
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION OF 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 9th August, 1977.

Pursuant to the adjournment, the House of Assembly met at 10.15 a.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Mr. R. St. C. WEEKES, J.P.; Hon. C. L. BOLDEN, LL.B., (Minister of Agriculture, Food and Consumer Affairs); Hon. F. G. SMITH, Q.C., S.C., B.A., (Leader of the Opposition); Hon. H. deB. FORDE, S.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Mr. L. E. SANDIFORD, M.A.; Hon. L. B. BRATHWAITE, (Minister of Communications and Works); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Hon. H. B. St. JOHN, Q.C., LL.B.; (Deputy Prime Minister, Minister of Caribbean Affairs, External Trade, Industry and Tourism and Leader of the House); Mr. V. L. JOHNSON, M.A.; Hon. L. R. TULL, M.A., (Minister of Education and Culture); Mr. DeL. O. BRADSHAW; and Mr. L. L. SISNETT.

Prayers were read.

LATE DELIVERY OF PAPERS

Mr. SPEAKER: I think an apology is due to hon. members owing to the fact that Order Papers for today's meeting were not delivered until some time last night. The Clerk, whose responsibility it is to look after such matters, has informed me that they were not received from the Government Printery until some time around 7.30 p.m. or thereafter, and it was not only after the Clerk had been in receipt of them that the assistance of the Police was sought to effect the delivery at the time hon. members happen to receive them. This is a situation which we do not like.

In the same way I have to say that we have not yet received the Minutes of our last meeting. The Government Printery, I understand, is presently working to have them placed before us as soon as possible. We would just like hon. members to know that it is not a case where we are not concerned over this situation, but we thought it best to bring hon. members up to date with things as they appear to us at present. We are hoping that operations will be put into effect at such a pace in the future, when the situations warrant it, that we will not find ourselves having to be without our Minutes and having to receive our Papers at the late hour we did for today's meeting.

PAPERS LAID

Hon. H. B. St. JOHN: Mr. Speaker, I beg to lay, on behalf of the Minister of Finance and Planning, the following:

- (a) The ware housing of Rum in Bond (Amendment) Regulations, 1977.
- (b) The Customs (Amendment) Regulations, 1977.
- (c) The Consumption Tax Order, 1977.
- (d) The Wireless Telegraphy (Amendment) Regulations, 1977.

On my own behalf, I beg to lay the Health Service (Hospital Fees) Regulations, 1977.

Hon. L. B. BRATHWAITE: Mr. Speaker, I beg to lay the Motor Vehicles and Road Traffic (Amendment) (No. 4) Regulations, 1977.

GOVERNMENT NOTICES

Hon. H. B. St. JOHN: Mr. Speaker, on behalf of the Minister of Labour and

Community Services, I beg to give notice of a Bill to amend the Holidays with Pay Act.

BILLS READ A FIRST TIME

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that a Bill to amend the Holidays with Pay Act be now read a first time.

Hon. H. deB. FORDE: I beg to second that.

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

ORAL REPLIES TO PARLIAMENTARY QUESTIONS

Hon. L. B. BRATHWAITE: Mr. Speaker, I beg to give notice that the answer to Parliamentary Question No. 41 asked by the hon. member for St. Michael South is ready.

Also the reply to Parliamentary Question No. 46 asked by the hon. member for St. Lucy is ready.

ORDERS OF THE DAY

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of today's sitting.

Hon. H. deB. FORDE: I beg to second that.

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

GOVERNMENT BUSINESS

Hon. H. B. St. JOHN: Mr. Speaker, Item No. 1.

Mr. SPEAKER: Item No. 1 is the instant Order of the Day.

Hon. H. B. St. JOHN: I beg to move that Your Honour do now leave the Chair, and the House go into Committee of Supply.

Hon. H. deB. FORDE: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. ODLE in the Chair. 10.25 a.m.

SUPPLEMENTARY ESTIMATES 1977-78 No. 10

Hon. H. B. St. JOHN: Mr. Chairman, the hon. member who was speaking when this matter had been engaging the attention of the House on the previous occasion is not present, and I think everybody has made his contribution, so I propose to wind up.

Mr. SANDIFORD: Mr. Chairman, I had not spoken on this particular measure and before the Minister winds up there are just two points I would like to make on this matter of funds for the convention centre. As the Addendum to this Resolution states, this is a Resolution for supplementary provision of \$88,701 in order to cover operational expenses of the Dover convention centre during the 1977-78 financial year.

Now the Minister, as I recall it, in introducing this measure did indicate that he was trying something new or at least, I do not think he actually said these words, but the effect was that he was trying something new in this country, and I had promised that whenever anything new is initiated by the Government that I would speak out on it and give them credit or blame where credit or blame is due. I am not apportioning either of these in this case, but I would like to say that this new direction is in the area of granting permission to the Civil Aviation Department to operate this convention centre. I hope I understood him correctly in this regard, and the reasoning as I recall it was that in other countries airport authorities are in the habit of operating hotels, although I believe that most airport hotels are operated by means of lease rather than by means of direct supervision as a business venture by the airport authorities. I believe I am right on that, that normally there is a contract for the operation of the facilities and that contract may be serviced by the airport authorities. If I am wrong in this regard maybe the Minister from his wide knowledge of these matters can correct me, but that is my understanding of it, and so we are going into this new direction of calling upon our airport authorities here to operate a convention centre at Dover.

Now normally airport authorities are kept very busy in operating airports which involve a multitude of different facets of that very intricate and involved business, and for them to get into this area of actually operating the convention centre seems to me to be taking them somewhat outside of their normal area of operations whether it is the airport authority *per se* or the Civil Aviation Department itself. It is somewhat

strange I would say. It is a new development and our minds are not closed to new development, but when there are new developments we would like to be certain that there are good and sufficient reason why these developments take place.

Now the question that I really have to pose is this: we have a Board of Tourism and I would have thought that the logical body for operating this convention centre would have been the Board of Tourism— I believe it is still so styled, and I believe that the Minister should give this Honourable Chamber some reason or explanation why the Board of Tourism is not given permission to operate this particular centre. As I recall it, in his introduction he did not advert to that area of the matter at all; he simply said that this new development would be initiated and that it would be the airport authority or the Civil Aviation Department, I do not quite recall which one, which would have responsibility for operating this; but in our view a case must be put as far as the Minister may be concerned; he must tell us why it is that the Board of Tourism is not given the responsibility for operating this centre.

I am drawing upon my reserves of memory and I believe that the Board of Tourism did have a vote or did have some funds allocated in anticipation of the operation of this nature or at least certainly the Board had adverted to this possibility some time ago, that the operation of the centre would be under the control of the Board of Tourism, and maybe the Minister will explain to us why this is not so and that the Board of Tourism is not being given responsibility to operate this convention centre.

I think the Minister was quite right when he indicated that the most successful convention centres as business operations tend to be in close proximity or at least adjoin existing hotels, and I believe at some stage there was talk about the Hilton Hotel or a convention centre being established in that leading hotel in this country, but I think this decision to establish a centre at Dover is a decision which will turn out to be a correct one, because in this country we do need facilities for the hosting of conferences and for the many meetings of a regional nature and indeed of a local nature where persons who wish to meet for specific purposes can have adequate facilities to enable them to get through their business. So there is no quarrel at all with the request for supplementary provision in the sum of \$88,701, but we would just like some clarification on this matter and maybe the Minister can tell us. I myself have visited conference centres and convention centres outside

of Barbados, and I know that the provision of these facilities do help tremendously in making conferences and deliberations successful, and we are also looking forward to this convention centre at Dover playing a most important part.

10.35 a.m.

Mr. Chairman, I do not wish to hold up this Committee any longer on this particular matter. I regret that the Chairman of the Board of Tourism is not present to contribute to this debate today; then may be we would have heard some of the views of the Board of Tourism. But the Minister himself is here and perhaps he can give the explanation I am seeking.

H. B. St. JOHN: Mr. Chairman, I would like the opportunity to reply to the hon. member and to make a statement on matters referred to previously by the hon. member for St. Lucy.

The explanation as to why the administrative authority of the convention centre is the Civil Aviation Division and the day to day administrative authority is the manager of the airport is very simple — there is no difference between the operation of managing a physical structure such as the airport and the physical structure such as the convention centre. The provision of services such as cleaning, collection of rents, etc., are things which are carried out by the airport manager every day in respect of a larger establishment, and the convention centre will be run in exactly the same way and within the same Ministry. In addition, the airport division has a technical unit which looks after the maintenance of the fabric of the airport on a day to day basis and they will look after the fabric of the convention centre. In addition, the airport management has facilities to look after land-scaping on a day to day basis. You have the skills available at the airport division to do these things — accounting skills, engineering skills, management skills. The Tourist Board manages nothing — it is a purely promotional body; it has no access to data in relation to rents, maintenance, etc. But I want to assure hon. members that the Board of Tourism will be part and parcel of the promotion of this centre and will be playing an important role in promoting the centre. But there can be no more logical place to put the management of the centre than with the airport division. The restaurant will be out to tender; cleaning will be out to tender; landscaping will be done by the Parks and Beaches Commission; telecommunications will be maintained by the Ministry of Communications and Works, just as at the airport.

It has often been said that civil servants cannot run any business enterprise efficiently, but I do not believe that we in this country cannot attract civil servants with managerial ability, and we are prepared to give them an opportunity to see whether they have management ability or not, otherwise we will see that the right people get into the positions. There are certain areas which Government alone must undertake, and therefore civil servants attached to such divisions must have competent managerial skills, and we have people at the airport with degrees in management. The Airport management is responsible for a commercial management. The Technical Director is concerned with technical services, such as air traffic control and aircraft standards. I do not see anything wrong with the arrangement; and I go further and express the opinion that the Hilton Hotel should not be under the direction of the Industrial Development Corporation because I do not believe that the Industrial Development Corporation is geared to deal with that; the corporation is for industry.

The Board of Tourism does not operate in a situation where there is no cooperation between the Board and the Ministry. The Ministry does the research for the Board. But we must understand that if a Government Department has management functions it must operate on par with private enterprise.

One other point. From the very outset it was never claimed that this convention centre was going to show a profit. It has always been said that any convention centre which does not have its own hotel must be operated as a service and the object of creating convention centres is to provide facilities to encourage people to come to the territory and thereby increase revenue. There is nothing to suggest that this convention centre will operate at a profit; we must recognize that that is a service to tourism as a whole. Government itself is called upon to host a number of conferences and Government cannot charge itself.

Now the hon. member for St. Lucy raised the question about statements alleged to have been made. Like other hon. members, I have seen statements made in respect of discrimination in Barbados and I have seen corrections of those statements. I have been assured that what was in the newspaper does not accurately reflect what the member said. I understand that the hon. member adverted to a letter that was in the newspaper. A copy of that letter came to me and I have asked the department to submit a report on the matter.

10.45 a.m.

Mr. SANDIFORD: The member just referred to a statement by the hon. member, but as I understood it there were two hon. members who spoke, that is, the member for St. Michael North East as well as the member for St. Joseph, so I am not certain which one he is referring to.

Hon. H. B. St. JOHN: The statement allegedly reported to have been made by the member for St. Michael North East which was corrected by the member for St. Joseph in the next day's issue or the two days after, and the position is very clear.

Nobody in his right senses can fail to recognise the fact that this Government, when it was in power previously, and the Opposition when they were in power have always made it clear that the policy of the Government of Barbados is that we welcome to our shores visitors of all colours, creeds or nationalities and that we abhor and will not tolerate any instances in this country of discrimination. Indeed the Hotel Aids Act, the Liquor Licences Act specifically deal with this matter. In addition to that, we have had cases on record in Barbados recently in which the standard of service to be meted out has been judicially decided, and there are remedies which our law provides for breaches of statutory duties. That is a judicial decision in Barbados. It is based upon certain statutory provisions that have been enacted in the law in Barbados.

Now, of course, the law in this manner cannot deal with attitudes of people. It can provide a remedy but it cannot change the attitudes of people, and what is more, which is a very important point, all the research centres which deal with tourism have now been able as a result of sociological research to point out that there is a big distinction between what is fact, action, and what people perceive to be action and fact. There is a big distinction, because people can feel or believe that things exist which do not in fact exist, and that is a big distinction.

When we have people here coming from all over the world, when we have these things, we cannot but have instances in which people feel that things exist when in truth and in fact they do not exist. It is not to say that there is also another situation in which your own people feel one way, and therefore do things in accordance with their feelings. These are complicated matters which are the subject matter of research in the Caribbean at the present day, and the results of

this research — we have done a visitor motivational study in a number of territories, we have done an attitudinal study at the Caribbean Tourist Research Centre by a very eminent social and educational psychologist who was on loan to us by the Government of Canada, who works at Ryerson — and the results of his survey, having done eight territories, will soon be out, and it will be amazing as to the attitudes of not only the tourists but the attitudes of the host population, and you will see the conceptions and the perceptions of people. These things are the subject matter of research, but we as a Government — and I am sure the hon. members on the other side know this to be so too — that all of us as Barbadians will not tolerate any discriminatory practices in the tourist industry.

