

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1971-76

HOUSE OF ASSEMBLY

Tuesday, 27th April, 1976.

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

PRESENT

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

Prayers were read.

ANNOUNCEMENTS BY MR. SPEAKER

CONFIRMATION OF MINUTES

Mr. SPEAKER: The Minutes of Tuesday, 6th April, 1976 have been circulated and are before you for confirmation. There being no amendments or corrections, I deem these Minutes duly confirmed.

AUDITOR GENERAL'S REPORT

Mr. SPEAKER: The Report of the Auditor General for 1971-72 has been received and will be circulated in due course.

MESSAGE FROM HIS EXCELLENCY THE ACTING GOVERNOR-GENERAL

Hon. C. E. TALMA: Mr. Speaker, I am commanded to lay Message No. 4 of 1976 regarding the issuance of a writ for a bye-election in the City of Bridgetown. The Message reads as follows:

MESSAGE NO. 4/1976

HIS EXCELLENCY THE ACTING
GOVERNOR-GENERAL

TO

THE HONOURABLE THE HOUSE OF ASSEMBLY

His Excellency the Acting Governor-General has the honour to refer to the address dated 9th March 1976 passed by the Honourable the House of Assembly in accordance with the provisions of section 5(2) of the Representation of the People Act (Cap. 12) requesting the issue of a writ for an election to fill the vacancy in the constituency of the City of Bridgetown, and to inform the Honourable the House of Assembly that he has, on the 17th April 1976, issued a writ in accordance with the provisions of section 36 of the said Representation of the People Act for election to be made of a member to serve in the House of Assembly for the said constituency of the City of Bridgetown.

On the advice of the Prime Minister, the day of nomination of candidates has been fixed for Tuesday 27th April, 1976, and the day upon which, if necessary, the poll shall be taken has been fixed for Wednesday 12th May 1976. The writ is returnable on Thursday, 13th May 1976.

H. A. VAUGHAN

Acting Governor-General

Government House
BARBADOS

27th April 1976
(M.P. 4457/2)

PAPERS PRESENTED

Hon. P. M. GREAVES: Mr. Speaker, I am commanded to lay the following document:

Instruments adopted at the 60th Session of the International Labour Conference in June 1975.

Rt. Hon. E. W. BARROW: Mr. Speaker, I am commanded to lay the Customs (Petroleum Products Bulk Storage) (Amendment) Regulations, 1976 and Mobil Oil Barbados Limited (Levy on Petroleum Products) (Amendment) Regulations, 1976.

Hon. C. E. TALMA: Mr. Speaker, I am commanded to lay the Report of the Public Utilities Board for the year 1975.

GOVERNMENT NOTICES

Hon. P. M. GREAVES: Mr. Speaker, I give notice of the following Resolutions:

- (1) The Resolution to approve the exchange of a parcel of Government-owned land at Fitts Village, St. James, for a parcel of land owned by Mr. Rufus Hope to provide a right of way.
- (2) The Resolution to approve the compulsory acquisition of a parcel of land at Ridgeway Plantation, St. Thomas, to provide a school-garden and playground facilities for St. Thomas Mixed School.

I also give notice of a Bill to provide for the grant of maternity leave to female employees and for the protection of the employment of those employees during such leave.

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to give notice of a Bill to amend the Mental Health Act, Cap. 46

PRIVATE MEMBERS' NOTICES

Mrs. EASTMOND: Mr. Speaker, I would like to lay this Resolution before the House:

Whereas the legislation of Barbados is drafted by Attorneys-at-law to be read and understood by Attorneys-at-law;

And Whereas land licences, Hire Purchase Agreements are all drawn up in legal terminology,

these agreements also affect the laymen of this country;

And Whereas all laws govern all Barbadians;

Be it Resolved that this Honourable House request the Government to appoint an all party committee to simplify all existing legislation so that it may be easily understood by all members of the community.

Mr. HINDS: Mr. Speaker, I beg to give notice of this Resolution:

Whereas the United States Government is presently considering legislation to effect tighter controls over illegal immigration to the United States of America;

And Whereas such legislation is intended to impose such conditions on United States hirers of illegal immigrants as to cause such hirers to abandon such immigrants or themselves face increased penalties for breaches of the U.S. Immigration laws;

And Whereas the United States Government is considering granting amnesty to all illegal immigrants who entered the U.S. prior to July 1, 1968;

And Whereas a large number of Barbadians are to be found amongst those West Indians and others of the Western Hemisphere making up the illegal immigrants population in the United States of America;

And Whereas the generality of the United States Government deserves utmost consideration for its sympathetic approach to a problem of considerable social and economic magnitude;

And Whereas illegal immigrants (though illegal) by their daring have helped in some small measure to give impetus and opportunity to United States citizenry to keep the industrial machinery forging ahead with its production campaign;

