure is beginning to snowball. Last week we had capital expenses; this week we are getting salaries, furniture, equipment, supplies and materials for

the operation of the Authority, and what is happening is what happened in the case of the Coast Guard where we were asked to vote a small amount and then it snowballed. I shall not repeat the arguments I used last week, but I personally cannot support this part of the Resolution for \$23,000.

Mr. GREAVES: Mr. Chairman, before this matter is put to the vote, I would like to make some comments under Head 28, (New). (*Asides*) I am sorry, Mr. Chairman.

Mr. BOLDEN: Mr. Chairman,...

Mr. CHAIRMAN: On what is the hon. member speaking now?

Mr. BOLDEN: On Head 26(1) — Grant to Institutions.

Mr. CHAIRMAN: The hon. member has already spoken.

Mr. BOLDEN: Oh no, Sir. You cannot rule one way and then rule another way. I am speaking on Head 26 now and I can still speak on Head 28 because it was not called.

Mr. CHAIRMAN: I only asked the hon. Member what he was speaking on and all he had to say was that he was speaking on Head 26 and I would hear him.
4.20 p.m.

Mr. BOLDEN: Mr. Chairman, I must join with my colleague in saying that when we were asked for a hefty sum of money last week in respect of caves nobody gave an indication that they would come back for a further sum. To ask to spend \$1.4 million last week and another \$23,000 this week, I have said before and I am saying here again that as long as there are certain people advising the Government on tourism in this country tourism will be developed for a specialised few to the detriment of the masses in this country and a mass of people who would like to come here to enjoy this country.

We have had some documents being circulated by the same persons telling us about the minibuses, the buses which we must have in order to move large numbers of people to and fro because they do not want to travel alone, we heard about so many airlines coming to Barbados, we heard about so many hotels to be put in Barbados, and at the moment the hotel industry is struggling at the bottom

of the well. The Government should look carefully at the institutions in this country that need financing, the things which would cause the tourists to spend money, not the caves which are going to be for a selected few. The Government has to understand that there are certain people who are advising the Government that when things really get bad they are going to leave like birds of passage, and I have to say that we must vote against this further \$23,000 because it is going to go on and go on like the fable of the pig that walks with its tail in the dirt. It gets a little ball of dirt at the end of it and it goes on walking until the dirt gets into a massive ball and pulls the skin from the head of the hog and it dies. The Government could use this money in a better way. The Transport Board is not working out far less, and I hope that the caves can pay for themselves in another year from now.

It is all right to bring the experts from abroad, all of them come from out there, we are here and we have to watch carefully the advice which is given to this Government. With that, Mr. Chairman, I must say that we on this side will vote against this money. They will win by numbers but the public outside will be able to judge whether or not the Government has its priorities right.

Hon. F. G. SMITH: Before the Minister replies, I thought the Prime Minister last week had dealt with this difference in thinking between the Opposition and the Government. Even their own party man, Lawson Bayley, agreed last week that they were talking foolishness. You have to look for the infrastructure to bring in the money to keep the service going. You could take the money and build two wooden houses, but I doubt very much that \$23,000 would give you a proper house. Last week they agreed to set up the Caves Authority, but they must have officers and furniture to operate, so how can an Opposition be serious today to tell us they are not voting for it? I really wonder how foolish they think the people of Barbados happen to be, and as for the member for St. Joseph sometimes I wonder and I am amazed because he has no logic. Every Barbadian can go and see the caves, there is nothing in the legislation to stop Barbadians from seeing them, there will be nothing in the regulations to stop Barbadians going into the caves which for Barbadians will be a novel experience. I have not been yet but I will go. This is what annoys me that in this country for political

advantage they will talk that sort of nonsense because a Government is going to develop a natural resource to provide another amenity, not for tourists but the tourists will enjoy it, but for Barbadians first. (Mr. BOLDEN: Why do you not put a bus in St. Joseph for this money?) I refuse to talk because when we put a bus in St. Joseph for this money it can't last forever, but that is the level of his argument so I will sit down. Do you see the level of their thinking? Can one really take part in a debate with people who think like that?

Hon. P. G. MORGAN: Mr. Chairman, there are two separate issues here, two distinct amounts of money. Some weeks ago this Hon. House voted, I think unanimously, to establish a Caves Authority.

Mr. BOLDEN: On a point of order, even the Minister of Information does not even know how the House voted. That shows the level of intelligence on that side.

Hon. P. G. MORGAN: It was done unanimously. Some weeks ago a Bill was passed in this House to establish a Caves Authority which would have the duty of overseeing and developing caves in this Island. The amount of money which is asked today is quite simply to service that Authority for the remainder of the financial year. It is for the purpose of paying salaries for two people for approximately six months, one Secretary/Stenographer and one Stenographer/Typist, for paying the remuneration of the Chairman and members of that Authority in the same manner as members of Parliament are paid, and it also provides for a certain amount of money, \$7,000, for furniture and equipment for the two people who will be doing their work. That is all it is.