Every complaint we get we order an investigation in relation to those matters, and as I said already with respect to the incident of alleged discrimination which has been brought to notice by letter to the Ministry, an investigation is being carried out and I have not received a report as yet, so that I have no doubt that the incident referred to in the speech, all the facts surrounding it will soon be in my Ministry, and I undertake to give the Hon. House a report on the matter.

I do not think there are any other points that any other hon. member has raised, and accordingly I beg to move that this Resolution do now pass.

Hon. H. deB. FORDE: I beg to second that.

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

SUPPLEMENTARY ESTIMATES 1977-78 No. 11.

Hon. H. deB. FORDE: Mr. Chairman, this Resolution concerns the provision of funds to compensate the Anglican Church and the Methodist Church for the use of various schools, and it is in lieu of repairing those schools as called for under sections 22 and 23 of the Anglican Church Act, Cap. 375.

At the time of disestablishment of the Anglican Church, Part V of the Act provided that the Government should continue to enjoy all of the rights and privileges and powers that it enjoyed in relation to the schools owned by the Church, and that these powers will continue

after disestablishment until such time as the Minister responsible for Education has given up the schools. There is a continuing obligation on the Minister to insure Church schools and to maintain them in a good state of repair.

Under section 22, at the time when he ceases to use the schools they must be handed back to the Church in a good state of repair. Prior to this Resolution there was only one school which was handed back and in respect of which arrangements for compensation had been made. On this occasion there are seven schools belonging to the Anglican Church which have since been returned to the Church, and in the case of the Welch Village Junior School which will be returned to the Church very soon, I understand. The Church schools affected, Mr. Chairman, are the St. Thomas Boys' School, the Good Shepherd Boys' School in St. James, the St. Bernard's Primary School in St. Joseph, the St. Elizabeth's Mixed School in St. Joseph, the St. Margaret's Mixed School in St. John, the St. Peter's Girls' School and Welch Village Junior School in St. John.

I wish to state that in the case of the St. Elizabeth's Mixed School apparently this was never handed back as such to the Church but was left to fall into a state of disrepair, and the Church subsequently, I believe, has got hold of what little is left of that school. In the case of the Welch Village Junior School, that is being handed back and adequate arrangements are being made for the few remaining pupils who were still going to that school, and the Minister of Education is here and no doubt he will be able to give hon. members any explanation they wish on those matters.

10.55 a.m.

There is one school which belongs to the Methodist Church. Obviously the Anglican Church Act does not apply to properties either of the Methodist or Moravian, or indeed any other denominational schools other than the Anglican, but it is felt that the same treatment which is given to the Anglican Church under the Church Act should likewise be extended to the Methodist Church.

Mr. Chairman, we have had surveys done by both the Churches, who made their own independent surveys, as well as by the Government; and we have managed to come to an arrangement which I considered to be very fair and reasonable, and I have had the assurance of both churches that the figures agreed on are totally acceptable to them. In the case of the Moravian Schools, although we have not given

maximum that was at first asked for, we have given them somewhat more than the Moravians considered would have been the amount, so that we have managed to strike acceptable terms.

In the case of the Anglican Church we have given them a bit more than the minimum amount that was first discussed. My Ministry minutes me that the Rev. Saunders on behalf of the Methodist Church has indicated acceptance, and I believe that the Lord Bishop on behalf of the Diocesan Trustees has also indicated acceptance. I am happy to see that this difference between Church and State are being legally settled.

I believe it is necessary under the operation of the Church Act that we should show some *bona fides*, some good faith in the Church; and I think that it is necessary too that in instances such as this the State should quickly live up to its obligations; and that is why since I became the Minister responsible for Ecclesiastical Affairs I took urgent steps to get the parties together at the official level and get all proper surveys done in order to reach a compromise.

You will have noted that in the Estimates for this year there was a token supplementary of \$10.00 in order to deal with the matter; and I gave the assurance that I would settle the matter certainly before the end of the financial year. I will take this opportunity, and I am sure that the Minister of Education will take the opportunity as well to thank both churches for the contribution which they have made, and which they continue to make to the Educational life of this country. I believe that sometimes in running down past institutions which are associated with our colonial history, in fact institutions which now have a definite place in the historical life of this country, we forget in posing as a radical Third World people to recognise the true value of some of those institutions and the contribution that they have made in developing our country.

I believe that the Anglican Church have given outstanding service to this country, and has contributed to the high quality of life in Barbados in no uncertain measure; and I believe likewise that the Methodist Church has continued to give every contribution, although not perhaps on as wide a scale as the Anglicans have done before. Certainly, as a member of this Government, we appreciate their contribution. We appreciate their criticisms even if we do not accept their criticisms; and you will find that this Government will not be adopting the stand and abusing the Church leaders and getting annoyed when they do not agree with our point of view

on any particular instance, or trying to deride them and make them lesser in the eyes of their followers; because we believe that only when different points of view are aired in this community, we can come to a proper consensus of management and Government; and although we may be the political bosses, we do not possess all of the commonsense and we must remember that, if we are going to improve the quality of life in its widest sense for our people.

I would like to pay tribute to the churches. I know that the Anglican Church in particular is still involved in the process of education. It is doing this alongside churches like the Seventh Day Adventist, different Missions, both the former established and unestablished churches; and I am sure that they do show forth some of the best of family life and the national life of this country.

That is why the Government unanimously agreed to give this Resolution its support; and I hope that now that the matter is settled, the next Synod will have good news rather than any idea that there is going to be any delay on this matter. This matter has been going on for several years, going on, and on, and on. Naturally the Church had something to complain about. In fact, as far as the school in St. Joseph is concerned, the Ministry at that time did not even do the Church the courtesy of handing the school back. It just abandoned the school. In this Government we hope to consult with them and also to minimise any loss that would occur.

I will also take the opportunity to make one broad appeal and that concerns vandalism in our country. People must recognise that school buildings are the properties of themselves, either as citizens or as members of the particular churches or institutions which owned them; and it is folly to see people destroying their own property and indulging in acts of vandalism that are uncalled for. I have a report from the Minister of Education in my possession where, for instance, the St. Leonard's Schools have been broken, stones thrown at the school buildings and there was almost a reign of terror taking place in that area.

I have asked the Commissioner of Police to go into the matter and find evidence and place it before the Director of Public Prosecutions, and to take strong steps to prosecute anybody, and I will be prepared to wage my political career against those who are destructive; because I do not understand why those who are in public life are frightened to speak out and strike out against acts that are only destructive of the whole

society. I do not care what will be the political consequences. If I see people destroying public property I will be prepared to go and give evidence if necessary even if I lose my seat in Parliament over an issue such as this.

I think that it a bad sign in a community for this type of vandalism to become almost second nature to people. Regardless of whose children it happens to be, I think it is wrong and I am calling on the community as a whole to show vigilance about public property and particularly about schools which are vital to the future of this country; because were it not for the leavening of education, the social and racial barriers which existed before would not have been broken down today; and it is bad and wrong against the State, against themselves and against the public interest for people to be destroying schools in this country; no doubt it costs them more money.

They are not hurting the Leader of the Opposition, the Prime Minister, or any other members except in so far that we are tax payers. We are only here as trustees for them and carrying out their bidding; but people seem to have adopted the attitude that the Government is some far off institution to be attacked and kept at bay rather than though they are the Government and part and parcel of the whole institution of Government in this country. I intend the next five years to speak out strongly on this, because I think that if all of us adopt this attitude to public life, we can at least bring our country back to the right path in relation to these matters.

I beg to move that this Resolution do now pass.

Hon. C. L. BOLDEN: I beg to second that.

Mr. WEEKES: Mr. Chairman, I would like to go on record as supporting this Resolution here today. I want to state how much I appreciate the invaluable service which the Church has rendered to the community.

11.05 a.m.

In my childhood the Church was the owner of the primary schools, and in those days the Priest was the Chairman of the Board of Managers and citizens were appointed to serve on the Board. In those days, Sir, the Government could not find funds to build schools and, therefore, we had to appreciate the service which the Church has rendered to this community, not only spiritually, but in the field of education. Without the assistance of the Church I am sure

that many of us would not have been educated. It was the Church which looked after education in those days. The Government could only find funds to repair some of the buildings and others were left in a very dilapidated condition. Therefore, when the Government brings this Resolution here today, I am saying, without any contradiction, that the Government is not granting the Church a favour. The Government is doing its part to the community. If we had these schools for all of these years so that the children and myself could be educated, it would be a disgrace and a shame on any Government to return these schools to the Church without doing the necessary repairs to them.

While we may not at all times appreciate certain statements which are made by the Church, we have to realise that the Church has not reached perfection, but I say that it is still a model for us to emulate in this country. Without the Church and its teaching in this country, where would you and I be? I presume that we might not be able to relax at home. Some of us would not be members of this House and, therefore, I commend the Government for the interest it has taken in bringing this Resolution to this Honourable House of Assembly. We, in this country, must realise that the Anglican Church, and, to a lesser extent the Methodist Church, have at all times done their utmost for the benefit of the people of this country. I hope that the co-operation and goodwill which existed between the Government and the Church will continue in future with any Government.

I would like to disassociate myself from any adverse comments made by anyone against the Church regardless of who he may be — even the Pope. I find it hard to believe that the Church, which has done so much for us, should be belittled and be drawn into any kind of debate whatsoever in this House. We are not responsible for those who might have spoken against the Church, and therefore, it is my duty, as an ardent and faithful member of the Anglican Church, to represent the Church in here today. I do so with a full sense of responsibility, because I realise the important role that the Church has played in the past and continue to play in this country and, therefore, when the Minister brings this Resolution to this House it is something which the Church has merited.

11.15 a.m.

I am giving this Resolution my wholehearted support, and I would like to say that we feel happy to be here on this occasion to associate ourselves with the passing of this Resolution. Mr. Chairman, I know that the majority of us if not all were baptised in the Church; we were brought up in the Church. In my day you had to go to

Church every week; the children had to go to Church once a week, and you cannot get away from the fact that the training of the Church especially has done a lot to assist us especially with our morals and with our upbringing. Without the support of the Church, without the dedication of the Church, where would this Island be? It is therefore my duty, Mr. Chairman, to support this Resolution.

Hon. F. G. SMITH: Mr. Chairman, the Opposition is supporting this Resolution. There can be no argument about it and I do not know if the hon. member for St. Philip South thought that a Resolution of this nature was unlikely to get unanimous support, because I think my colleague the hon. member for St. Michael South and myself had the honour and privilege of presiding over the Ministry of Education where ecclesiastical matters were dealt with until they were transferred by the new Government to the Attorney General, and I think if the Attorney General would check the files he will see that there was constant dialogue between the Church and the Ministry as to the amount of compensation which should be paid to the Church. As a matter of fact Canon Cayless can tell you that he got the maximum cooperation from me — I cannot speak for my colleague, but he can verify that when I had the honour to preside, at every stage he received maximum consideration as to the amount; so when the Government lost unfortunately we had not reached the figure at which we would arrive which I am glad to see is \$275,000. It is therefore an agreement not only by this new Government, but it is an agreement which we, if we were in power, would have honoured without any hesitation whatsoever. I am saying that the last Government did not hold out as Canon Cayless can verify; it was not the Minister, it was certain civil servants in the Ministry of Education. I think he will accept that as the reason for the delay in not coming to a final settlement sooner than today. I want the House to understand that we support a Resolution of this nature, whatever the Church may have done or not have done, because as I have said in here before, each person's personal salvation is a matter for him and his Creator and nobody can deny that the Church has played an important part in the community over the years if you study the history of education in the West Indies, and it is no sense my going against what is an accepted fact, the contribution made by the Church. Of course the Church like all human institutions is run by people and human beings naturally have their frailties and weaknesses, but we are very pleased to know that there is a God who sent his

son Jesus Christ through whom we can be redeemed and have salvation.

Even the Church will accept that in the Church itself, if you do not like the words "black sheep", there are certain human beings, and obviously mankind being what he is, being created in God's image, who find themselves in positions which they do not merit or of which they are totally unworthy, and therefore I think the Church, whether it is the Pilgrim Holiness or the Mormons, would agree that most institutions are subject to these drawbacks, but that does not of necessity mean that the institution is any less worthwhile or any less moral, but there are persons who if you follow them will bring these institutions into disrepute.