Be it Resolved that this Honourable House urges upon Government the necessity to recognize the fact that Barbadians for the most part who are offenders against U.S. immigration laws, in the present context, have been moved towards this through not-so-favourable employment conditions at home at all times, amongst other existing factors; and specially to request the United States Government not only to extend amnesty as aforesaid, but whilst not

trespassing on the rights and liberties of the United States employer, it be provided for that any U.S. employer who has consistently employed an illegal immigrant for two or more years, be allowed the right to exercise the option of legally sponsoring any such immigrant and, that the illegal immigrant's satisfactory period of service should be sufficient entitlement to such sponsorship, provided the said illegal immigrant can comply with normal immigration requirements otherwise.

12.25 p.m.

NOTICES OF QUESTIONS

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

Is the Minister aware that from the announcement of there coming into being a Speightstown Development Plan and an Oistin Development Plan, property owners, especially in the parish of St. Peter have suffered considerably through the absence of any appreciable development as suggested in the said Plans?

Is the Minister aware that certain lands coming within the boundaries of the estimated plans have not been developed since there is considered a "freeze" on such properties to be in effect?

Is the Minister aware that with owners not being allowed to sell, develop or otherwise maintain their properties, there has still been an increase of taxes on such properties, including open lands, which taxes have, in some instances, risen from \$41.00 per annum to over \$400.00 per annum?

Would the Minister take such matters into consideration and set about to grant general relief in all such cases with a view to alleviating the anxieties of such owners as have been affected over the years and remain so affected to the present?

To enquire of the Minister of Education, Community Development and Sport:

How many of the Older Secondary Schools have a technical wing attached thereto?

How many of the Newer Secondary Schools have a technical wing attached?

Are all the technical wings at secondary schools fully functional during regular school hours?

If there are schools with technical wings attached that are not fully operational during regular school hours, would the Minister give details?

What use is made of technical wings attached to schools for promoting Evening Continuation Classes?

Would Government take the necessary steps to see that the technical wings at Coleridge-Parry, St. Peter and Foundation Boys' at Christ Church be equipped and made available for the training of artisans and technicians on Evening Continuation Programme as from the beginning of the academic school-year 1976-77?

To enquire of the Minister of Education, Community Development and Sport:

How many Senior Elementary Schools and Comprehensive Schools, respectively, recommended pupils for the School Leaving Certificate referred to in the Ministry's Circular 71/59 at the end of the academic year 1974-75?

2. How many pupils of such schools were awarded the certificate?

3. How many of the said schools entered pupils for the New Barbados School Leaving Certificate of the Ministry at the end of the academic year 1974-75?

4. How many were successful in obtaining one(1) pass; how many obtained two(2) passes; how many obtained three(3) or more passes?

5. How many did not receive any passes at all?

6. The relevant period for Nos. 4 & 5 above being the academic year 1974-75?

To enquire of the Minister of Communications and Works:

Has the Minister taken note of the fact that residents of Castle and Castle (Cabbage Walk), St. Peter are still suffering from the lack of a supply of electricity to their homes, despite the close proximity of their homes to the main Castle Road, a highway?

2. Would the Minister bear in mind that in these localities there are children of schooling age who must suffer in the preparation of their

homework, and consequently, not benefit to the fullest from any consideration given in the matter of education in this Island?

3. Would the Minister consider the request for an electrical supply as a community project, and seek to extend this facility by having the necessary machinery put into effect by agreement with Barbados Light & Power Co., Ltd.?

To enquire of the Minister of Communications and Works:

Is the Minister aware that Tom Bend Gap at Ashton Hall, St. Peter ends in a cul-de-sac?

2. Is the Minister aware that residents of the said Tom Bend district suffer much inconvenience having to convey their packages and luggage generally very long walking distances in an effort to reach their homes after alighting from what public transport there is available to the Tom Bend junction on the main Ashton Hall Road?

3. Would the Minister cause an investigation to be made of the grievances suffered and determine whether or not it is feasible to cause the Tom Bend Road to be a through road thereby constructing the necessary bridge or other means to enable owners to develop their lands and settle more comfortably, cultivating crops to help make ends meet?

To enquire of the Minister of Communications and Works:

Is the Minister aware that Highway 1, from Bridgetown to Speightstown is badly in need of re-surfacing?

2. If the Minister is so aware, when does he propose effecting the necessary re-surfacing?

3. If the Minister is not so aware, would the Minister cause a survey to be made of the said Highway at Barbarees Hill, at Black Rock Road, at Lazaretto Hill, Fitts Village-Derricks Road, Vauxhall Road approaching the 7-mile stone, the Garden, Lower Carlton, Road View and Queen Street, to fully determine the condition of the said road?