The other matter last week is a separate and distinct affair. This will allow the Authority to have the funds with which it can survey the whole Island and get on with the job. The amount of money passed last week was specifically for a cave in St. Thomas, Harrison's Cave, and that is a separate and distinct issue for which funds are to be raised by debentures. This is the difference in the the two amounts of money, but if the hon.

members are going to vote to establish the Authority and then do not vote to give them any money that does not make much sense.

The question that Head 26(1) stand part was put and resolved in the affirmative, the House dividing as follows:

Ayes: Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Hon. F. G. SMITH, Hon. P. G. MORGAN, Dr. the Hon. R. B. CADDLE, Mr. E. E. GREAVES and Mr. R. St.C. WEEKES — 9.

Noes: Mr. J. M. G. M. ADAMS, Mr. ELLIOTT D. MOTTLEY, Mr. W. C. B. HINDS, Mr. C. L. BOLDEN and Mr. H. deB. FORDE — 5.
4.30 p.m.

Head 28 (New) Loans And Advances was called.

Hon. P. M. GREAVES: Mr. Chairman, I would like to speak, but I am hearing several voices.

Mr. CHAIRMAN: I am going to ask hon. members to abstain and to respect Rule 33(6).

Hon. P. M. GREAVES: Thank you, Mr. Chairman. I would like to move that Head 28 stand part. This is a new Head as a matter of fact and, therefore, a new item. It is a matter of Loans to Statutory Bodies. (*Asides.*) It is a matter of finance.

Mr. BOLDEN: On a point of order, Mr. Chairman. I believe that we have annual estimates and all of these items must come under a particular Head in the estimates so that one can know how much money is spent by Government. It appears to me as if this matter comes under the Ministry of Tourism, Information and Public Relations.

Hon. P. M. GREAVES: I would say it is a new Head under the Ministry of Finance.

Mr. BOLDEN: It will have to be taken out of this.

Hon. P. M. GREAVES: Not necessarily. Mr. Chairman, the idea of setting out the estimates as there are is for the sake of tidiness. The important thing, as far as the

Accountant-General and the Auditor General are concerned, is that you have an appropriation out of which to spend the money. You have an amount appropriated by Parliament under a Head out of which the money must be spent. Head 28 is a new Head known as Loans and Advances. There is only one item under that Head — Loans to Statutory Bodies. I want to make it clear that it is a completely new Head coming under the Ministry of Finance and Planning. The purpose of this is to make advances to the Severance Fund.

The Severance Fund was established in 1973 under the Severance Payment Act. It became effective from the 1st January of that year. As you know, Sir, the principal Act was passed, I believe, in 1971 but it could not be brought into effect because it was discovered, after passing the Act, that there was a defect which was made good by subsequent amendments. The Act came into effect in 1973 from which date the Fund was established. The Fund was established and payments made in accordance with recommendations made by the actuary who, at that time, carried out investigations into the National Insurance Scheme. The Actuary made certain recommendations, and the Fund was set up based on those recommendations and payments made accordingly. The Actuary at the time confessed of not having any real guide-lines as to what kind of contribution he should recommend. He used an arbitrary figure, and that payment has been made ever since.

Mr. Chairman, those payments would have been satisfactory if, in fact, he were dealing with conditions up to the end of 1973. But since 1973, principally because of economic pressures, brought on fuel crises, and so on, a number of businesses either had to go out of business, or reduce staff considerably in order to make ends meet. As a result, there has been a terrific charge on the Fund to the extent that the Fund is unable, at this point in time, to meet its liabilities.

The purpose of this Resolution is to make an advance from the Public Treasury into the Fund as provided by Section 27 of the Severance Payments Act. I am going to read that Section. It reads:

"Any temporary inefficiency in the assets of the Fund to meet the liabilities of the Fund under this Act shall be met from such sums as Parliament may advance for the purpose."

In other words, when the Fund was set up it was envisaged by the Act that they may come a time when the Fund would be insufficient to meet its obligations, and that time has now come as, indeed, shown by the Addendum to this Resolution.

Subsection (3) of that Act goes on to say:

"Any sums advanced by Parliament pursuant to subsection (2) shall be repaid by the Minister out of the Fund into the Consolidated Fund in such manner and at such time and with interest thereon as such rate as the Minister responsible for Finance may direct."

The Minister of Finance has directed that the monies, which we hope that Parliament might agree to advance, be repaid in this way. That the money should be repaid within a period of five years; there should be a moratorium of two years on the advance. In other words, there should be a period of two years' grace, and repayments to commence from the twenty-fifth month, that is two years and one month, following the date of the advance and be made by thirty-five instalments of \$21,000.00 each, and a final instalment of \$15,000.00. Interest on this is payable at the rate of four percent per annum on the outstanding advance from the date of the advance of the money until repayment. Interest repayments will be made semi-annually on the 30th June and 31st December.