I am glad to hear the Attorney General talk about vandalism because I said in this House that people who can defecate and daub the walls of the new building at Queens College are less than what I call normal which I will repeat, because they thought when I talked about monkeys and village idiots that they could make political capital out of how I described people who treat their own property and public property with such gross disrespect. I make no apology for it and I think he will agree that I am one person in this House who has mentioned the damage being done at the schools, especially a school like St. Leonards, and I have drawn to the Minister's attention that if he reads the correspondence coming into the Ministry, almost every day you get some complaints from some headmistress or teacher of vandalism at the school. You will find it also at the Parkinson School and I have appealed to the hon. member who represents that constituency to see if he can do something to keep Parkinson a little better. There is a lot of vandalism at the schools. Queens College which we have just finished and which the Minister of Education has just opened in this very short time of its use has been subject to this type of vandalism. I do not know how we are going to correct it. It is not only here, it is also in New York. I remember the Minister of Labour making a speech on this vandalism. The black out in New York would just give you some idea of what can happen to people; so you can see that it is not only peculiar to Barbados. It seems to be a new trend where there has grown up this disrespect for people's property and so on. Even my Jaguar was mashed up; vandalism again.

Mr. Chairman, this is the price you have to pay in a society which to a large extent needs to go back to the Church, and the Church must bring them in, bring in the flock and see if the

moral modification and moral control which have existed in my day can be re-established among our people. I do not need to speak anymore on this Resolution. It is good to see that this new Government has got the civil servants to act with that speed to give him the opportunity to introduce the Resolution which I had hoped as Father Cayless would tell you to have introduced during my term of office as Minister of Education. I am very happy to think that an amicable settlement as to the amount has been arrived at in this matter.

11.25 a.m.

Mr. SANDIFORD: Mr. Chairman, I crave your indulgence to speak on this particular matter and I refer to section 22 of the Anglican Church Act which states that if at any time after date of disestablishment the church school ceases to be used by Government it shall revert in good structural repair to the Diocesan Trustees.

I was the Minister responsible for ecclesiastical affairs at the time that this Anglican Church Settlement came on the Statute Books of this country. The difficulty involved in sorting our relationship between Church and State leading up to this Act were of course not of my making; but I was happy to be associated in the last stages of the negotiations with the then Bishop of Barbados and other members of the Anglican Church in bringing this matter to a settlement that was agreeable to both sides. And on this particular matter as far as church schools are concerned the Act is quite clear; where a church school was used by Government and the Government no longer required the use of that building it should revert in good structural repair. And I should think that the fact that this is on the Statute Books is an indication of the good faith of the then Government in first of all arriving at a settlement, and secondly a statement of intention to carry out the terms of that particular Act.

As far as I recall, the first school to revert after this Act came on the statute books was the St. Christopher Boys' School; and it was from that school that we had to work out a new arrangement because the Act envisaged that with the Government seeking to use a school the school should be repaired and handed back to the church. But looking at that particular school the church authorities felt that they would prefer to have a sum of money to carry out their own renovation and to put the building in a good structural state, and so we had discussions on this matter with the church authorities and we arrived at an understanding of the matter and the whole

area was discharged to the satisfaction of both sides. We agreed on a figure and that sum was eventually passed over in full discharge of the Government's responsibility as far as Section 22 of the Church Settlement Act was concerned. And as far as I am concerned, that sets a pattern for future negotiations; if the church wanted the school buildings to revert in good structural repair, then it was the responsibility of the Government to carry out structural repairs in consultation with representatives of the Anglican Church; or there was the alternative developed by the St. Christopher school situation that the schools revert by means of the payment of a sum of money in discharge of the Government's responsibility.

Now it is said that the wheels of Government turn very slowly, but there has been a number of schools which have reverted since that time and the principle was clearly established.

I see the St. Margaret's Mixed School mentioned here. There is a bit of difference here in that only one of the buildings which was used as part of the St. Margaret's Mixed School has to be reverted, and the school has shifted to the other side of the road, as I understand it. But I hope one does not get the impression from the note to this Resolution that it was the whole of the St. Margaret's School but just a part. There should really be no problems in this matter since the schools are actually set out in the Schedule. There is a list and description of the schools set out in the Anglican Church Settlement Act; and so whenever such a school has to revert either of the two procedures should be set in motion. The fact that the Attorney General has come with this Resolution today, almost a year after his Government went into office, shows that he himself must have had some difficulty in getting this matter resolved. So all I am saying is that problems must have been involved; so I hope the Minister doesn't come now and try to give the impression he is getting things done very quickly as though by just rubbing an Alladin's lamp and using some magic formula, and the matter is resolved. I merely point this out, not in criticism of the Minister, but rather to show that in spite of his best efforts there are going to be delays; but we certainly welcome the fact that he has been able to bring this Resolution here today and it will get the support of this side; And I hope that when other schools are to be reverted we can do it as quickly as possible so that there will not be any unnecessary frustration on the part of Church or Government.

11.35 a.m.

The reference to the Methodist Church. I think the Minister is quite right that the Anglican Church Settlement Act dealt only with the Anglican Church, and in all fairness, if any Church school is used, no matter what denomination the school belongs to, the reversion should be on similar terms, the school should be returned in good structural repair or some appropriate sum of money should be rendered, and I am glad to hear that this is what is happening, or has happened — I am not quite certain which is the exact state — in respect of the Vauxhall Mixed School. No doubt it will happen when the Minister of Education carries out plans for developing a replacement for the Grace Hill School, proposals which I am certain he will admit that there were plans and proposals to purchase a property on Spooners Hill and also proposals to look at Eckstein Village which was actually purchased for educational purposes as well. These were plans which the Minister now has the responsibility of putting into effect, that when that school reverts — as I recall it is the Moravian Church which owns the Grace Hill School — that some provision would be made in that regard.

I do not think this is an occasion for launching into any wide discussion on Church-State relations as such, I certainly do hope that long may the Church live to express its point of view freely in this country, and by the same token long may freedom of speech and freedom of expression exist in this country, so that whatever points of view are put forward from whatever source, whether from Government, Church or any other source, that the people in this country will be free to speak on those issues to agree or to disagree.

Mr. Chairman, I think the contribution of the Church in the social development of this country is well recognised, and as I indicated, I do not think that this is necessarily an occasion for launching into that particular area. I merely wish to make that contribution.

I welcome the proposal in respect of St. Peter's Girls'. That seemed to have presented some difficulty, the exact nature of which I do not quite recall, but I am very glad to see that is here. I believe it was the question of a Church Hall or School Hall being used, but I am very glad to see that here as well. Welch Village may be looking into the future. I understand it is the Minister's policy to close that small establishment, and this was the thinking in the Ministry also that it should be closed, but there were other forces at work which felt from a representational point of view

that it might not be desirable to close the school, uneconomical though it may be to operate, it was felt that those very small children might have to scramble over the hills and find a very arduous path towards either the St. John's Mixed School or the St. Margaret's Mixed School, that they would have to travel some distance, but I think the problems in that area were not coming from within the Ministry in terms of closing that school, but in terms of certain views that were expressed by representatives of that constituency to keep the school in being for some particular period of time.

Mr. Chairman, this Resolution is one which we will all support. I think that background does throw some further light on this matter.

Hon. L. R. TULL: Mr. Chairman, I want to point out that the Resolution was introduced by the hon. member for Christ Church West in his capacity as Minister of Ecclesiastical Affairs. I want to point this out because both hon. members on the other side have spoken, both the hon. member for St. Michael South Central and the hon. member for St. Michael South, and had repeatedly been making allusions to the Minister of Education and what they did when they were in the Ministry.

Both the two members on the other side were Ministers of Ecclesiastical Affairs in conjunction with their duties as Ministers of Education. Not so with myself. I just point that out to show that the Attorney General is not acting as Minister of Education *pro tem* but he is doing his work as Minister of Ecclesiastical Affairs.

Obviously a number of questions have arisen in connection with Education, and I feel it necessary for me to answer a few questions and clear the air on others. I want before I get on to that to join with my colleague, the Attorney General, in paying tribute to the Anglican Church, and indeed to all other denominations in Barbados who have played a significant role and made outstanding contributions to the cause of education for over a century. I wish in this regard also to comment on the contribution that is being made by the Unestablished Churches, the Seventh Day Adventist Church in particular, and various others, who though they joined in the cause of education late have played a very important role today.

I also want further before I advert to some of the questions raised, to lend my voice to that of the Attorney General on the issue of

vandalism. I have had over the past few weeks occasion to send off letters to the Attorney General pointing out to him the condition of the two schools at St. Leonard's in particular — obviously there are others, Parkinson, West St. Joseph, Princess Margaret and so on — but particularly the two at St. Leonard's where things have got absolutely out of hand. It has gone beyond vandalism in St. Leonard's it is outright civil war down there. It is not only damage to the property, it is not only damage to the walls and the windows, they are going into the classrooms when classes are in session and assaulting teachers and children. It is not unusual from reports that have come into the Ministry for the boys in the area of Eagle Hall to go into the schools at St. Leonard's and throw missiles and bottles through the windows while classes are in session. So I want to lend my voice to that of the Attorney General in pointing out how serious this issue has become in Barbados, and all I can do is to call on all decent and right thinking people in the community to lend their support in helping us to stamp out this cancer that seems to be growing no end in our society.

I want to make reference to the Welch Village School, because the hon. member for St. Michael South has brought it up, and it is very interesting the argument he used. He said the former Government acknowledged that it was uneconomic to keep that school going, but there were other forces at work that made it necessary for them to keep it going, and among those he mentioned was the representational point of view, and that is a euphemism for saying to keep Barrow getting votes up in that part of the parish, because the situation is this as far as the Welch Village School is concerned. The school has got.....

Mr. SANDIFORD: If the member would give way. This is not elucidating a point. It is only to say what I feel about the comment about Barrow, the member for St. John, getting votes. This goes to show that he would get the vast majority of votes in that constituency. It does not have to relate to the opening of Welch Village School or keeping the school open to get votes. It was more in the interest of the young children as he saw it to keep Welch Village School open.

Hon. L. R. TULL: Mr. Chairman, for over six years the DLP Government was toying with the idea of shutting down the Welch Village School. There were 27 children in that school,

one headmaster, one senior assistant teacher, one temporary teacher, a janitor and a school meals worker — five people on the staff for 27 children. Nearby there were three primary schools — St. John's Mixed, St. Margaret's Mixed and Society Mixed; but it was in the interest of the Democratic Labour Party not to shut down that school because it would have affected, to use the euphemism of the member for St. Michael South the representational point of view.

I do not know what he means by that if he does not mean the votes that the representative would get in that part of the parish. You pay five members of staff to keep 27 children in a school when they are three schools nearby. We are closing down the school because we are not interested in the representational point of view at this stage. We are interested in the money that it is costing the taxpayers of Barbados to keep a school open with five members of staff for only 27 children.

I wish also to comment on the performance of the Opposition who were then the Government, in relation to these schools and the Church, especially with regard to the comments by the member for St. Michael South that the present Government has taken a long time, because we were in power for 10 months and have only now come to the House. The files before me reveal that as early as 1973 the Democratic Labour Party was involved in discussions about the returning of these schools to the Church. In 1973–76 when the hon. member for St. Michael South was dealing with the Democratic Labour Party he said that mills of Government grind slowly. When he is dealing with the Barbados Labour Party Government he says that we are wasting time.

The facts are that up to 1976–77 in the Estimates no provision was made for even the repair of schools or paying a lump sum to the Churches for those schools. For the first time provision was made in the Estimates of 1977–78 by this Government. Provision was made for a sum to cover the cost of referring back these schools. There is no point members on the other side getting up and saying that they support the Government on this Resolution and then making the type of politically useless statements that they make.

There is one other point that I must make because it relates to Education rather than to Ecclesiastical Affairs. When the DLP were putting children of 14 years out of school and saying that there was nowhere for them to go, that we were short of school places, the very same Government was talking about handing back school buildings used by the churches for over a century. The then Government said that they no longer needed these buildings; but at the same time they were telling the people of Barbados that they had to turn their children out of schools because they did not have places for them. Perhaps the two then Ministers of Education will get up and explain the reasoning behind that; because I am at a loss to understand.

I want to say, Mr. Chairman, that in regard to the relationship between the church, all denominations, and the present Government of Barbados, we will continue as has been done for many years passed, with a cordial and co-operative relationship in the cause of education, and indeed in the cause of justice and decency in this society. We do not only owe the Church a lot — the Church at the moment benefits to some extent from the generosity of the Government.

In this regard, I refer to the assistance that is given to Church operated schools in Barbados. Just a few weeks ago I came with a Resolution before this House to give assistance to private schools including many church schools. So I think that the church also owes us a lot. We in turn will give them back as much as we can. I have much pleasure in supporting the Resolution.