To enquire of the Appropriate Minister:

On May 2, 1970 Government was aware that pharmacists/druggists were charging customers at the rate of cost plus from 80% to 150% for medicines prescribed by

doctors; what steps, if any, has Government taken to protect consumers from this outrage?

2. If steps have been taken, what percentage on cost has been considered a fair return to pharmacists/druggists? And, are customers still charged from 80% to 150% over cost, for medicines?

3. If no steps have been taken to reduce cost of medicines to persons needing same, what has been the cause for the absence of appropriate action in so vital a matter as medicine for the sick, the needy and incapacitated?

FIRST READING OF BILLS

Hon. P. M. GREAVES: Mr. Speaker, I move that a Bill to provide for the grant of maternity leave to female employees and for the protection of the employment of those employees during such leave be read a first time.

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

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

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to move that a Bill to amend the Mental Health Act, Cap. 46, be read a first time.

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

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

ORDERS OF THE DAY

12.35 p.m.

THE AGRICULTURAL CREDIT BANK (AMENDMENT) BILL, 1976

Hon. C. E. TALMA: Mr. Speaker, the first item under Government Business stands in the name of the Hon. Minister of Agriculture, Science and Technology to move the second reading of a Bill to amend the Agricultural Credit Bank Act, Cap. 321.

Hon. A. MORRISON: Mr. Speaker, in moving the second reading of this Bill, I should like to state the purpose of this Bill is to amend the Agricultural Credit Bank Act to provide additional purposes for which loans may be granted by the Agricultural Credit Bank and set

out the instances in which and the conditions under which the Bank may pay premiums directly to insurance companies.

Now, Mr. Speaker, we are trying to amend this Act in order to provide the facilities for cooperative societies for the purposes of carrying out their work. We want to be able to amend it:

(a) for the payment of balance of purchase money for cooperative societies, which they do not enjoy now, and that the loan should be restricted to 60 percent of the market value of the property only;

(b) acquiring a good and marketable title to holdings;

(c) cultivation of holdings including grasslands; and

(d) such other purposes as the Board might consider reasonable and necessary for increasing the productivity of holdings.

We also want to make loans available to owners for payment of premiums of insurance policies in respect of real estate where the policies have been offered as security for loans from the Bank, and also the payment of premiums on life insurance policies where the policies have been offered as security for loans. What we have discovered in respect of the insurance which we are trying to provide for now is that Government has from time to time had to pay off bad debts incurred by making loans under \$100 to various tenants and the Board feels and it has been endorsed by the Ministry that if there is an insurance policy in operation, much of the distress which is now experienced by the different farmers who apply for loans and die before they are repayable could be easily covered by providing insurance coverage and the Bank has decided to assist in the making of money available to pay insurance policies for the underwriting more or less of those loans.

We are only trying in this amendment, Mr. Speaker, to make it possible for cooperative societies to be able to purchase land if they have gone in for any land purchase and they were working the land, and providing what we call balance of purchase money — which was done before for individuals — which we always like to make sure is not being abused. That is, if you have been a holder of property and have been working in agriculture and it were in difficulties and you had not finished paying for your land, we would take over the papers and give you the

amount of money to pay off for the land. This is not to help people to purchase land for the first time. There has been a lot of history about this balance of purchase money, but the intention of that is to help those people who have been in agricultural pursuits to be able to safeguard and eventually own their land. We are not trying to guarantee people the right to purchase land who never had land before; so we are trying now to extend what we have done already for the individual farmer into the area of cooperative societies, and this amendment is mainly to make certain funds available to cooperative societies to assist them to borrow money in order to acquire or get a title to the undertaking which they would have agreed to among themselves, and also to give a further boost to the cooperative way of life which we intend to pursue in this country.

Mr. Speaker, with those few remarks I beg to move that this Bill be now read a second time.

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

Mr. BOLDEN: Mr. Speaker, if I may say so, this Bill once again shows to the public in this country how this Government intends to treat the rich and the poor. It is a clear separation between those who have and those who have not; it heaps burdens upon those who have not to keep them in the ground while at the same time the Government pursues a policy whereby those who have might prosper all the time. The Minister starts by saying that the main object of this Bill is to assist cooperative societies. If the Minister would just take a simple look at the way in which cooperative societies came about, or if he would look at the rules of the cooperative societies, he would see that they have powers to go and borrow, they can raise money from their members and there are various ways in which cooperative societies might raise money in order to do what they want, and there are certain guarantees already provided under the Cooperative Act in respect of such operations. If one really takes a look at this Bill, as I have said long ago, it is time this Government brings all of its agricultural financing under one house and not divide it in such a way that it is clear that those who have not will never get and will never get out, while those who have will always get.