4.40 p.m.

I think, Mr. Chairman, that I have given a fairly full explanation of what this Resolution is about and I move that the Resolution do now pass.

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

Mr. E. GREAVES: Mr. Chairman, on this question of the Severance Payment Fund there are a number of points that I would like to raise here because I consider it important that very serious consideration and attention should be paid to them. The first point I would like to make relates to this whole question of the refund which has obviously thrown the Severance Payment Fund into a tail spin.

Under the existing arrangements, employers who sever employees are entitled to 50 per cent of the severance pay which is paid out. It is sometimes a bit difficult to deal logically or to follow the logic of what indeed is the intention

of severance pay. The fact is that the way in which employers are getting around the legislation gives the impression that the Severance Payment Fund is used by employers for financing their businesses; and when businesses run into trouble it would seem that the idea is to sever as many workers as possible and rely on the money coming out of the Severance Payment Fund to put new life into the business.

If the Fund is to be used in this manner, I think that it is against the whole idea upon which severance payment hinges. I feel that when it comes to severance pay it is something to which the workers are entitled. When you set up a situation by which employers can also benefit you set up a loophole for exploitation. It is a fact that employers are using this as a means of getting around the Fund in order to help finance their business.

Rt. Hon. E. W. BARROW entered the Chamber and took his seat.

It is going to be difficult to discuss this Severance Payment Fund without making reference to the Severance Payment Legislation as it exists for the simple reason that the Severance Payment Fund is part and parcel of the Severance Payment Act; and there is no way in which one can discuss the Fund without making reference to the Severance Payment Act as it operates. I want to make that quite clear.

The Fund is established as part and parcel of the Severance Payment Legislation, and there are a number of points which must be made because there are a number of difficulties which are being experienced; and indeed one of these difficulties leads to the situation that has developed and it is a fact that this loophole is being taken advantage of.

Apart from that is the fact that within the Act itself there are a number of problems and difficulties. At present the Severance Payment Tribunal is sitting on a number of cases which have been referred to it. Again I want to make the point that the tribunal, when it makes awards, part of the awards must go to the workers and part must go back to the employers; and what has been discovered is that the tribunal has made a ruling which I am sure was not the intention of the Legislature when the Act was passed. The situation as it stands now relative to severance pay is that when an employer severs a worker the worker has to give the employer notice of terminating his employment in order to be entitled to severance pay.

A number of cases have been thrown out by the tribunal because notice was not given. We are contending that this could not have been the intention of the Legislature, and we are hoping that the situation will be righted because it will mean that a number of people who would not have had the opportunity to read the Act properly will not have grasped this. I am sure that it is evident that there are even a number of legal people who do not grasp this particular aspect of it.

One must also make the point that in view of this and the number of situations which are developing, I think that by now the Minister must be aware that there is need for a total review of the Severance Payment Act as it exists because it does not, as it stands, operate in the interest of the majority of workers.

What is also of importance is the fact that at present the situation still exists where an employer can sever a worker and can take as long as he possibly wants to before a settlement is made for severance pay. You should have it stipulated that within a particular period of time severance payment should be made to the worker so that he would not be waiting for a long period of time for compensation to which he is entitled.

The other point on this matter relates to the age limit. The legislation puts the age limit at 65. It is my contention that this stage limit should be removed. I think that in the light of these factors — the age limit, (2) the fact that there is no time limit in which severance payment should be made and (3) the fact that the tribunal has made an interpretation of the legislation which will make it very difficult for a number of people to benefit from severance pay, it is for these reasons that some review should be made of the existing Severance Payment Legislation.

I want to reiterate the point I made at the beginning. I do not consider that employers should be entitled to refunds.

Mr. WEEKES: Mr. Chairman, I too would like to associate myself with the remarks of the hon. member for St. Lucy. In the constituency which I have the honour to represent there are several workers who have found themselves not being aware of the Act.

Secondly, when they are laid off or dismissed they do not know the procedure as to how to apply for benefits; and many of them from time to time have approached me to write their letters for them to the various managers of these plantations.

Now, Sir, I feel that the Act should be amended so that the onus should fall on the employer and he should be responsible for dealing with all aspects of the matter, and that it should not be for the poor employees some of whom are illiterate and do not know the rules and regulations and who are left in mid air.

4.50 p.m.

Consequently they are not eligible when they claim benefits. Now there is a rule which stipulates that they should apply within one year and they are not aware of that. I have known an employer who has used that rule against the workers and have refused to pay them when he tried to mislead them by asking them to hold off for a time and as soon as the year expired and they reported the matter to the National Insurance or the Labour Department, they were told that the time had expired. Now these employers use the workers to accumulate their wealth and when the jobs become redundant and the plantations are sold they just cheat the poor workers out of this fund.