Dr. CADDLE: Mr. Chairman, I am not particularly interested in the pros and cons of this Resolution now before us. I want to go a step further. There is no doubt about it in our mind that the Church plays a very important role in Barbados and has been a very great force in Barbados and in the world. Now that a decision has been made to return these schools to the church I will make an appeal to the several Churches who own these schools to put them to proper use for the people of this country. I am not one of those people who believe that the Government can and must do everything. There is a belief in Barbados that everything must be done by the Government, and when the Government sets about to do things there is a complaint about what should have been done.

There are many organisations in this country who can contribute from the point of

view of their members and the point of view of their properties; so doing a lot to assist in the proper development of this country. The Church holds properties although it may not be as rich as some businesses; but it is saving in terms of property, church buildings and other properties. We have to look very carefully at the needs of Barbados today so as to assist in the pressing problem of our young people as far as training and employment are concerned.

No one should sit down and believe that everything should be left to the Government if we are to preserve the freedoms that we talk about. If we are to uphold democracy as we like to talk about, it will take more than talking about it. It will take all organisations of this country to uphold these ideas and preserve the freedom of this country; and that responsibility is as much a part of the Church as it is of political parties and other organisations. I think that it is high time that the people who control the church start to look seriously at the social conditions of the country rather than get into the pulpit Sunday after Sunday and preaching.

11.55 a.m.

I can excuse certain churches because, for example, not that I am trying to appease the hon. member over there and friends, but we have to recognise that there are Churches, for example, the Seventh Day Adventist Church, who are making a demonstrable effort to rectify the social problems of this country. It is high time that other Churches that have properties, rather than using these properties purely for the purposes of holding religious meetings and things of that nature, should go a lot further and meet the needs of the young people if they are to attract the young people into the Church. One of the complaints made against many of the young people nowadays is that they are not interested in the religious activities of the Church, but then you have to analyse the situation to find out why they are not interested. It is all right to talk about going to Church, but these people have to find employment and in the process of finding employment they must be properly trained. If you are going to go out and meet them half-way, then there is every reason to believe that by so doing these young people will become interested again in the Church and go to Church.

I would take the opportunity, as I said in the beginning, to appeal to those Churches, who will now take over these schools, to look into the question of the needs of the young people

of this country and see in what way, with the co-operation of Government and other organisations in Barbados, these properties, after they have been returned to them, could be put to the best use in assisting the development of the young people of this country.

Hon. H. deB. FORDE: Mr. Chairman, if I may just answer a few points made by hon. members in the debate before bringing this matter to a conclusion. I am much indebted to the hon. member for St. Michael South for commenting on the fact that within less than a year this Government has brought to a conclusion a matter that has been outstanding for several years. It may be a good point to compare the speed and alacrity with which this Government works and with which there is response from the civil servants to Ministerial direction with the speed and alacrity with which the former Government worked. The Good Shepherd School was handed back or abandoned in 1968, and the St. Bernard's in 1971, and the St. Margaret's Old Girls' School in 1973. I cite three instances to show the hon. member that it took his Government from 1968 to 1976 before there was any positive response to the numerous letters written by Church Councils and by the Church for compensation. I cited them also to illustrate simply this point that it was significant that it was only in 1976 in May, just before the General Election, that something was done. Obviously, at that time the Democratic Labour Party was on the way to winning friends and influencing neighbours and, of course, it was doing everything in its power at that stage to give a new image, as, indeed, it is doing now of its approach to these matters and to the Church. All of a sudden we are getting a great note of concern, and it is a good political move, spareheaded by the hon. member for St. Michael South in particular and with the contribution from the heart of the hon. member for St. Philip South, to show that the DLP in its new guise is not even carrying the mantle of the former person who, to quote the hon. member for St. Philip South, "Would have heaped adverse comments", and he disassociated himself from those comments, even if the person happens to be the Pope.

I would only want to make one comment in passing. I wish that hon. members had spoken up so stoutly in defence of the Church during the constitutional debate. Oh that they had today, their fortunes may have been different. Oh that they had today, one would have believed their words, and one would have given more understanding to this recent conversion. If I may quote the hon. member for

St. John, "They are like Saul on the road to Damascus at this stage".

Dr. CADDLE: Mr. Chairman, it seems as though the hon. member has missed his calling. He should have been in the Church in the pulpit.

Hon. H. deB. FORDE: Those of us who are of the Church and belong to the Church and respect the Church will criticise even our own party, if we realise not the Church, meaning the Anglican or anything, but that Christianity as such is under attack because the institutions are under attack. This is where we have been consistent. We do not believe for one moment that everything this Government does will meet with the image and approval of everyone in this Country or the Church. We expect that we will be criticised as we will be praised. What we have to make sure is that we do not get so arrogant that we refuse to listen to genuine criticism and comments coming from people who are looking for the good of the country, and in that category I give the Church one of the highest ratings.

Anyhow, I welcome the hon. member's sentiments about the Church, and I am glad to see that by our winning the Government and placing them in Opposition we have, at least, demonstrated for the first time that we can change the hearts and minds of men. I hope that it is a true conversion, and I hope I will now see them going to Church regularly and not paying lipservice and serving their God. I hope that I see that from them, Sir, so that they can, like the hon. member for St. Philip South and myself, appreciate that we are not bigger than the Almighty. I am glad for the opportunity to remind them about this, Sir.

Let me answer one or two problems. I am sorry that this matter of the settlement took so long because in actual fact it has cost the taxpayers some more money. When I looked through the file the figures being quoted, had there been a quick response, and now it has added almost one hundred thousand dollars on to what it would have cost had the Government responded much more quickly. Inflation in building costs, the state of disrepair in which the schools had been allowed to go and so on have been such that from \$150,000 we have gone up to now to something like \$275,000. Of this figure \$250,000 will go to the Anglican Church for the seven schools which have been returned, and \$25,000 to the Methodist for the use of the Vauxhall School. Not all of these schools are going to revert to just some other

use by the Church. The Vauxhall School, for instance, is still being used as a Church by the Methodist. I believe the Good Shepherd was formerly a Church Building, so that the Church now has to build an alternative Church building in the area.

I would not like hon. members to feel that the Church is just taking over the buildings and do not have needs which go to the primary function as part of spreading Christianity. I also take the opportunity to answer the hon. member for St. Michael North Central. I believe that we make generalisations and do not always look at the particular facts. Although I agree with his general appeal, I would like to say that, as Minister responsible for Ecclesiastical Affairs, I know of several instances in which both the older Churches and the newer Churches are making a contribution to the youth of this country as well as to the alleviation of poverty and the provision of employment opportunities.

12.05 p.m.

For instance, CADEC has started a development programme and is giving thousands of dollars for development aid both in Barbados and beyond, and indeed in the field of solar energy CADEC has been spearheading the company and helping it to get both technical expertise as well as financial assistance. But it is not only CADEC. The Anglican Church itself through its AYPAs as well as their Mothers' Unions and Men's Fellowships have done tremendous work for alleviating poverty and helping the sick and incapacitated, and hon. members would recall the recent gift made by the Mothers' Union for a reception centre for underprivileged and unfortunate children at the Nightengale Home. I also recognise that as Minister in charge of town planning that the Anglican Church has been discussing with other Ministries the possibility of redeveloping the St. George League so as to give security of tenure to people on the League and also to go into the construction of homes to assist people who are not well off.

The Church also has plans for the development of the St. Philip League to form some sort of agricultural cooperative, and at the moment the Board of Management of the Church of Codrington Estates are looking at ways in which the Codrington Estates can be used not only to maximise the income of the Church to carry the Church but also to make a social and developmental contribution to the Island. But the sentiments expressed by the hon. member are in order and I am sure the

Church is aware and would be happy to hear that both political parties are now viewing their work in that way and see them as part and parcel to make their contribution to the country.

I would like to join too in the remarks about the Seventh Day Adventist Church which I think is doing a tremendous job on resources of its own. It takes a stand on the matter of principle, as the hon. member for St. Michael West would recognise, on the Betting and Gaming Act which the party accepted and understood, and indeed I think it is a tribute to the Barbados Labour Party that we can draw within the party people with such strong moral conviction and whose voices we hope will come through stronger from time to time. Certainly I would like to cite this as an example. As I say, we disagree on matters sometimes, we go on collective decision rather than necessarily a point of view expressed, but it is a point of view I respect, and I believe everybody in this community ought to respect.

I thank hon. members for their contribution and I assure the hon. member for St. Philip South that I have been born an Anglican, baptized an Anglican, will remain an Anglican, although that does not prevent me from being fair in administering my portfolio as Minister in charge of ecclesiastical affairs, but it is my Church. I feel a duty to be part and parcel of it not only by my pocket, but also in worship, and I trust that Barbadians will be much more genuine in living out a Christian life in this community, and we in politics have a duty to emphasise that they should, and I thank the hon. member for the remarks which he made in this respect.

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

RESOLUTION TO AMEND THE NOTE TO ITEM 11 –
SCHOOLS MEALS SERVICE UNDER HEAD
115 – MINISTRY OF EDUCATION
AND CULTURE

Hon. L. R. TULL: Mr. Chairman, this Resolution is seeking sums of money for the repair of the Country Road School Meals centre. Back in 1972 the School Meals centre at Country Road was constructed, and by 1974 large cracks had appeared in the roof and walls. Government called in its consultant engineers and they advised that certain corrective measures should be taken. The work was done but by 1975 there was a pronounced depression in the

roof. In addition to this the existing units at the centre had proven totally inadequate for the purpose. The centre tended to get very hot and uncomfortable and caused a great deal of discomfort, and indeed posed health problems for the people who worked in the centre. We are concerned on this side about that. We certainly would want the school meals workers at the centre to have working conditions that are conducive to their good health and also to their proper preparation of food for the children in the schools. The exhaust units had to be replaced and they were replaced by units weighing 1,200 pounds each and these have caused further damage to the roof. Again we have had to call in consultant engineers and they have suggested that either we put on a new roof or put some steel pillars that would support the existing roof. I have made the decision that we should put on a new roof because of aesthetics and because the steel tends to get rusty and give way. I took the decision to come with a new roof and this Resolution is seeking the sum of \$30,000 to implement the necessary repairs to the roof at the centre.

I beg to move that this Resolution do now pass.

Hon. L. B. BRATHWAITE: I beg to second that.

Hon. F. G. SMITH: I just want to ask a question; I do not see any figure here. I thought this Resolution was to change the note to an item. I do not have a Resolution for \$30,000 and I do not know if you have one with a figure, Mr. Chairman.

Hon. L. R. TULL: In the note to school meals service under Head 115, there is provision for \$30,000. The Resolution as you correctly stated is to change the note to bring in repairs to the roof under the particular item.

Dr. CADDLE: Mr. Chairman, it is very nice to hear from the Hon. Minister some of the problems surrounding the operation of school meals, but I would like to point out to him that in Barbados there is a lot of concern among the public concerning the school meals service. Some of this concern relates to the treatment of workers employed in that service and in another area some concern relates to the quality of the meals which go out to the children when they are at school. It has been drawn to my attention that in relation to the **second area** that many schools have found it difficult to receive meals on time and in some cases they have not received any hot meal at

all; they have gone back to the good days of the cutter and the biscuits and things of that nature. I do not know what are the problems, neither am I pretending to be an expert on the problems of school meals. I have never held that portfolio before when I was a Minister of Government, but these matters have been aired and are repeatedly being aired, and I would like to know from the Minister what are the problems confronting the school meals operation that children in schools have found on repeated occasions that they are not getting hot meals, they are being served bread or cakes and things of that nature or sometimes just biscuits.

12.15 p.m.

This is not a question of the operation of the service or the availability of the funds.

In relation to the Country Road building he has pointed out that cracks occurred in the building within three years after construction and I would like to know where the responsibility for the repair to this building lies. Is it a matter entirely for the Government or for the people who constructed the building? I would like an answer to this question because a similar building at Queen Elizabeth hospital had problems after construction, and after seeking advice from the engineers the Minister of Health was in a position to lay the blame on the people who constructed the building, and as a result of discussions some agreement was reached in relation to the repair of the building. I would like to find out from the Minister if such an approach has been used or has the Minister accepted the responsibility; in other words, was the building constructed in such a way that as a result of construction you have this problem now arising, and if that is the case are not the people who constructed the building the ones to take the blame. I am just throwing these things out and hope the Minister will seek to allay the fears of mothers and children concerning the School Meals Service.