There is the Sugar Industry Bank which deals with the same thing that this Bill seeks to deal with. There is nobody in this country having 25 acres and wanting to borrow money from the Sugar Industry Bank who have got to go through the rigmarole and problems that are created constantly by this Bill and the Agricultural Credit Bank. Let us look at what the Minister is telling

good at night without worrying that if they had to die prematurely the houses would be taken from over their heads, because I would not be the one to authorise any manager of a bank to take proceedings to court in order to embarrass small farmers of this country. This is putting co-operatives on the same footing as far as real property and chattel buildings are concerned — we will also assure them that there would be adequate security in the event of any losses or anything that they might encounter.

We are also working on a new Co-operative Act which I hope to introduce before the House comes to an end and we will have an occasion then to debate this matter; but it is the only method I see for the small man, with all of the economic pressures we have to suffer in this country. We are trying to get people to co-operate and to get the benefits of co-operation, because whatever the land ownership is, the money in people's pockets has not been there because we say it is there; it is there by inheritance. We are able to combine, and I am trying to get poor people to combine in this country in order to enjoy the benefits of co-operation, and this is a step in this direction, Mr. Speaker.

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

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

Mr. WALCOTT: Mr. Speaker,.....

Mr. SPEAKER: The Minister made his final reply.

Mr. WALCOTT: I have not spoken.....

Mr. SPEAKER: I looked around and.....

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

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

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

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

Clause 1 was called.

Hon. A. MORRISON: Mr. Chairman, I beg to move that Clause 1 stand part.

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

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

Clause 2 was called.

Hon. A. MORRISON: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. WALCOTT: Mr. Chairman, on Clause 2 I would like to say that there is a misconception when it comes to loans and lending people money, and the misuse of poverty as it relates to ownership. If a person owning in Barbados under twenty four acres of land — we have to make our position very clear that there is no point in this stupidity of making people believe that they do not have obligations in repayment of loans. It is this concept that has caused the country to have outstanding loans against housing, because too many people in Barbados are given the impression that you can borrow money as long as it is from the Government, and do not pay it back; and this idea in agriculture especially, I would like to make clear.

Agriculture still is owned in Barbados to a large extent by large plantation owners. Eighty-eight percent of the canes cultivated last year were cultivated by large people. Only 12% were cultivated by what we call peasants or poor people; but I want to make my position clear. I do not regard any man with twenty acres of land as any poor man. Not in Barbados. You cannot bring any poor man in Barbados with twenty acres of land. If you can own twenty acres of land in Barbados you are not any poor man; and get it clear; any man owning twenty acres of land must be prepared to pay back what he owes people and must have security on that. Show me any poor man in Barbados with twenty acres of land. Are you making sport or what? If you have twenty acres of land are you going to tell me that you are poor? Do you find anybody with twenty acres of land in Barbados who is poor?

Barbados is 166 square miles, so how could you own twenty acres and be poor? Do you know what is the value of twenty acres of land? What happens with twenty acres of land if you have it properly cultivated. Will you still call the owner of twenty acres a poor man? What about the man who is working for fifty dollars a week

for whom we have to be struggling to get \$12 or \$15 more? He has disappeared from the scene, I suppose. So these new capitalists and Facists, and these arguments that I hear nowadays, we better get our political sights clear about who is poor and who is not poor. Anybody with twenty acres of land who says he is poor — it is time that we get our sights clear. Poor people? When election time comes you have more poor people anyhow. Whenever the votes add up there do not be any ugly people at election time. All the ugly babies get kissed up. They are all good looking people. However there are no poor people with twenty acres of land.

The Bill is a sound Bill. It offers credit facilities, because people should have means of borrowing, and repayments. There must be means of repayments. I heard the Minister say that you do not want to sell out anybody's land, but if a man dies and he leaves twenty acres of land it has value. His family is going to get it, so the value that you are going to pass on to your heirs and successors — and now, if a man has a wife, before you start off she has half. So what is going to be the position? She is entitled to half. She does not have to go and beg for any more anymore. It is not any more in the law that you can decide that an unfaithful wife, if you have done the legal thing to her by separating legally, you still have to leave her half way down the line; so even she will share in it. Therefore if you owe the Government or anybody a debt on property you have, you have to carry out your obligations.

I do not like this subscription to the idea that you can have loans and play up to people, that you borrow money and you do not feel like paying back. You are borrowing money as an investment, therefore make facilities to repay it, so that other people who have not borrowed can get some.

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

Hon. A. MORRISON: Mr. Chairman, I beg to move that Clause 3 stand part.

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

Mr. EDWARDS: Mr. Chairman, in Clause 3, section (1) the word should be 'purposes' and not 'pruposes'. It is a typographical error.
1.05 p.m.