There are two plantations in the constituency which I represent, and which I do not think I should mention by name, that have fleeced the workers, and it is time for the appropriate Ministry to look into the ramifications of the Act and do something in the interest of the workers who in many cases cannot read and write, and after working for so many years then they are sent to depend on national assistance when they have contributed to the economy of this Island. I can only implore the Hon. Minister to have a look at the Act and to see the weak links and do all that he possibly can to assist workers who have become redundant after rendering faithful service at these various plantations and other industries.

Mr. FORDE: Mr. Chairman, I have made several speeches in this House and in this Committee concerning the Severance payments Act and the difficulties which have been posed by the legislation. I would have thought that by now the Ministry would have had enough time to come up with substantial amendments to the Act or indeed would have drafted a new Act replacing this legislation which is distinct for the difficulty it poses to people who have to operate it.

So far the Severance Payments Tribunal has tried to grapple with some of these difficulties, but in the meantime many people who are

entitled or would have been entitled to severance payments have suffered. There are lots of things wrong with the Act. The hon. member for St. Lucy has cited one such example and he says that the onus has been placed in many instances on an employee to give various notices and indeed almost to prove that he has been redundant when he has been dismissed. He is right on that.

As the Act is at present drafted, a workman who has been laid off for a period of six weeks in thirteen must not only give notice of his intention to claim severance payment, but he also has to give notice of intention to terminate his contract, and if he fails to do so, he automatically loses his right to severance payment. The Severance Payments Tribunal has followed the English tradition on the interpretation of sections 6 and 13 of our Act which is copied verbatim from the United Kingdom legislation, and the result has been that many people who would have been entitled to severance payment have lost that right not only as against an employer, but as against the severance fund itself. I appeared in some such case and realising the difficulty which was posed, myself and counsel for the employer agreed to adjourn the matter and ask the employer to make an ex-gratia payment. This employer did agree to make some ex-gratia payment; but it seemed very unfair in an Act of this nature that Parliament should have blindly copied the United Kingdom Act, not taking into account the different social, educational and cultural conditions existing in Barbados. That is one difficulty that has already worked various injustices, and I could not in conscience remain silent in this House when I see legislation of that nature which is detrimental to the interest of working people as a whole, and I am joining with the hon. member for St. Lucy in asking for urgent reform to this part of the Act. A simple amendment to this section could put that right.

But this is only one part of the working of the Severance Payments Act that I think has gone wrong. I was interested to hear the Hon. Minister introduced this Resolution by saying that the Actuary dealing with the matter was confused as to what real guidelines he should have for arriving at a figure which the employer should pay weekly into the severance fund, and that therefore he took an arbitrary figure. Let me say that this could only have come about because of the lack of proper labour statistics. Had the Government in its possession proper labour statistics it would have been able to establish some trend in the retrenchment of

the labour force over the past years, and an actuary who knows his salt would have been able to provide actuarially for the exceptional circumstances which would have occurred. It is a matter for great regret that the present situation has come about and that Parliament has to vote a substantial sum of money in order to fix the short fall in this fund. I would suggest to the Minister that one of the first things that Cabinet must look at is not the question of whether this fund should be given five years to repay this figure, but the question of increasing — this is a positive suggestion the weekly levy that must be paid by way of severance fund in order to meet this deficiency; and I would suggest to the Minister that this should not delay this House too long. I do not agree that we should be given a five year moratorium to pay over \$½ million to the severance fund. The short fall should be met by direct increases in the severance levy and not from the general revenue of the Island by means of taxation.

5.00 p.m.

The short fall could be made by a direct increase in the severance levy and not from the general revenue of the Island by means of taxation. I want to make that as a positive suggestion, but the other suggestion that I want to make on this relates to the nature of the refund which is being granted at the moment. As the Minister has said, the fund started to operate on 1st January, 1973. Mr. Chairman, it took into account past service of employees who had been severed after that date, so that if I had an employee who worked with me for 14 years prior to 1st January, 1973 and on 4th January, 1973 I severed that employee in those circumstances the severance fund would have to refund me one half of his past 14 years of service, whereas in truth and in fact I would have paid into the severance fund only one week's money in respect of that employee. That is short-sighted. What has happened is that several employers have got employees with an accumulation of past years of service, have severed them and have drawn out of the severance fund more than they have paid into it. That is the position. Their 50% return has been more than they have paid into the severance fund and those of us who will never resort to the severance fund, for instance for domestic employees, are subsidising people in this country who should be better able to pay towards retrenchment of workers in a situation such as this. I can never agree with that.

I have appeared on behalf of employers and employees before the severance tribunal,

but it is unfair that they should be having this tremendous benefit out of the severance fund at the expense of several other small people who will never have the opportunity to resort to the severance fund. I am asking the Minister to look at this and change that part of the legislation. If they are to be refunded the refund must be in respect of 50% of what they have paid in, they cannot get 50% of more than they have paid into the fund. I happen to be a taxpayer and an employer so it applies to me, and what the employers should be doing and Government could possibly help along this road is to encourage insurance companies in this country to provide policies so that one can fund the liabilities that arise for an employer under the Insurance Act.