Mr. SANDIFORD: Mr. Chairman, I want to speak on Item 11, the subject that is before us. This Resolution seeks to change the note of this particular Item 11 Head 115. Maybe the Minister can tell us why he wants to alter the loan in this particular way, because the note referred to, and approved by this House, also provides for the cost of refrigeration facilities and exhaust units, and he is purporting to put in the replacement of a roof. I believe this is the main purpose of the amendment, to get in a specific reference to the replacement of the roof. But I am really wondering if it is actually necessary to do this particular amendment

because the first part of the note speaks in terms of construction or alteration to an existing School Meals Centre and I am wondering whether the replacement of the roof would not have fallen into the category of alteration to the School Meal Centre. But inasmuch as that part of the note is now being changed, I am wondering if this is out of an abundance of caution or if it is necessary because the existing note is not considered to be wide enough. That is the only problem that is really bothering me at this stage, whether this particular amendment that we are doing now is really necessary. These are the Approved Estimates that I have here and I would have thought that the opportunity would have been taken to correct them.

As I recall it, the School Meals Centre at Country Road, was constructed by, I think, Northern Construction Company — the Minister can correct me if I am wrong — a reputable construction firm. I do not know where the blame should go for these failures, but we know that in construction work from time to time these difficulties occur.

The other matter I would like to deal with on this Resolution is the Capital Estimate for carrying out alterations to the roof and it is a matter of concern to me at this stage whether the resolution is necessary or whether it should not be taken within the existing note.

Hon. L. R. TULL: Mr. Chairman, if I may just answer some of the questions raised by members of the other side. The hon. member for St. Michael North Central raised the questions of the quality of the meals in the School Meals Service. I am in agreement with the reports set out by the hon. member. I myself have received a large number of reports over the last ten months of the decline in quality of meals and the increasingly late arrival of meals, etc. Also connected with these reports are further disclosures that a number of people in the school meals service have said that they were employed by the Democratic Labour Party Government; also that they were employed by the individual Minister in the previous Government and that they have no responsibility to carry out any work set by the present Government or present Minister of Education. These are reports constantly coming to the ears of the Ministry of Education. Instead of the quality of meals we have reports from parents and children. I have heard at least half a dozen from children that the food is not worth eating any more because of the bad quality of the meals, but I do not know exactly where the blame lies. One of the weaknesses in our system is that people are always

prepared to say things off the record, but it is difficult to get them to put into writing the things they see and observe.

12.25 p.m.

It is true, and I can give the parents in this country, and indeed the children in this country, absolute assurance that if there should come into my hands substantiated reports of some of the things I have been hearing, that action will be taken to discipline the people involved. I may go further. My children go to schools that serve school meals, and it has been reported to me by one of the teachers, and indeed by my own son, that one of the school meals workers of that school is reported to have said in the presence of the teacher that somebody named "Sleepy Smith" gave her a job and she does not know anything about Tull, she does not like him and she would like to poison his son. It is as bad as that, but again when I ask for a report in writing people would say "I do not want to get into that" and it is the difficulty we are experiencing in the whole system. I am sure that when the hon. member for St. Michael North Central mentioned the reports of what he has been hearing, that this is the sort of thing that is widespread at the moment.

I have asked the Organisation and Methods Division of the Prime Minister's Office to do a study of the whole school meals operation, and I am hoping that at the conclusion of their work I will be able to put the contents of their report to Cabinet, and I hope also to put my comments and my recommendations on the report on the future operation of the school meals service for the consideration of my colleagues.

In respect of the building at Country Road, the question raised by the hon. member for St. Michael North Central, the building was constructed under the guidance of a Canadian architect who was here under the Canadian Technical Assistance Programme, and it was obviously the fault of the architect that the difficulties, the faults in the building, appeared. Unfortunately, the Canadian Technical Assistance people no longer have an architect in Barbados, and indeed their assistance to the Ministry of Education at the moment is nil, so that although we can bring it to the attention of the people in the Canadian Technical Assistance Programme about the rather faulty job that has been done. I must point this out to let the hon. member know that it is not a private contractor in Barbados to whom a tender had been given, if not he can be assured

that we would have taken the necessary legal action under the contract.

There was one other question raised by the hon. member for St. Michael South in respect of the change of the note. It is all a matter of interpretation. I have taken a look at it, and I am satisfied that the amendment to the note to include the work at Country Road was imminently necessary in this case.

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

SUPPLEMENTARY ESTIMATES 1977-78 No. 12

Hon. L. R. TULL: Mr. Chairman, members of the teaching and non-teaching staffs of secondary schools are entitled to leave passages under the Leave Passages (Amendment) Order, 1977. A figure was put into the Estimates for the year 1977-78 which was an estimate based on the level of actual expenditure for leave passages in secondary schools for the three preceding years. It has happened that a number of late requests have come in for the taking of leave passages during this summer and therefore the vote has now been overspent, or is about to be overspent. Therefore we are asking for sums to enable those teachers and non-teaching members of the staffs of secondary schools who are entitled to take their leave passages this financial year to be able to do so.

I beg to move that this Resolution do now pass.

Hon. L. B. BRATHWAITE: I beg to second that.

Hon. F. G. SMITH: I shall not be long, Mr. Chairman, except to correct an error. I suppose as a former Minister of Education this error strikes me in the face. If you look at the Addendum, it reads: "The provision of \$50,000 included in the 1977-78 Estimates under this Item was based on levels of actual expenditure for leave passages in preceding years etc. etc. etc..... and did not reflect the estimated cost of passengers for all the members." Is it "passengers" or "passages"? I think you mean "passages" there. I would assume it is "passages" rather than "passengers" for all members of staff.

If you agree that "passages" is correct instead of "passengers" can the Rt. Hon. Prime Minister, the Minister responsible for

Establishments, tell us now that he is in power what is his attitude towards this whole question of leave passages generally, or has he formulated at this stage any idea of his view and whether a colonial territory must still have this "back home" approach to leave passages. It may be too soon but I would like to know at this stage what is his thinking on this whole question of leave passages not only for teachers, etc. but on the whole question of leave passages for civil servants and for nationals.

Mr. WARD: Mr. Chairman, as the Leader of the Opposition often times says, I shall not be long. A small point really, but I feel I would just draw the Government's attention to what some of our neighbours are doing in regard to nationals travelling overseas, and civil servants especially, that there is the trend towards control. The Minister of Finance, as we know, is concerned with balance of payments, etc. and perhaps these passages could be granted for travel within the CARICOM area, and even further, Mr. Chairman, I would suggest that we may have to look into this matter of restricting travel unnecessarily overseas altogether.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the points raised by the Leader of the Opposition and the hon. member for Christ Church North Central are well taken and they are under consideration of the Government.

In the first place, on the question of leave passages generally, I have already said in here that I consider leave passages an anachronism, and I have already mentioned to the House that it is intended to raise this question at the next salaries revision with the representatives of the workers, but it must however be understood that when you are taken on as a public officer and you attain a certain level in the public service, leave passages form fundamentally one of your conditions of service, and therefore the Government cannot just legislate overnight that there should be no more leave passages. Certainly, I do not think that the argument for unlimited leave passage can any longer hold water. It is perfectly true that in a small island such as Barbados we should try to get out of our island to broaden our minds by the experience of dealing with the outside world. Most of us who sit in Parliament — I think I can say most — have had some experience of living for years outside of Barbados, and I think that most of us are the better for it. We have benefited by the exposure to conditions other than ours.

12.55 p.m.

But the system of leave passages was evolved to deal with persons who were not natives of the territories in which they served. In colonial times and I think that we look a little absurd when we pay leave passages, some of which must be taken outside the Caribbean. On repeated occasions there are public officers who have reached such a level as to have such entitlement; and it is the intention of the Government to negotiate as far as possible a general phasing out of leave passages.

I must say, Mr. Chairman, that I was astonished when this supplementary found its way on to my desk, and I appreciated that Secretaries to Headmasters of Secondary Schools are entitled to leave passages. I think that we are carrying it to an extent that passages can only to be spent in the CARICOM area; but we are really carrying it to an extreme when somebody in the position of a headmaster's secretary should receive money to leave the island.

We would laugh at Great Britain. We would collapse with laughter at the United States if one of the terms of service of a secretary of a School Board was that they should receive a sum of money to go to Barbados on vacation. This would be a matter of high humour; and I must say that I cannot see it only humourously. I have to think of the balance of payments and I have to think of the social conditions in Barbados; whether in fact it is justifiable that we extend the generosity of leave passages so far down the salary scale.

What has happened, Mr. Chairman, is that everytime there has been a salary review, the level at which you qualify for leave passages is raised; and I am told that it is always raised so as not to disqualify any existing officer; and in the nature of things it means that to avoid the existing officers, you find that you add on one or two people who would not have qualified before, but who now become qualified not by virtue of being regraded, but by virtue of having risen a little higher. Their position of responsibility has not gone up, but their salaries have gone up, just gone up, to put them in the leave passage class. So we tend to be adding — it is a mistake to think that we are subtracting from the qualification for leave passages. That is the most recent information. I was not fully prepared to be asked questions or I would have armed myself with details, as I armed myself with details about another matter which I thought the Opposition would be more excited about. They have been making so much ploy about the School Meals employees, and now

that they come in here and could have a debate on the School Meals, not one of them is prepared to say a word for these poor unfortunate people being sent home. Nobody can raise a word about them.

Hon. F. G. SMITH: Mr. Chairman, the hon. member for St. Michael South handed in a Resolution which the Speaker has ruled out of order. That is the reason why we have not spoken; because we handed in a Resolution on it, and it has been ruled out of order because it has been already aired on a previous matter in this House, and the member for St. Michael South was not entitled to bring his Resolution on it.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the last item was a Resolution about School Meals, and I am sure that the Speaker did not rule that out of order; but drowning men will catch at any straw, and the Opposition knows that it would be painted over the matter of School Meals. It knows that the fullest preparation has been made by the Government over this question of School Meals; and therefore they are seeking any port for a storm. They do not wish the hurricane to blow away the arguments and prejudices with which they have sought to mislead the public over the last few weeks.

This is just as bad as the Budget Debate. If I had not raised the question we would just have had silence. They have nothing to say and they are trying to put it on the shoulders of the Speaker. What am I to do if the Speaker has ruled it out of order? I know that they had a chance to deal with it here and now and they refused to deal with it. They put their tails between their legs and they ran away from it.

However, to deal with the leave passages aspect of this Resolution, the point taken by the hon. member for St. Michael North Central is the point which all of us who are sensible of the difficulties which we are experiencing with regard to balance of payments ought to take; but I must draw to the attention of the hon. member that we have difficulties when we spend money in CARICOM just as we have it when we spend money in New York or London; and it is not the policy of the Government to treat travel to CARICOM at the present time in any special way that we do not treat travel to other places.

Of course it is cheaper to travel to CARICOM, and therefore the bites of the recent

measures which have been announced by the Central Bank to the effect that the Commercial Banks will no longer be able to give three years to pay for vacations abroad, but "fly now, pay later" will have to be within nine months — the bites of these regulations will, I think tend to make more people travel within the CARICOM area, because it is cheaper to go there; and to that extent we are encouraging travel in the West Indies rather than travel to distant and more expensive parts.

I also want to say this, Mr. Chairman. I would be glad to see a little more internal travel in Barbados. I think that Barbadians have got out of the habit of going to seaside resorts various bay houses, or gathering in their numbers at Bathsheba and other parts of the island. I remember that in 1961 the Democratic Labour Party came into power with one of its promises that it was going to build holiday homes for workers by the sea. I am very amused to read in the "Nation" that after nine months the Barbados Labour Party has not completely fulfilled the promises in its Manifesto. After 15 years the Democratic Labour Party did not fulfill most of its promises in its 1951 Manifesto. I am still waiting for the shoe factory and so on.

But since those days I think that local travel has died down. I see that the hotels at Bathsheba are less flourishing, taken as a whole, than they were 15 years ago. One of them has closed down, and another, Edgewater, seems to be limping. I hope that business is better, but it does not seem to be so far. A more distant part of Barbados, the North Point Resort, if you want to get away from it all in Barbados — North Point Surf Resort is as far as you can get. North Point Surf Resort is closed. The support it used to get from Barbadians it is not now getting.

I think that we should encourage Barbadians not just to use their motorcars for picnic purposes, but we should encourage them as far as we can to assist in spending their vacations locally and giving a little work to the staff of hotels. To this end I am considering that for the summer season whether I should invite proposals from the Hotels Association to provide for a rebate of the hotels sales tax for Barbadians who are staying in hotels. The Government can do no more than that, but at least it would be some encouragement if Barbadians knew that they could go and stay at hotels and not have to pay the sales tax for a few months, say between July and August.

I do not know if this seems exciting to the hon. member for Christ Church North Central, but it is an idea which he can raise with hoteliers and which he can consider from the Tourist Board point of view. Undoubtedly those Barbadians who will be staying at a local hotel will be saving foreign exchange, and may well be saving more foreign exchange by staying locally than by tourists who come and stay in the same rooms might bring in with them, if all the rumours I hear that most of the funds for services being not remitted to Barbados at all are true.