I note here, Mr. Chairman, that the Co-operative Society is entitled by this

amendment to loans for cultivation of the lands. As it stands today, and I would hope that the Minister would make a note of this, the maximum that a peasant or smallholder can have as a loan for cultivation is \$300 per acre. This was set years ago when people were working for less than \$7 a day, women for less than \$5 a day, and it was adequate at that time for Government to make a loan of \$300 per acre to a farmer to assist him in cultivating his land. At that time fertiliser was less than eight cents a pound; today, Mr. Chairman, the price of fertiliser is over 30 cents a pound. The cost of one man's wages is \$14 a day in agriculture, and a woman \$11.60.

If the maximum which a farmer could borrow for cultivation when the average agricultural worker was getting \$6 a day and a woman \$4.80 was \$300, when fertiliser was \$6 a bag, and today it is over \$30 a bag, I think that the Minister should take a look at the regulations and amend them, which would make loans for cultivation meaningful to the small farmer. There is no small farmer who can cultivate an acre of land, plough it, plant it, care the crop for \$300. As a matter of fact, the ploughing, harrowing and furrowing alone takes up more than \$300 if he has to rent a private plough, if he has to go down to R. M. Construction or some such place and hire the equipment which would cost him more than \$300 an acre. He cannot just plough it and not plant. If he is planting cane plants it will cost him five cents a plant, and it takes 3,500 cane plants to one acre of land, so for the planting and ploughing, if you can do a little quick arithmetic you will see what the amount for that alone is. The farmer then has to buy fertiliser which costs him four or five bags per acre if he is growing sugar cane, so this is \$150 an acre. Then he has to buy spray which is in the region of \$100, or he will have to pay some agricultural worker to weed the land at a cost of \$14 a day. It will take an average of four weeks per year to get that acre of canes under good cultivation.

Taking all this into consideration, Mr. Chairman, I hope that the Minister is listening to me, it looks to me as though the maximum that could be made on a cultivation loan would be something like \$1,200, and I would suggest that in making these cultivation loans consideration should be given to the type of agriculture which the farmer is doing. In other words, if a farmer is preparing land to produce first crop canes, the loan made to him should be more than if he is doing second ratoons, because he would not have to plough and do as much weeding because when the land is exposed the grass thrives more on sunlight, whereas with the encouragement to

cut canes green the trash helps to keep down the grass. The cultivation loan for ratoon canes should be less than on first crop canes and this distinction should be made.

I would hope that the Minister would have a look at these regulations and make the loans for cultivation meaningful. On the other hand, if the farmer wants a loan for vegetable and food crops this should be looked at differently from a loan made for sugar, and I think that a comprehensive study ought to be made of the amount that should be the maximum. The Minister has his experts in the Ministry, he has an economist, and they can advise him as to what it would cost a produce an acre of this crop or the next crop, and the loans and advances should be made in accordance with the type of crop which the farmer is producing. This is very important, because a lot of people apply for loans, they get \$300, they cannot rear a proper crop because they cannot take the grass out of the land. Weedicide is very expensive today, and you will have to spray three times a year. All these things should be taken into consideration and I would hope that the Minister would act swiftly on it so that the loans made by the Agricultural Credit Bank would be meaningful.

I would also like to suggest to the Minister that the time has come when just as he is making provision here for co-operatives to have 60% of the balance of purchase money rather than the ceiling of \$10,000 which they have now, and \$3,600 per acre, the position is that if the Ministry or if Government is encouraging small farms of more than two or three acres they cannot make a balance of purchase money to cover only two or three acres of land, and this is what is happening. The maximum loan for balance of purchase money a small farmer can get is \$3,600 per acre but the maximum is \$10,000. What happens to the farmer who has ten acres of land and has the balance of purchase money of \$20,000 to meet? He cannot borrow this from the Agricultural Credit Bank so he has to get a *pari passu* with some other mortgagee so that they can get coverage for the loan advanced, so I think that just as the Minister is making provision for co-operatives to have 60% of the marketable value of the land as an advance, it should be so right across the board whether it is a co-operative or a private individual, because if you have five acres of land and you owe \$18,000 or \$20,000, for the bank to get first mortgage on the land they can only lend \$10,000, so they cannot have first charge on the land when you owe \$15,000 on the land.

I would hope that the Minister would have a look at this also and let everybody be treated the same way.

1.15 p.m.

If those who have formed themselves into co-operatives can get a loan at 6% of the marketable value of the land, then let an individual get 60% of the marketable value of the land. That is my contribution to this debate.

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

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

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

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

On the separate motions of Hon. A. MORRISON, each seconded by Hon. E. TALMA, the Bill was read a third time, passed, and cited as the Agricultural Credit Bank (Amendment) Act, 1976.