This is a good piece of social legislation, the problem is that we have copied it lock, stock and barrel from England without a proper consideration of all the circumstances, and it is what I call an electioneering piece of legislation. The election is up, everybody is looking towards their political laurels, so we have to get it through as soon as possible and obviously you get good legislation being spoilt by a hasty desire to do good in these circumstances. Those are two of the problems. There is another problem I want to speak about, the insolvency and bankruptcy.

If such a fund is set up the employees should not suffer because they can resort to the severance fund, but there are some of the businesses that have gone into insolvency and some into bankruptcy, and as a result the employees can get not only the half share from the fund but also the employer's share out of the fund, but the fund loses seriously. I have previously in this House asked for an amendment to make part of the severance payments up to a certain amount at least a priority in a liquidation of a company or in an insolvent or bankrupt situation for an individual, and I hope the Minister could give very early attention to this part.

I want to deal with some multiple employers. At the Bridgetown Port an arrangement was reached between the Barbados Employers Confederation and the Union whereby one person would make the weekly returns to National Insurance and the severance fund for several stevedores. It has come about that some of those stevedores have gone out of business and they have refused to pay the workers at the Port the severance fund arguing that they were not employing them but that the person who used to make the weekly

returns is the employer. I believe we should have some penal sections for dealing with people like that, because it amazed me that in 1973 in Barbados we could get employers of that type in this country hiding behind that sort of insipid argument for fooling legislation passed by Parliament. I am asking the Minister in his review to look at the position where an employee is working for several persons at the same time at the Port or he is working with the person when the return under the severance fund is being made by an agent of that person, and to clarify the law carefully, because I hate to see people who in many instances have made their millions out of the poor and working class of Barbados ill-treating them in this respect.

The hon. member for St. Philip South has spoken of the instances in which he has had to help individual people. This is another thing Sir, the severance payment board itself had not got available to it a large staff, but there is a strong necessity for a section of the administration which would assist these workers some of whom are not unionised when making claims and making them in time, and I am asking the Minister to look at this aspect of the matter. It looks to me as if the fund cannot even pay for its proper administration, \$26,000 a month is no money being returned for this fund to act properly, and I predict that unless the levies are raised we will have a continual short fall and the Minister will have to come back to Parliament again for more money for this purpose. The time has come for an instant review of the fund, its total workings, the inequities and inequalities in it, the updating and remodelling of the legislation, in simple language the provision of assistance to persons to help them with claims, and if possible the cutting out of the red tape in so far as these benefits have to be given to those workers some of whom do not know what the legislation means. I am asking the Minister to treat this as an urgent part of his portfolio and if necessary get the services of Canadian draftsmen who are much clearer in their language than our draftsmen. If necessary he could retain the services of a competent draftsman in this country who is not directly employed by Government, and I can think of people like Mr. Wilfred Fergusson, Mr. Erskine Ward and Sir Clyde Archer, if Sir Clyde Archer is available, who will take this same Act and make it lucid for those who have to deal with it. I throw out the suggestion to the Minister and I hope he will not wait on the Attorney General's Chambers to get the new drafted Act on the Statute Book.

5.10 p.m.

Mr. ADAMS: Mr. Chairman, we have had a debate on what is, perhaps, an obscure subject, but I think it has been illuminated by a number of extremely interesting speeches. I may say I much appreciate the speech of the Minister. When the Minister first came into the House he did not always think it was his duty to give members of the House as detailed analyses of the occasion for a Resolution as he has given upon this occasion, but I much appreciated what he said. If what he said, incidentally, had the effect of throwing light on the bad economic conditions in Barbados, well that is only an incidental. The Minister did his duty as he saw it. Certainly, it is an illustration of the bad economic conditions in Barbados that business is contracting to such an extent that people are losing their work and having to be sent away everyday because it is no longer profitable to employ them even though they have to be paid substantial amounts of money for severance. It is certainly a commentary upon the way that the Democratic Labour Party has been carrying on the Government of this country. But politics apart, Sir, the speeches this evening have all illustrated aspects of the working of the Severance Payments Bill that have concerned people interested in these matters.

I thought, with respect, there was a very good speech by the hon. member for St. Lucy outlining and underlining the problems which have arisen, and the hon. member for Christ Church West, perhaps, even better, amplifying the points. Anybody who reads this debate certainly cannot fail to be convinced that the Severance Payments Act is not working well. It is, therefore, with great diffidence that I find myself seeking to contribute to the debate and in particular in seeking to go over some of the ground that has been dealt with already, starting with matters dealt with by the hon. member for St. Philip South.

Now, over the last few years there has been a decided pattern that sugar plantations are under such economic pressure that their owners, or the owners of the less remunerative plantations and even the fully remunerative ones, in some cases have sought to take their plantations out of sugar and divide them up into — I have to say pseudo-peasant agricultural 2-acre plots — plots for the purpose of sale. In all of these cases these plantations have had a staff of workers, and a familiar pattern has been followed.