12.45 p.m.

As I say this is one of the things that we are considering: making more use of local facilities. There are one or two other proposals which are being considered at Cabinet for the use of Bath, which may also give rise to some local activity of a tourist resort in that area. Mr. Chairman, I think that the United States as a whole certainly spends, I think it is between fifteen and twenty times as much on tourism as any other country spends, but 90% of that money is spent inside the United States. The World's greatest tourist attractions are inside the United States, and the overwhelming majority of the people who go to them are Americans. You have the great resorts of Southern California and of Florida, the mountain resorts, the ski resorts. They do not have the greatest ski resorts, but some of the biggest, and all of those are patronised by Americans.

Barbados is small, and we cannot give the variety within Barbados that America can give in America, but internal tourism is something to be developed and encouraged. We used to have Barbadians going away to the seaside: the hon. member for St. Michael South Central, the hon. member for St. George North will know the attraction that Bathsheba still has for Barbadians. We believe that these attractions should be encouraged, and that Bathsheba and one or two areas can be developed as areas where Barbadians can go to spend time by the seaside. There really is nowhere for a Barbadian to go if he wants to live by the sea for a week or two besides Bathsheba, and perhaps, the Crane.

Mr. Chairman, I do not know if there are any other questions, or any other matters in connection with leave passages that hon. members would want information on, but I would be happy, if there are any other points raised, to give what information I can.

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

SUPPLEMENTARY ESTIMATES 1977-78
No. 13

Hon. C. L. BOLDEN: Mr. Chairman, this is a Resolution for the sum of \$23, 346. This sum is necessary to carry out repairs to the roof of the BMC building which houses the operation of the Shrimp Plant. For some time now the roof was in need of repairs. During the Estimates the sum of \$40,000 was included under Capital Estimates Head 110, Ministry of Agriculture, Food and Consumer Affairs, Item 11, for repairs to this roof. The work was put out to tender, and the nearest tender received was in the sum of \$63,645.49. Quite recently, as a result of heavy rains, the roof collapsed. We are, therefore, in need of this sum of money so that the roof can be repaired in order not to curtail the operation of International Sea Foods Ltd.

I, therefore, move that the Resolution in the sum of \$23,346 do now pass.

Hon. L. R. TULL: I beg to second that.

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Your Honour do now report the passing of a number of Resolutions in Committee of Supply.

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

SUSPENSION OF SITTING

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, at this stage I would like to move that this Sitting be now suspended until two o'clock for lunch.

Hon. C. L. BOLDEN: I beg to second that.

The question was put and resolved in the affirmative, and Mr. SPEAKER suspended the sitting accordingly.
12.55 p.m.

On Resumption:

Mr. SPEAKER: This sitting is now resumed.

Hon. H. B. St. JOHN: Mr. Speaker, when the lunch break was taken, the Chairman had reported to you the passage of a number of Resolutions.

I beg to move that these Resolutions be now read a first time.

Hon. L. S. CRAIG: I beg to second that.

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

On separate motions of Hon. H. B. St. JOHN seconded by Hon. L. S. CRAIG, the Resolutions were read a second time and agreed to.

RESOLUTION TO APPROVE THE POSTAGE
ON POSTAL PACKETS FROM BARBADOS
BY AIR

Mr. SPEAKER: Order No. 3 stands in the name of the Minister of Communications and Works, to move the passing of a Resolution to approve the postage on postal packets transmitted from Barbados to a place abroad by air.

Hon. L. B. BRATHWAITE: Mr. Speaker, this Resolution is one of three Resolutions which I am dealing with today, but I think it is but fair to give an idea as to what has led up to these Resolutions.

The Post Office in Barbados like most Post Offices throughout the world is regarded as a revenue-earning body. Some people are of the view that it should make a profit, some people are of the view that it should break even, some people are also of the view that as a service and it had to lose money, so long as it is not a great amount of money, there should be no problem in this, and I am just giving a break down so that when finally we reach the totality of all I will not have to say it again. I am of the view that in matters of postal rates some share of responsibility should be borne by Government, and I regard this as a form of social service as I do regard the question of transportation as a form of social service. As a matter of fact certain people contend that post services are more a social service than even transportation service, and sometimes I am inclined to agree with them because if you travel abroad and you see the type of fares which are asked for a ride on vehicles and trains as well, you will realise how fortunate we are in Barbados to be paying so little for the very adequate service which we enjoy.

Only last Sunday it was my experience to be in your constituency where I met some people

from Trinidad who applauded the type of adequate and good service which we provide without any great cost to the people. Barbados is part of a Universal Postal Union and we have got to conform to certain practices embodied in that Association, and I think I am correct in saying that the postal rates in Barbados are some of the lowest to be found anywhere in the world, and the time must come when with the increased cost of handling mail we will have to make certain adjustments to the postal rates which exist in our society.

An expert on postal matters, a Mr. Schrotter who was in Barbados some time ago made certain recommendations on postal services and his view was that in certain cases the rates should go up by 100%. Here in Barbados we felt that it should go as high as or not less than 15 cents for local letters of one ounce; but I was not persuaded by his arguments logical as they seemed to be, though he produced very important information. He said that the cost of serving a mail in Barbados was 20 cents for one mail, and therefore the price which we were getting for this service was certainly inadequate and that we could not go on to do it that way. On the basis of the present projection and the postal rates continue as they now are, the deficit for the Post Office for the financial year 1977-78 would be of the order of \$1.22 million, that is, bearing in mind that there might be adjustments to wages of civil servants, and that is taken into account; but even with the increased rates which are provided for, there would still be a considerable deficit.

The rates in Barbados will go from the present amount as it is to 12 cents which in my view is comparatively reasonable bearing in mind the conditions which prevail and the recommendations which were made to us. We deal very much with our sisters, brothers and relatives in England, Canada and the United States, and these rates will move from the present position of 25 cents to 45 cents and from 35 cents to 50 cents. We consider this to be reasonable and there will not even be the question, as I said originally, of a break even point.

Right through the Caribbean I have been having a look at the situation and I am satisfied that the rates which we have arrived at bearing in mind the recommendations made, are very liberal, but Government realising the position of the country is persuaded that the rates should not go beyond the present adjustments which are made. I think it might be proper to mention, Mr. Speaker, that Government has virtually given the green light towards the construction of the new

Post Office. The plans are being put in hand, consultation is taking place between the postal architects in London and the local architects here and very shortly I hope that the Post Office will be built, and I am sure that you and hon. members will be happy to know that Parliament Buildings will be free from the crowded and cramped conditions which exist all around them, and for the first time we will have an opportunity to make Parliament Building the building we would wish it to be.

2.15 p.m.

We are also looking at the question of reopening the General Post Office on Saturdays. This is done in Trinidad and the United States and in a number of enlightened communities. It is not the intention of the Government to ride rough shod over anybody in its recognition of the wishes of the people to have this service available to them on Saturdays; but we feel it is our duty, where we see the need, to introduce such enlightened measures and schemes as we consider necessary and vital for the service and economy of the country. We will certainly take into account the opinions of the people intimately connected with this matter, but we must emphasise that in the final analysis the Government is mandated to govern and will not flinch from the task that people have set it.

I believe I have covered the main points which need to be raised; but as members of the Universal Postal Union we are obligated and we signed this agreement sometime last year to comply with the course and the agreement of the Universal Postal Union. I am willing to give to hon. members any information they may need to enlighten them on matters surrounding this Resolution.

I beg to move that the Resolution do now pass.

Hon. H. deB. FORDE: I beg to second the motion and reserve the right to speak later.

Hon. F. G. SMITH: Mr. Speaker, one thing that cannot be said about this increase in postal rate is that the Democratic Labour Party left this behind. The second thing is that if we look at this Resolution it is quite clear that it has fiscal undertones, because it means now that people in Barbados are being called upon to pay increase charges varying from 15% to over 100% for various aspects of postal charges, and if the Government was an

open Government as it claims to be, I would have expected to see a measure of this nature in the Prime Minister's Budget Speech when he made it. I went through that speech with a fine tooth comb and cannot find one reference to an increase in postal rates, and I defy the Government to show that they at any time with open Government intimated to the people of Barbados that within a year of their coming into power the rates of postal services would be increased; there was no foretelling or intimation to the public of Barbados that there would be yet another tax imposition placed upon them by the increase in these rates. I feel sorry for the Minister himself in that he seems within the last few months to have to do the dirty work for Government and take unpopular measures. Only last week he had to come forward in this area to bear the brunt. The Prime Minister can increase water rates in the Budget, which also falls under the portfolio of the Minister of Communications and Works; but he leaves to the Minister himself the task of convincing the people of Barbados that at this time there is justification for an increase of this magnitude in the postal rates in Barbados. And when people talk about how the budget affects the poor man, this is another way, in that people who correspond with relatives in the United States, Canada or England are being called upon to pay another imposition, along with the other impositions which have been placed on them by this Government. The Government used to tell the people of Barbados that they are the most heavily taxed people in the world, and yet they can find from day to day ways of putting more taxes on the people. But I say the people wanted it, so they must grin and bear it. This is another imposition; from 8 cents to 12 cents for internal mail, to the United Kingdom from 35 cents to 50 cents for a half ounce; Jamaica from 15 cents to 28 cents; Trinidad the same thing. I am glad to hear the Minister at least had a conscience in that he was not prepared to accept higher rates suggested by the postal experts and therefore he has admitted that he has had to modify the amounts which were recommended to him; but it is an imposition, and the man who keeps in touch with his family abroad, and the old lady who writes to her son will have to pay more; and all who have correspondence, internal or external, will have to find the extra amount of money which this Government is imposing. Canada 45 cents; air letter forms 35 cents, post cards 25 cents; United Kingdom 50 cents; the United States 45 cents. And when you compare this

with the old Act which was amended in 1974 you will see the increases. If you look you will see that inland mail was 8 cents; the Government has increased it to twelve; where it was 14 cents they have increased it to 20; where 20 to 28; from 45 cents to 65 cents; from 85 to \$1.25; from \$1.40 to \$2.10.
2.25 p.m.

Where it was \$1.40, over one pound but not exceeding two pounds, they have it now to \$2.10, and where it is over two pounds but not exceeding four pounds and was \$2.25, in 1974, they have put it up to \$3.35. Similarly, Mr. Speaker, you will find dealing with the question of periodicals printed and published in Barbados, where it was three cents it has gone to five, four to six, five to eight, where it was ten, twelve, eighteen to twenty five, and where it is thirty, over two pounds, 40 they have gone to 50. Similarly you get other impositions, I do not want to bore you any more, anybody who wants to compare the increases and relate them only has to get this new Act and go on to 1974-1 where they can see what it was before.

I am only sorry for the people on whom this is going to fall. Businessmen have no problem, those who write volumes of letters will add it to the cost of running the business, those of us who are professional and have to send out letters as part of earning your profession, all of this does not worry you. It does not worry the professional people, it does not worry the business people, but it is going to worry little Miss Jane and little Miss Annie who has to get a little remittance from her son and keep in touch and let him know that Grannie had a cold, the rheumatism and arthritis giving Grannie a little trouble, but Grannie is still holding on, thanks to the Lord. You know they like to put that at the end of the letter that God is looking after dear Grannie.

It is an imposition. The Government, as I say, should have intimated to the people. Just as the Minister of Finance did it with water he could have predicted to the people of this country that he would be increasing the Post Office rates, because that is a fiscal measure, however you look at it. Whether you are building a new Post Office or opening the Post Office on Saturday, all these measures before the House today represent Government's attempt to bring in more revenue for the Government and for running Government services, and I would have preferred to see the

public themselves being told rather than in a Bill introduced in this form, without any previous intimation, these impositions being placed upon the people of Barbados, but as I say, they will learn and it is a matter entirely for them. If they have to write less letters, write less letters, but they cannot avoid it, that this is a serious imposition and all adds up to the old age pensioner who is called upon to write or to do something with this, to post a parcel, to send a little cake or bread for her family in New York, or some little parcel, all of this is adding up for her who wants to keep in touch with her family abroad, and this is a matter entirely for the people and the Government. You have introduced it and it is a matter entirely for you and for them when the time comes.

Mr. WARD: Mr. Speaker, I would like to fully support the Minister in bringing this legislation here today. I have been in numerous Post Offices and I would wish to state here that the mail that passes through a Post Office is 60 to 75% commercial mail, so how can a member come in Parliament and dwell on the poor people aspect and build it so tremendously into a sensational thing when the majority of mail that goes through a Post Office is commercial? If he was pleading for politicians at election time for 12 cents, I would be in his corner, but he is emphasising this matter of poor people writing and telling people that Grannie has rheumatism and all that kind of thing. I receive so many bills at my house I would be glad for somebody to write me and tell me about rheumatism.