Hon. C. E. TALMA: Mr. Speaker, the next Item Government proposes to deal with is Item No. 4 standing in the name of the Hon. Minister of Health and Welfare and it is to move the second reading of a Bill to provide for the care and treatment of persons of unsound mind and for connected purposes.

MENTAL HEALTH BILL, 1976

Hon. L. E. SANDIFORD: Mr. Speaker, this piece of legislation that is before us today entitled an Act to provide for the care and treatment of persons of unsound mind and for connected purposes is a very important piece of social legislation, and it is one that has been overdue for quite some time. Every society has in its midst persons who are of unsound mind, or who may be suffering from some kind of mental disorder. The statistics on this matter vary. It is very difficult to deal with because of reasons of definition and other types of consideration to establish precisely for any society the incidence of mental illness, or mental disorder, in that particular society. However, rough estimates indicate that approximately 2% of persons in certain societies suffer from mental illness of a more or less

severe nature, and the incidence of those suffering from apoplexy, or mental retardation, is given in some instances at 1% apoplexy and between 1% and 3% for mental retardation.

Whatever the statistics are, it is a fact, and we all know it, that in every society there are people who, for one reason or another, are mentally ill and the causes of mental illnesses have not been fully determined. There is still an area in which quite a deal of research is going on. Whatever the causes may be these are persons who we have in our societies. They may be our brothers and sisters, or the brothers and sisters of our friends, but they are with us.

The societies, from time to time over the centuries, have devised various means, some not very complimentary, to describe mental illnesses. We hear of a person who is not quite right up there. They may be loco and other phrases which have been used to describe the condition. Societies, too, are varied in the types of care that they have provided, or not provided, for those who are mentally ill. It goes from neglect of those who may wander through the streets relying on charity, or relying on trying to get bits of food in their illness from whatever sources, healthy or unhealthy, they can attain it, to those who provide amusement for little children and grown-ups who may have the mentality of little children. We can judge the state of development of our society by the type of care and provision it seeks to provide for those who are mentally ill.

In this society we believe that it is incumbent upon the Government and the people of this country to provide as good a care as possible for those who may be suffering from mental illnesses, because we do not believe that mental illnesses can be attributed to any evil genius, or that it is the work or result of some evil force. We do not believe that it is something which should be considered as being curable by other agencies, or persons, who claim to have authority or power, from some nefarious source. We believe that mental illness should be considered as any other type of illness, and as the same type of defect which should be treated as physical illnesses should be treated, and that proper care and attention should be provided for those persons who are now neglected.

We believe that all persons are entitled to the right of life, and, in their illness, to the best treatment that the society can afford in terms of the financial resources and in terms of

staff and personnel that can be made available to deal with that particular illness. We believe that good mental health is not merely a question of the absence of mental illness, but it is a function of the total, social, physical and mental wellbeing of the individual.

Now, societies have tended, from time to time, to pass legislation to deal with the care and treatment of those who may be of unsound mind, and that legislation has in it pieces of social legislation which tend to reflect the dominant thought or the state of the art or science which is to be called into play at the end of time to deal with the illness; it reflects the views of the society in terms of what the particular illness or the particular social ailment may be. It is obvious that with the passing of time and with the invention of new drugs, or with the development of new concepts, that the law will tend, from time to time, to become outdated as far as the care and treatment of social ills are concerned.

And so, with the existing legislation, those who have had to work with the legislation relating to the care and treatment of persons of unsound mind, the mentally ill, have all felt, for some time now that the legislation relating to these matters in this country is outdated and that it needs up-dating; indeed, that a new piece of legislation to consolidate the existing legislation, using the features of the existing laws and drawing upon new concepts and new ideas, should be brought into play.
1.25 p.m.

This Government secured the services of an expert, Mr. Robert Curran provided through the offices of the Canadian International Development Agency to study this whole problem and to provide a draft on a modern piece of legislation to deal with the problem. That experiment provided a draft some time in 1970 I believe, the draft was the subject of discussion both within the Ministry of Health and with interested persons, and as a result some revised proposals were developed and submitted to the Attorney General for consideration, subject of course in 1971 to a Cabinet decision that a new Mental Health Act should be provided and that this should be presented for study. That draft was prepared by the Attorney General, I believe, in 1972, and presented to the various bodies in this country for study including the office of the Chief Justice, the Crown Solicitor, the Ministry of Home Affairs, the Barbados Mental Health Association and the National Union of Public Workers. The draft was presented to these persons and bodies some time in

1973 and as a result of these discussions and exhaustive consultations, another draft bill was prepared and submitted by the Attorney General in 1975. It is that draft bill which is substantially the one which is before us today.