First of all, the owner informs the Ministry of Labour that his plantation is no longer a sugar plantation and, therefore, the workers do not have to be registered under the appropriate Minimum Wage Scheme. I believe that this has

happened in cases even where the plantation has not been given permission to be cut up until a crop season is actually going on or has just finished, but the Ministry of Labour, the Labour Department, perhaps, is a better and more precise appellation, has not seen fit to enforce, for at least one season, the protection given by Minimum Wage legislation in favour of the agricultural labourers.

Other plantations have been even cleverer. One plantation in St. Thomas — I do not want to deal with it at length because some of the matters are now occupying the attention of the Severance Payments Tribunal — took over its labourers. This is before any of the land was cut up. It went out of cane, but it took over its labourers. It did not register them as sugar workers and, therefore, they could not get the minimum wage. The workers were given one or two days a week, and this amounted to short time. The short-time provisions of the Severance Payment Act are so involved that very few people, not even the lawyers, perhaps, not even some officials of the union, are totally aware of them.

Now, these people at this plantation I am speaking of were put on short time all through the hard times. The next season they asked what was going to happen to them during the crop season. The Manager told them: "Go and work at Mount Wilton, it will be all right." They went and worked at Mount Wilton. I can call Mount Wilton because that is not the plantation involved. That is the place that gave them work. When they came back to the plantation, the Manager said: "There is really no more work for you. I will only be insulting you to give you another day's work." He offered them holiday pay, which was very small: \$17.00; \$20.00 and \$25.00. The people took it. Some have applied for severance; none sought advice in time. Although advice was offered to some of them; none took it in time, or sought it in time to give the necessary notices of termination about which the hon. member for Christ Church West spoke, and the owner has signed his name to a document of the Severance Payments Tribunal saying that the persons voluntarily left the work, and therefore, they were not severed.

Now, I am speaking of people who are settled in a plantation tenantry for as long as they have known themselves. I am speaking of people who, I believe, were sold into slavery in that plantation and have lived on the same spot for 200 or 250 years. These are remote parts of St. Thomas. People who have never known themselves live anywhere else with their families

but there. These people are manoeuvred out of 30, 40, in one case, I believe, 49 years' work on that plantation by a Johnny-come-lately, a quick operator, a man who has manoeuvred and conspired to make money out of the blood, sweat and tears of poor people.

As far as I am concerned — No. I believe the Public Order Act applies even in here, so I will not incite anybody to do what I would do if I were one of the people, but he would not enjoy the fruits of the purchase of that plantation. (*Asides.*) I will tell the hon. member for St. Lucy the name of that plantation privately, but I do not think it is right to — (*Asides.*) I would be glad; I have asked the Chief Labour Officer to go up there. The union should have been representing those people.

Now, this is an example of one plantation in St. Thomas. It maybe that the one person who has sought legal advice and who has brought a case will be successful, but this is something at which the Government must look. You must look and see why Agricultural Developments Limited have not paid severance to the workers at Sandford who no longer have employment, if you want a plantation called. You must look and examine all of the plantations which have been given Town Planning permission, and in future insist that no sale will be allowed until the Ministry of Labour is satisfied that the workers on the plantation have received compensation if they are to lose their work as a result of the plantation being cut up. That must be an intention before any plantation should ever be allowed to be divided for sale in this country. Just as you do not allow parcels of land in a tenantry to be sold without offering to the existing tenants and you impose conditions, so with a plantation you must impose conditions that a Certificate of Receipt of Severance Payments, or voluntary abdication from severance payments as the case may be, is filed with the Town Planning Officer in respect of every registered sugar worker in the season before the plantation is allowed to be cut up.

Mr. Chairman, they tell me sometimes that election time is drawing near, and I must keep my election plans until the election date, but there are certain times when abuses become too much. Since proposals like this which might have been formed, or may well form unless the Government takes action on it before the election, a part of the Barbados Labour Party's election campaign must come at some time or another.

5.20 p.m.

Many hon. members represent urban constituencies; but nearly all of us are aware of the problems of the countryside and the problems of the plantation economy. All of us must have grown up in the days when the plantations were dominant. If tenants with a parcel of land have the right of first choice before a tenantry can be sold out, if in other words you cannot sell the land over their heads, no more should workers on a plantation, have the plantation sold over their heads without their severance rights being secured by legislation more powerful than the existing Severance Pay Act.

I myself feel that if an employee is employed five days a week today and next week the employer tells you two days, you should have the right to sever there and then and not wait for 26 weeks or whatever the Act says. The minute there is a variation in your contract of employment you should be able to say I do not choose to work for two days a week and have to be kept on for a half year before I can get severance pay. Let me go along.

I believe that the hon. member for St. Michael West has made representations. I know that he has made them in the House of Assembly. I believe that he has made them in quarters where attention should have been paid. I regret that they seem to have fallen on stony ground.