Another aspect of it, Mr. Speaker, is this. People must be prepared to pay for a service. You can post a letter in Barbados at 8 o'clock in the morning and the person can receive it that same evening. This is a tremendous service in any country, and if people want services they call on Government. What is wrong with the world today is that everybody expects everything as a hand out, do not pay. If you want good services in schools, you want good transport, good postal services, people have got to be prepared to pay for them, and this sensational build up by the member who just sat down really amazes me, because he was one when increasing water rates used to say "yuh got to pay, yuh got to pay" and now because of a small increase from eight cents to twelve cents, the majority of which the business houses will pay, he talks about the old people. Mr. Speaker, we have got to pay for increased services, but as I said before, I only hope that those responsible for

these electoral bills will not write me down as a hypocrite, because I really wrote down a lot of papers to return to the Returning Officer, and if I had put in all the postage stamps, the envelopes and typing I would have been in trouble. It went from four cents to five, to eight, and now it has gone to twelve, so I only hope that some adjustment will be made in that respect, Mr. Speaker.

You take what the Minister said, for instance, about the transport system in Barbados, and how good it was as compared with other parts of the world. We get the transport system in Barbados at a ridiculous rate of 35 cents, and people must realise that sooner or later they will have to face an increase. You cannot get all these services, you can live any part of Barbados, and even if you do not travel on the bus you know that within fifteen minutes there is a bus passing your door. This is a service and people must be prepared to pay for it. If you buy a motor car the insurance is well over \$500, and if you travel every day on a bus two ways you only come to \$365, so people have got to be prepared for these increases if Government is to increase their efficiency in all these various services rendered to the public, and they must not throw anything on the Minister, that he has any dirty work to do, the Minister is doing his job in a proper way.

Hon. H. deB. FORDE: Mr. Speaker, there are several members on the other side who have to wait until they hear what the front bench says before they speak, but I will let them speak after me.

My reply to the statements made by the hon. member for St. Michael South Central is simple. He has spoken exactly as I expected him as Leader of the Opposition to speak, without being able to look at what is said in the courts, to tell the truth, the whole truth and nothing but the truth in this case. In 1974 the hon. member attended the Lausanne Congress of the Universal Postal Union. As the representative of the Government of Barbados he agreed to the re-negotiation of an International Agreement which regulates postal rates operating throughout the whole of the world. That Agreement was not only re-negotiated at a conference at which the hon. member was present and represented the then Government of Barbados, but on the 12th of July, 1976, before this Government came into being that Government in keeping with the re-negotiation of the postal rates

signed this Agreement and the Minister of External Affairs, which I have the honour now to head, sent on the Agreement which binds any succeeding Government.

Now, it is easy to get up and make a lot of cheap political capital, but I wonder when this hon. member will grow up and be a responsible politician with guts to get up and tell people that he signed and agreed to an Agreement that has forced this Government, in keeping with its international obligations, to have an increase in postal rates as we have come here today to get the minimum rates.

Hon. F. G. SMITH: On a point of elucidation. That Agreement has nothing to do with this increase. No Agreement can force you as a Government to increase your rates, otherwise you are not independent. Can an Agreement signed in Lausanne force a Government of Barbados to increase rates? What nonsense are you talking?

Hon. H. deB. FORDE: It displays again the hon. member's approach to international obligations, and if this is the type of advice he is giving
2.35 p.m.

Mr. SPEAKER: The hon. member for St. Lucy — you will apologise to the Chair forthwith. (Hon. F. G. SMITH: For what?) (Hon. C. L. BOLDEN: Name him).

Mr. SPEAKER: The hon. member for St. Lucy.

Mr. GREAVES: Mr. Speaker, I would like to know what I am supposed to apologise for. I am not aware of what I am supposed to apologise to you for.

Mr. SPEAKER: For your remarks when you were called upon by the Chair about the loudness of your voice, you remarked "I am not speaking to you, man." I cannot prevent my ears from hearing. The hon. member for St. Lucy must apologise forthwith.

Mr. GREAVES: But Mr. Speaker....

Mr. SPEAKER: The hon. member for St. Lucy — I pray, I beseech you to apologise.

Mr. GREAVES: I am not apologising....

Mr. SPEAKER: The hon. member for St. Lucy will withdraw from this Chamber forthwith.

Mr. GREAVES: I can leave. I have somewhere to live, you know.

Mr. Greaves left the Chamber. Mr. Greaves returned to the Chamber.

Mr. SPEAKER: The hon. member for St. Lucy — I name you, Evelyn Greaves. (*Asides*) Let there be silence in this Chamber. (*Pause*)

Hon. H. B. St. JOHN: Mr. Speaker, I understand that in accordance with Standing Order No. 40(3) if you name a member — perhaps it would be best in the interest of the record that the relevant Standing Order be made known. It says: "Whenever a member has been named by the Speaker or by a Chairman immediately after the commission of the offence of disregarding the authority of the Chair, or persistently and wilfully obstructing the business of the House by abusing the rules of the House or otherwise, then if the offence has been committed by such member in the House, the Speaker shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, that the member be suspended from the service of the House. If the offence has been committed in a committee of the whole House, the Chairman; and the Speaker shall, upon a motion being made, forthwith put the question, no amendment or adjournment or debate being allowed, as if the offence had been committed in the House itself."

I understand, Sir, that you have named the hon. member, and accordingly, as Leader of the House, I move that the member be suspended from the service of the House.

Mr. SPEAKER: The question is that the member named be suspended from the services of this House. Hon. members in favour..

Hon. F. G. SMITH: Mr. Speaker, on a point of order. For how long?

Mr. SPEAKER: There can be no debate.

Hon. F. G. SMITH: But he must be suspended for some period of time. Are you going to suspend him for eternity? (*Asides*)

Mr. SPEAKER: Hon. members in favour will please say "aye" and those opposed will please say "no".

A division was called for.

Mr. SPEAKER: A division has been called for. Let the bell be rung.

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

AYES: Hon. H. B. St. JOHN, Hon. L. S. CRAIG, Hon. H. deB. FORDE, Hon. C. L. BOLDEN, Hon. L. B. BRATHWAITE, Hon. L. R. TULL, Dr. CHELTENHAM, Mr. WARD, Mr. JOHNSON, Mr. SISNETT, Mr. SIMMONS, Mr. BRADSHAW, Mr. ODLE and Mr. ALLEYNE — 14.

NOES: Hon. F. G. SMITH, Mr. SANDIFORD, Mr. GREAVES and Dr. CADDLE — 4.

Mr. SPEAKER: According to the Standing Orders of this Hon. House the member who has been so named is suspended from the services of this Hon. House for two weeks, starting immediately.
2.45 p.m.

Mr. SPEAKER: Evelyn Greaves, Evelyn Greaves, I call on you to withdraw from the precincts of this Chamber immediately. Evelyn Greaves, Evelyn Greaves, I call on you to withdraw from this Chamber and its precincts immediately.

Mr. Greaves remained seated.

Mr. SPEAKER: Mr. Marshal.

The Marshal reported to Mr. Speaker.

Mr. SPEAKER: I wish to draw to the attention of this Honourable House that the member, who has been named, has refused to obey my instructions to withdraw from the House, and the Marshal has reported that recourse to force will be necessary, whereupon the member will then be denied the services of this Honourable House for the remainder of the session.

Mr. Greaves remained seated.

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that this sitting be suspended for ten minutes.

Hon. L. S. CRAIG: I beg to second that.

Mr. SPEAKER: I need not put a motion. This sitting is suspended for 10 minutes.

On resumption:—

Mr. SPEAKER: This sitting is now resumed.

Hon. H. deB. FORDE: Mr. Speaker, I was making the point that the increases in the postal rates are directly attributable to the Agreement reached in 1974 at the Lausanne Congress of the UPU, which was attended by the Hon. Leader of the Opposition and where he agreed to the changes on behalf of the then Government of Barbados, and this was endorsed by the Cabinet of Barbados on the 12th July, 1976. I think it is necessary to recite these points and to deal with the argument which the hon. member, subsequently to my stating those facts, interjected into the debate. The hon. member would have us believe that, despite the fact that he solemnly, on behalf of the people of Barbados, entered into an Agreement for revision of these rates, his responsibility as Minister was collectively endorsed by the Government, the Cabinet of the day, and therefore that agreement which had been signed by the Government of Barbados should now be breached and dishonoured by this Government.

Now, Sir Barbados has some international reputation for honouring Agreements, and I am sure that there is no right-thinking Barbadian who would feel that, unless this Agreement was entered into under duress, or coercion, or threats, or force, no matter how uncomfortable the agreements may be to the country, in the absence of a re-negotiation of the agreement, we were bound by that Agreement. What did he really agree to? Did he get such a bad bargain after all, or is he only now rushing after what he thinks is a political angle and something that will appeal to the people? It is well known, as the Hon. Minister has said, there is very little scope for countries who negotiate multilateral Agreements such as these to which other parties contribute.

When a letter leaves Barbados, for instance, Mr. Speaker, it is not only the services rendered by the Barbados Post Office that must be taken into account, but there are other postal administrations who contribute services, as well to getting that letter to or from its ultimate destination, and a percentage of the postal rates must of necessity go to pay for other persons who are handling mail, particularly mail outside of the Island. The hon. member well knows

that over such charges the Barbados postal administration has very little control, and if Barbados were to opt out of the system, then the little old ladies of whom he spoke so feelingly will never get their letters from the United States, Britain or Timbuctoo, or anywhere else. Unless the hon. member is saying that we must then go for a block grant out of general taxes in order to pay that, if we are not going to raise the rates.

I believe that the hon. member would have made a contribution to this debate if, instead of trying to score a narrow political point, he had got up and admitted that he had reluctantly had to agree that the effect of the inflationary cost of services in the world at large in 1974 forced him to accept the position under the Agreement. The hon. member has forgotten that his signature appears in this file. He has forgotten that this is the position that was laid. I want to underscore another point for him. The fact remains that even with these increases the Post Office will have a deficit on its revenue as opposed to its expenditure account during the year, and that a certain amount of subsidy from the general taxation revenue will have to be given to the Post Office, because we cannot charge the full cost on inland mail that we would normally have charged in order to make up the Post Office at a break even point.

The hon. member for Christ Church North Central made a vital point. If you are getting a proper service, both inland and overseas, and you have to pay a reasonable charge for it, why must we politicians believe that the only point that we can make is a political point, instead of educating the public properly into how the country is run and properly governed. This is the whole point about this debate. I did not think it would be a debate that one would have heard these crying pleas about how the Government is increasing taxation. This is not a fiscal measure in the sense in which we understand a fiscal and budgetary measure. It is trying to carry out part of an international Agreement which has been reached.

3.05 p.m.

There are international arrangements to which, let me say right away, I believe any person in a Universal Postal Union would have had to agree. I want to stress the point also that the rates should be so structured that the business institutions more so than the individual person who may write a letter once a month is facing the most of the increase of this rather than it being passed on to the individual user of the Post Office. To say that the Minister is not called

upon to do any dirty work or to take harsh decisions, I would say that indeed knowing the Minister, if he had to take a harsh decision which would be to the ultimate good of the people of Barbados, neither he nor the Cabinet would hesitate to do. Apparently members believe that when you come into politics you come into politics to make up your bed and make a living for a thousand years and your contribution must be a contribution of not recognising that you have to take unpopular decisions sometimes, because people do not understand that the decisions are in their long term interest. Sometimes you have to take ad hoc decisions that may not have their full political impact at the time, but the decisions must be taken, and I am satisfied as a member of the Cabinet that both because of our international agreements and having regard to the necessity to run the Post Office properly and in the interest of the people, that these increases are in consonance with increases that one would expect.

Even so we have got here the benefit of a comparison of the new Barbados rates vis-a-vis the rates of other countries in the Commonwealth Caribbean, Guyana, Jamaica, Trinidad and Tobago and the L.D.Cs and the rates which are being put forward here in Barbados are lower than the rates of the other territories in so far as inland mail is concerned. Hon. members should know that it takes more per week to get a letter from Trinidad to Barbados. Our Post Office at the moment is functioning more efficiently than postal administrations not only within the Caribbean but also in more developed countries, and those are the valid points which I would expect the hon. member to stress.

I would like to say this to the Minister; I welcome the Minister's efforts to see that postal services are being made available on Saturdays. I think that without breaking any 40 hour week rules that we can take the Post Office back to work on Saturdays because postal services are vital services, and in addition I believe that Barbadians must recognise that they have to be more efficient than developed countries and not merely go for the leisure techniques of the developed countries if we are to progress and get a higher standard of living. I also would like to commend the Minister on taking positive steps to bring women fully into the postal administration. I believe women can make the service more efficient in addition to being more attractive, and in this he has our wholehearted support, and despite what the hon. member has said for the purpose of debate, I am sure that when talking privately the hon. member will be willing to

concede that the points which have been made on this side are valid points.