The main provisions of this Bill are to be found apart from in the Interpretation Clause which is part 1 of the Bill, in part 2 which makes provision for admission to psychiatric hospitals, and under this part authority is given to the medical officer in charge of the psychiatric hospital to examine, admit and detain in that hospital and treat any patient who is in need of such treatment. The categories of persons to be admitted are set out in four classes. One class represents the voluntary patient, and that basically is someone who requests admission to the psychiatric hospital and who in the opinion of the officer in charge of the hospital is in need of psychiatric care. So someone can go when this Bill becomes law to the psychiatric hospital on a voluntary basis and request treatment and if in the opinion of the officer in charge of the hospital the person is in need of such treatment, the person can be admitted.

There is a second category of medically recommended patient; this relates to persons who have been certified or are in receipt of a medical certificate signed by two medical practitioners. Two medical practitioners can certify that persons are in need of psychiatric care and should be admitted to the hospital, and under those conditions if the officer in charge agrees, the person may be admitted to the psychiatric hospital.

Then there is a third category of person described as hospital order patient, and this category is described in clause 7 of the Bill which reads as follows:—

“Where, in the opinion of the court, a person charged before it is or appears to be suffering from mental disorder, the court may order that person to be admitted to a psychiatric hospital”, and the clause also makes provision for a member of the police force who reasonably believes that someone is suffering from a mental disorder to take that person into custody without a warrant, but the officer must be one not below the rank of Sergeant. If the person is of a rank below that of Sergeant he must be acting on the authority of the Sergeant or an officer of higher rank, and these persons may be admitted subject to certain safeguards.

There is a fourth category of urgent admission patient. Here again the medical officer in charge of the psychiatric hospital can admit such a person on

application for admission so long as the prescribed form is signed by a medical practitioner. That form must state that the person has been examined by the medical practitioner; it must set out the facts of the case, it must state that the person was found to be suffering from mental disorder and urgently in need of treatment in a psychiatric hospital, and it must be signed by the medical practitioner within twenty-four hours of examination.

These basically are the four categories of persons who may be admitted to the psychiatric hospital.

The Bill makes provision of course for the officer in charge of the psychiatric hospital to transfer patients from one institution to another if the circumstances so desire. It makes provision in clause 10 for giving special leave to patients and this is done by the medical officer in charge of the psychiatric hospital. That officer can permit a patient other than the hospital order patient to be absent from the hospital for a period of up to three months, but that period may be extended if such medical officer believes it is desirable or justifiable, but the medical officer in charge that there is adequate care for the welfare of the patient, and that someone is specifically in charge who would report any deterioration in the condition of the patient. If there is any deterioration that must be reported as soon as possible and the medical officer in charge has the authority to cause the patient to be returned to the hospital at a time specified by him.

The legislation makes provision in Clause 12 for a Mental Health Review Board and this is an important feature of the legislation, because it makes provision for persons who have any doubts or queries about the procedures being used to ask for a review of their particular case, and that case can be considered by the Mental Health Review Board.

1.35 p.m.

The provisions for this Board are set out in the Schedule to the Bill, and this Board will consist of such persons appointed by the Minister after consultation with the Attorney General. It will make provision for a number of persons designated as “medical members” appointed by the Minister and also a number of persons appointed by the Minister having such knowledge of social services or such other qualifications or experience as the Minister considers suitable. The Schedule sets out the

terms of reference and the duties of the Mental Health Review Board.

Part III of this Bill makes provision for the management of the property and affairs of patients, and this is very important, because if patients are of unsound mind, in order to protect their rights and interests, it is necessary that there should be some provision to ensure that their affairs are managed with the utmost degree of impartiality; and so provision is made in Part III for the management of property and affairs of patients, and this Part makes it possible for the court to carry out these functions in relation to the management of property and affairs of patients. It is a very exhaustive section seeking to ensure at all times the interests of these mentally ill patients, and adequate consideration have been given to the rights of those persons who may be of unsound mind as far as the management of their properties and their affairs is concerned.

Part IV is the miscellaneous part which makes provision for any person giving false information or forging any particular document. It creates a penalty. It also makes provision that patients in psychiatric hospitals or in any approved homes should not be ill-treated in any way. It is very important that the rights of the patients should be safeguarded. It makes it an offence for any person wilfully to assist in the escape of mentally ill patients from psychiatric hospitals or approved homes. It also makes provisions for dealing with any sexual offences against patients and this part also permits the making of regulations, or the full implementation of this particular piece of legislation.

Mr. Speaker, I do not propose to be exhaustive on this particular matter. I think it is a cause for concern in this society to ensure that the best possible arrangements are made for the care, good diagnosis, treatment and rehabilitation of persons who are of unsound mind; and this particular piece of legislation is an attempt in this particular direction.

I would like to take this opportunity to pay tribute to all of those persons who have contributed in any way towards the stage that we have reached by bringing this particular Bill before Parliament today. Quite a number of persons have been involved in discussions, consultations, in pointing out the needs which the Bill seeks to fill and in many other ways; and I would like to pay tribute to those who

have played a part in the development of this important piece of social legislation.