The Minister has proved himself over these years a good administrator of many aspects of his departments with which he has had to deal, and his speech today was a first class administrator's speech. It showed that he had grasped instantly what the problem was. Let him prove himself an initiator as well. Let him make his representations on behalf of the labouring persons of this country especially in respect of plantations and see to it that workers never again have to be put through the agony of the tenants at Sandford or the workers at the un-named plantation at St. Thomas.

Mr. Chairman, the only reason that I do not name the plantation at St. Thomas is because it is a matter which is subjudice. I have dealt with the gentleman already on a platform and he and his cohorts can bring as many slander actions as they want. What I think about this plantation and its owner I would be happy to justify in any Court of Law based upon his behaviour to the poor labouring tenants, always one of the most depressed groups in the parish of St. Thomas and indeed in the island of Barbados. This particular area is a highly depressed and poor area, stricken with poverty and bad social conditions; and we

see people coming from outside and behaving in this manner.

We thought that we had slain the plantocracy; that we had destroyed the power of the merchants which they had over us years ago; and we see that a man can still come here and on the backs of poor tenants erect a new edifice as well.

There is nothing I want to hear more than that my words have been fully reported to him so that he knows exactly where I stand; and when Election Day comes if I hear that that man made a vote for me, My God! I would beg the Returning Officer to tear it up.

Hon. P. M. GREAVES: Mr. Chairman, quite naturally you will realise that there is nothing much that I can say. It is probably not yet known, but there is a sub-committee of the Severance Payment Board working on certain aspects of revision of some matters relating to the Severance Payment Act. I myself have made recommendations through my Permanent Secretary who is a member of that sub-committee, as regards certain measures of reform.

I was very interested in a lot of what has been said here this afternoon. I cannot say how soon we will get a new Severance Payment Act. We already have an Act and I think that they will have to be content for the time being with whatever amendments we can make to this Act — not to make it work, because it is working — but in order to remove some of the problems and difficulties that surround this Act.

The time will come when we will have to get a new Act. I cannot say whether it will be next year or the year after or when it is going to be; but the immediate thing is to remove some of the difficulties and some of the problems that people have been confronted with mainly as a result of their ignorance of the operation of this Act.

This is the kind of Act that I think would require good and constant public relations so as to enable people who are working and people who would qualify to better understand what their rights are under the Act so that in case their work relationship might be changed they are in a position to know that they can claim under the Act. Now we are looking at the Act, and I want the member for Christ Church West to know that not only will contributions be increased, but there will be substantial increases so that the fund not only can pay its way, but also refund

the money that we are advancing to them here today.

I would like to say that we are also looking at the point about limiting repayments out of the Fund. That is very important.

The question that Head 28 (New) Loans and Advances be agreed to was put and resolved in the affirmative without division.

Hon. C. E. TALMA: Mr. Chairman, I beg to move that a Resolution for the sum of \$773,372 do now pass.

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

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

RESOLUTION TO AMEND NOTE TO ITEM 5 – OTHER PENSIONS AND GRATUITIES

Hon. C. E. TALMA: Mr. Chairman, this is a Resolution to amend the Note to Item 5. Other Pensions and Gratuities under Head 11 – Pensions – of the Current Estimates 1975–76. As the Addendum sets out, Sir, Item 5. Other Pensions and Gratuities makes provision for the payment of Ex-Gratia Awards to employees who on retirement do not benefit under existing legislation. However, the note in the 1975–76 Estimates is incorrect, in that it purports to make provision for awards to those employees who benefit under existing legislation. The Resolution seeks an amendment in order to correct the error in the note.

Sir, this is in order to grant ex-gratia awards to employees of the Barbados Registered Nurses Association who are employed in the District Nursing Service. What we are doing is amending the note in order to be able to pay these people.

I beg to move that the Resolution do now pass.

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

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

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

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

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

On the separate motions of Hon. C. E. TALMA, each seconded by Hon. A. MORRISON, the 2 Money Resolutions were read a first time, a second time and agreed to respectively.

THE SUGAR EXPORT LEVY BILL, 1975

Hon. C. E. TALMA: Mr. Deputy Speaker, the next Order of the day is Item No. 3 which stands in the name of the Hon. Prime Minister, to move the second reading of a Bill to impose a levy on all sugar and fancy molasses produced in and exported from Barbados.

Mr. ADAMS: Mr. Deputy Speaker, I came to the House today only because the hon. member for St. Joseph met me this morning about 10.30 a.m. or 11 o'clock and revealed that he had an Order Paper. Up to the time I came to the House about 12.30 p.m. I had not received an Order Paper for the day's sitting. I spoke to the Deputy Marshal who told me that my Order Paper had been delivered this morning, but an enquiry at my office revealed this not to be so. I therefore have had no opportunity of seeing, reading or taking note of these Bills which are alleged to have appeared in the Official Gazette on the 6th October which was in fact a Bank Holiday. The date on which these Bills are said to be gazetted is a Bank Holiday. I do not believe that the Gazette is published on Sundays and Bank Holidays, certainly not the ordinary Gazettes. I was not aware that any effort was made to go ahead with this Bill until I was passed a copy of the amendments, but if that had been so I would have tried to let the Prime Minister and the Leader of the House know, so as to save their time and at least to make them aware, of this point of order which I am raising upon the question of bringing on Order No. 3. This is a point of privilege.