This Government intends to carry out its programme of improving the facilities at the Mental Hospital for the care and treatment of persons admitted to that institution. We intend to continue to improve on the facilities for the care and treatment of persons outside of the confines of the Mental Hospital in the psychiatric clinics that have been developed and which we are developing and in the new health centres that are springing up, in providing the social work machinery to ensure that these persons who are discharged from the hospitals are given the best possible social circumstances in which they can try to live in the society, and to provide for rehabilitation within the hospital through the therapy workshop. Let me take this opportunity to pay tribute to the service clubs and particularly to the Lions Club for the work they have been doing at the Mental Hospital.

We are always trying in all ways possible, including improvements in the procedures, in upgrading staff — in all ways possible to ensure that this country provides the best possible psychiatric care to those in need of such treatment. Mr. Speaker, with those words, I beg to move that this Bill be now read a second time.

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

Mrs. EASTMOND: Mr. Speaker, indeed, this Bill has been long overdue; and I am glad to see that it is now before this Hon. House. The Minister stated that the Government intends to improve facilities; but improving facilities, Mr. Speaker, is just not enough. That hospital is nearly 100 years old, and it has over 600 patients; and for all of these years no Government has even seen fit to erect a modern psychiatric hospital.

We are dealing with people with mental disorders which is a sickness like any other sickness. For years we have heard that if you go to Jenkins you are mad; but people know today that being mad carries no stigma because there are a lot of mad ones who are outside and not inside a mental institution.

The position is that if the Government had been serious about mental health they would have looked at that hospital and would have seen that with a rambling, old English style

hospital building nearly 100 years old many of the people placed in that hospital would have no desire to get better and go back into the community. That hospital is depressing.

The Government is planning a lot of improvements and they are spending lots of money. In the Estimates of 1971-72 the sum of \$1.5 million was included, and in the next year it was roughly \$3 million. That is a 100 per cent increase; but when you look at an institution like the Queen Elizabeth Hospital — I grant you that operations and other cases are done there — we are spending \$14 million in 1976-77 as compared with \$7 million in 1971-72, the same 100 per cent increase.

1.45p.m.

Then they have patients who are paying patients. At the Mental Institution there are some paying patients, but not many, and most of these people who have been in, it is only today with the care — because the few doctors they have are really interested. If they did not have good people working there at that hospital I do not know what would have happened. We have to compliment the people who have been working there and who work there under the conditions that exist, because, if you have cancer and you go on treating and treating, eventually it still is cancer. It is going to eat you out and you are gone; and that is an old building and no matter how they repair it and what they do, it is still an old building. It cannot be changed.

I want to see the day when there is a psychiatric hospital somewhere, maybe like St. Thomas, somewhere in the country with lots of landscaping area around it, where the patients can go out on the grass and relax and where they will have all sorts of recreational facilities, and apart from that they must have separate rooms, even if the taxpayer has to pay more, as long as it is better treatment; but here the taxpayer is paying quite a bit to keep the Queen Elizabeth Hospital — call it a hotel if you care to — and I am sure that the persons who should be getting the treatment there free, some of them do not really, but I hope that as the Minister has stated, they are going to do everything possible. I hope that this 'everything possible' means that very soon they are going to come to this hon. House and tell this Honourable House that they have plans for a new psychiatric hospital. Not a wing to the Queen Elizabeth Hospital. That is just touching a part of the sore.

Psychiatric patients need to have good modern facilities, and doctors and nurses and people who have to work at an institution such as that, must work under the best conditions.

I am sure that the people of Barbados, and I mean more so the taxpayers, will support this, because mental illness is not for only one strata of the society. It touches one and all, and there are some persons who will not be able to go into the paying ward at the institution that is there, and even the paying ward is not as it should be. I am hoping that we Barbadians will see a very good mental hospital. If the Minister means to upgrade the health facilities he must make sure that this is in the coming very soon. Thank you, Mr. Speaker.

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

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to move that you do now leave the Chair and the House go into Committee on this Bill.

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

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

Parts 1 to 4 inclusive of the Bill were called and they stood part.

The Question that this be the Schedule was put and resolved in the affirmative without division.

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

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

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

On the separate motions of Hon. L. E. Sandiford, each seconded by Hon. P. G. Morgan, the Bill was read a third time, passed, and cited as the Mental Health Act, 1976.

ADJOURNMENT

Hon. C. E. TALMA: Mr. Speaker, this concludes Government Business for today's Sitting. I do not know whether the Opposition has any matters to deal with. *(A Pause)*

Sir, I beg to move that this House do now adjourn until Tuesday, 18th May, at 12 noon.

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

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