This is a Bill of substantial importance. I have not yet seen it because some papers were taken by the Deputy Marshal at 12.30 p.m. He gave me this Order Paper; he gave me Minutes and some Resolutions, but I cannot find among the papers handed to me this particular Bill. I beg your pardon, I do see it here. I probably did not take good note of it, and put it with the Resolutions; but still the fact is that I have not had an opportunity of reading this Bill, nor I believe can any hon. member on this side served

at short notice as the hon. member for St. Joseph has, any opportunity to consider this Bill, and under the circumstances I would ask to bear in mind that it is alleged to have been gazetted on a Bank Holiday and hon. members have not had on opportunity of dealing with it. I also appeal to the Leader of the House and the Prime Minister to give us an opportunity to examine the Bill so that proper debate can ensue. I do not think it is in anybody's interest not to have a proper debate on this Bill. I do not think anybody would wish to gag discussion.

Mr. DEPUTY SPEAKER: I think it is a rather unfortunate incident. I received mine at my work place on Saturday; so to hear that you have not received yours at all or only today needs a proper investigation; but I have all my House papers and I presumed other hon. members must have had theirs. This matter was raised by the hon. member for St. Joseph at an earlier time today.

Hon. C. E. TALMA: Mr. Deputy Speaker, I would like to state emphatically that I did actually receive my papers on Friday including the Order Paper. I cannot account for the circulation of the papers, but I received mine since Friday.

Mr. BOLDEN: Mr. Deputy Speaker, if I may say again, I enquired last night as to papers for the House today, and I was told that papers were delivered on Friday, but my papers were delivered to my office this morning at 9.45.

On arriving at the House today I was told that the papers were not received at the House until 5.30 on Friday evening and many persons had already left their offices and several other offices had been closed and the majority of papers were delivered this morning. I was most amazed when I took my papers and looked at them at 11 o'clock today to see a Bill of this magnitude among them. (*Asides*) They were small, but the Bill itself entails a lot. You can entail a lot in a little and vice versa. This Bill in itself creates an entirely new position which I believe members of Parliament should have a chance to study, and then to be served with an amendment at such a late state certainly does not do justice to the Bill in itself.

I raised this as soon as I came to Parliament today because I know the other side would say that we had our papers and did not do our homework.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, the only urgency about the Bill, and I

am not pressing that it should be debated today, is that as a result of an order which I propose to make the cane farmers will be able to get some more money, but I do not think that a week will put them in bankruptcy or anything like that. They have already had substantial payments on their canes. I agree that members should be given adequate notice and I understand that the Leader of the House received his papers on Friday. His Order Paper would have stated something which did not take place yet because it would have stated that the Bill appeared in the Official Gazette on the 6th which is a *dies non* when the 6th had not arrived.

I would urge hon. members, the amendments are not substantial, they are only definitions, to come in next Tuesday prepared to discuss the Bill as extensively as they want. I would be prepared to answer all questions.
5.40 p.m.

ADJOURNMENT

Hon. C. E. TALMA: This concludes Government Business for today's sitting. I beg to move that the House do now adjourn till Tuesday next, the 14th, at 12 noon.

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

Mr. ADAMS: Mr. Deputy Speaker, I crave the indulgence of the House and of the Hon. Leader of the House. This is not any matter of Party dispute, it relates to the Commonwealth Parliamentary Association and now that the Prime Minister is here his ear is available. I am asking on behalf of the CPA to get a certain matter straightened out. Certain matters have arisen which will mean that it will be impossible to send a delegation from Barbados to this year's CPA Conference unless a certain sum of money is voted by Parliament. This is a pure matter of indulgence I am raising, it does not affect me, I have my ticket, I am going separately if it can be such, I am putting up a plea on behalf of the hon. members for St. Andrew, St. Michael South East and St. Peter. The conference starts in India before the end of this month and it is necessary for Barbados' subscription which is in arrears to be paid before then. I would urge on all concerned that as a matter of urgency and so that the disgrace does not descend upon Barbados for the first time in goodness knows how many years of not being allowed to send a delegation to the annual conference, that the responsible authorities prepare the necessary supplementary

resolution so that it can be brought down to the House next Tuesday. Barbados' subscription paid and the hon. members' tickets bought so that Barbados can be properly represented at the conference. I hope that hon. members will accept it in the spirit in which I mention it.

The question that the House do now adjourn until Tuesday, 14th October, at 12 noon was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER adjourned the House accordingly.
5.45 p.m.