Hon. H. B. St. JOHN: Mr. Speaker, there is also one other point I would like to underscore, and I think that we should get our ideas very clear on these matters. I am speaking just to put the records straight. As I understand it from time immemorial the Post Office was always regarded in Barbados as a department which was semi-commercial. Indeed the form and manner of presentation of the Estimates illustrate this. Like the Port Department they form part of what is known as the Annexed Estimates, and if one looks at the situation in 1976-77 in the Annexed Estimates one would see that the estimated revenue of the Post Office is \$3,453,280, the estimated expenditure is \$3,728,286, and there is a column which says that a net loss to the Post Office for the year 1976-77 is estimated to be \$275,000. In 1977-78 Estimates again in the section dealing with the Post Office the estimated revenue is \$3,636,280 and the estimated expenditure is \$4,893,125. In other words \$1,164,839 more than the estimates for 1976-77, and it continues in the statement, the net loss to the Post Office for 1977-78 is estimated to be \$1,256,845.

Now these are facts and they must mean something, and it is not difficult to understand what they mean. It is simply that as a result of increase in costs and personal emoluments that have occurred since the rates have last been fixed that the expenditure of the Post Office has risen greater than the revenue, and when one considers the statements made by the hon. member for Christ Church West that as a result of the implementation of an international agreement which governs the cost of carriage of international mail, increases were allowed. Now what does the Hon. Leader of the Opposition expect the Government to do? It is nothing but an attempt to play to the gallery that is indulged in by the hon. member, and it does not befit him in this place because when he makes these statements, when he attempts to use these arguments and we on this side expose him, he lowers himself lower in the estimation of the people of this country.

As the Minister of Finance pointed out previously, the Accountant General's report on the financial year 1976-77 has shown that there is a deficit on current account. I am one of those who believe that in the context of third world countries today this is not something that we should regard in the same light as previously, because costs have risen in expenditure and it is very difficult to keep up unless you are an oil

producing country, unless you have fantastic increases in your traditional exports, but Cabinet and the Hon. Minister have taken a mitigating decision, and as the Hon. Minister has pointed out if we had implemented in toto the real increase which was recommended, the rates would have been increased more, but we do not get gratitude for the generous nature and attitude taken by the Hon. Minister, we get what I would call the cheapest form of politics indulged in by the hon. member. But the facts are there and thank God the Barbadian is sufficiently intelligent to understand that it is not of the Government's making that the cost has risen, it is not of the Government's making that the international cost of carriage in aeroplanes has risen, it is not of the Government's making that salaries and wages have risen; it is the economic environment in which we operate. I have absolutely no doubt that the Hon. Minister has done his best to contain the raise within the context of reasonableness and I heartily support this Resolution.

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

3.15 p.m.

Hon. L. B. BRATHWAITE: Mr. Speaker, this Resolution is in similar vein, and in my opening remarks I have actually spanned the gambit of this subject, and I do not think it necessary to go much further into this exercise. I therefore beg to move that this Resolution do now pass.

Hon. L. R. TULL: I beg to second that.

Hon. F. G. SMITH: This is, as the Minister says, where my criticism starts, and I make no apologies if they consider it cheap politicking or otherwise. It is an imposition on the people. If you are saying it is justified, you are saying so. And I would like to clear the air, using the argument of the Attorney General. If I signed something in 1974 at Lausanne, this is 1977, three years after and we are only now getting the rates increased. Even if Barbados in 1976, according to him, subscribed to this convention, it clearly shows there is no compulsion on any Government to increase their rates. If as you say the deficit between revenue and expenditure is great and you want to bridge the gap, do not throw it on any convention, because the convention was signed in 1974; this is now 1977, which clearly shows that because you sign the convention there is no immediate need

Hon. C. L. BOLDEN: On a point of order, Mr. Speaker. The Leader of the Opposition is

wrong. The convention was signed in 1974, the agreement was signed in 1976, and it takes time after the signing of the agreement to bring the matters into operation. He was the man who dealt with it; he was the last Minister of Communications and Works; he knows that after a convention there are certain documents to be passed between Governments which have to be approved by the Legal Department before they can go into effect. The Leader of the Opposition must not mislead this Chamber, especially junior members who have not had the chance to sit as Ministers and know how documents are transmitted, nor must he mislead the public who does not know how these things are put into operation. The hon. member must be honest to himself before he can be honest to others.

Hon. F. G. SMITH: Mr. Speaker, if that is a point of order, I don't know; that is a speech. But I am saying categorically that the mere signature by Barbados to a convention in 1974 cannot compel an independent country to increase its rates because, as the Attorney General pointed out, there is the alternative of taking money from the general revenue, so there is no compulsion to increase rates. It is rather Government's method of increasing revenue. There is no compulsion, for the mail has been carried since 1976 at the regular rate because there is no international gathering that can tell a sovereign Government what to do. Even when you subscribe to an ILO convention there is nothing to compel Barbados to introduce into their national law any convention Resolution passed. If the Resolution requires any amendment to your national laws, that is the decision you have to make just as you are amending your national law here today to pass this Act; you have to amend it if you intend to carry out the decision of the convention; because if on the signing of the convention you had to do it, you would have had to do so since May or June, that is, shortly after the convention. But if the Government did not now take the conscious decision to increase postal rates you could go on for another four years or whatever time you like without increasing the rates. So do not try to pull wool over people's eyes. If the Government was not now minded to bring down this Resolution they could wait until 1981 to increase the rates, convention or no convention. The whole point in a nutshell is this; the Government feels, rightly or wrongly, that they should collect more revenue from a service which has increased and which has become progressively more costly, and this is the way they see fit to do it.

Hon. H. B. St. JOHN: Mr. Speaker, the hon. member has got himself confused between

legality and economic sense. When the hon. member signed the convention he must have regarded it as good economic sense; but is not recorded by him that the proposed rates were not economically justified. That is our argument — legal competence and economic sense. The hon. member accepted it as economic sense by signing the convention because the increase was justified. This Government accepted the view that the increase is justified and sought to implement the decision, which is economic sense.

Hon. L. B. BRATHWAITE: Mr. Speaker, if the other side is finished, I would like to say this; the Leader of the Opposition earlier in the debate mentioned the question of another revenue measure. This matter was being dealt with from October last year. It was a matter which I came in and found and which was brought to my attention and we started to deal with it. This is not a revenue measure and therefore the Minister of Finance had nothing to do with it in his role of Minister of Finance; it is purely a matter of the post office and postal rates.

The hon. member is probably aware that the Post Office, like the courts, is run at levels different from other areas of the public service. These are revenue earning departments and therefore you must see the Post Office, like the courts, in this light. Now, according to the agreement which the hon. member is supposed to have participated in — I hope he was not only there on vacation, I believe he was there to participate — if he participated fully he would have realized that when in this Union, unless you carry up your postal rates in Barbados to a comparative level with other territories, the country will lose revenue because Barbados makes contributions to the other Governments. If our rates are low and the rates of the other territories within the United Postal Union are higher, we have got to measure up to requirement, either by way of Government subvention or revenues. But there are no revenues and we are trying to do the best we can to husband our resources with what limited funds there are at our disposal.
3.25 p.m.

I want to invite the hon. member to realise that loud debate is not necessarily wise debate, and I am surprised that so very short after the removal from Government that they seem to have forgotten all the matters on the files. These Conventions are their Conventions, and what we are implementing are matters which will have to be implemented anyhow, it is a question of how you approach the implementation of these matters, but we are part of the Agreement in which the Hon. Leader of the Opposition

participated and his Government concurred in by way of an Agreement, so do not let us quarrel about this, this is exactly as it is. We have to recognise the fact that the rates are low, they are some of the lowest in the West Indies and the very lowest in the world. It is as simple as that, Mr. Speaker.

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

THE POST OFFICE (AMENDMENT) ACT, 1977

Hon. L. B. BRATHWAITE: Mr. Speaker, this Bill is to regularise the very situation which we have been debating here just a few moments ago. This is a simple measure and this is the actual lead up to what is to be done, and I do not think that this would occasion any quarrel. I think that we have had the action already and that there should be no problem with respect to the amendment to this Act. This is a very simple amendment and this is what will follow the action as taken previously.

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

Hon. L. R. TULL: I beg to second that.

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

On the motion of Hon. L. B. BRATHWAITE, seconded by Mr. CHELTENHAM, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

The Clauses of the Bill were called and passed.

On the motion of Hon. L. B. BRATHWAITE, seconded by Hon. H. B. St. JOHN, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. L. B. BRATHWAITE, seconded by Hon. H. B. St. JOHN, the Bill was read a third time and passed.

Hon. H. B. St. JOHN: I beg to move that Question Time be now taken until 4 o'clock.

Hon. F. G. SMITH: Mr. Speaker, the rules are suspended. If the Leader of the House wants to introduce Question Time, I would have preferred him to give me an early intimation,

because one of the members whose questions are being answered is not here, he has gone to a funeral, and he may have supplementaries.

Hon. H. B. St. JOHN: Very well, Sir, I take the point of the hon. member. If it is not convenient for them to have Question Time at this stage I will ask that my motion be withdrawn.

Mr. SPEAKER: There being no objection.
3.35 p.m.

RESUMPTION OF BILL RELATING TO REGISTRATION OF PREMISES

Resumption of debate on a Bill to provide for the registration of premises being let out for a rent and to provide for related matters was called.

Mr. SPEAKER: Order No. 2 is the instant Order of the Day.

Hon. F. G. SMITH: Mr. Speaker, I have not got the minutes but I think that the Hon. Prime Minister has finished his second reading speech. This Bill before the Hon. Chamber is part of the Budgetary Proposals of the Rt. Hon. Minister of Finance, and I would like to quote from his Budget Speech at the part where he mentioned his intention to deal with this matter; and he did say on Page 27 of the Budget Speech: "Some part of the shortfall in revenue can reasonably be expected from the reported levels of tourist expenditure may be due to the lack of any provision for collecting imposts of rents paid by visitors who occupy villas, cottages or other non hotel property for longer or shorter periods. It is accordingly proposed that from 1st October, 1977 a surcharge at the rate of 8% will apply to rents of property of \$20 or more daily or \$600 and upwards monthly, and it will be collected in the same manner as the Hotel Tax. This surcharge will apply to all holiday or residential properties in Barbados, no matter what the nationality of the tenant may be, and proper legislative steps will be taken to ensure that the \$600 figure is not avoided by artificial sub-divisions.

"To support the collection of the tax, owners and persons who rent out properties of any description will now be required to register their properties with the Commissioner of Inland Revenue by 1st September, 1977, whether the usual rent amounts to \$600 monthly or not. Amendments to be introduced to the present Landlord and Tenant legislation will provide that all rent paid by a tenant in respect of unregistered premises will be forfeited by the

landlord, and other provisions will protect the security of tenure of any tenant who is subjected to victimisation by a landlord or unregistered premises."

So it can be said that the Minister did indicate to the country that he intended to make a certain impost on property bringing in a rental value of \$600 a month or more. This Bill gives a forecast in that the Commissioner is substituted for the Collector of Taxes, and consequently this Bill is certainly not an amendment to the Landlord and Tenants legislation, but it is a separate and distinct Bill. It is entitled the Landlord and Tenant (Registration of Tenancies) Act, 1977, and not as the Minister said that he would introduce this as legislation within the context of the Landlord and Tenant Act.

I submit that it is part of the Government's policy that whatever unpleasantness you intend to do, do it within the first 18 months that you are in power, rake in as much as you can within those years and then in the remaining years you can give them a little sop and they will go back to the poles and vote for you like sheep. Well, that is a legitimate ploy, and the Government is entitled to resort to that, if, as they know from the experience of learned politicians, the people of Barbados have short memories. I cannot quarrel because it is a legitimate political ploy and if it succeeds, good luck to you.

If one looks at this Bill one will see that it is a two-fold Bill. One is that the Government intends to collect a surcharge on rentals of \$600 and over. The other is that the Government intends thereby to tackle the question of tax evasion and tax avoidance; because the very fact that there is going to be a register of tenancies, means that the Income Tax Commissioner will be able to look and see if people who are registered as landlords have been making proper returns over the years. So the Government will benefit not only from the surcharge of 8% based on the Act itself, but they will also benefit from the fact that a lot of people will get into trouble when this Bill comes into force. The register can be inspected by the general public on the payment of a fee. There again Barbados are nosey people, and will want to know who owns what. The Government will get a lot of money from inspection, from this tax, the registration of the tenancies and their lesser fee because if you lose your certificate of registration you will have to pay another fee to get it.

So the Minister will get five sets of money — a fee for registration, a fee for loss of a certificate, the surcharge, and then the Income

Tax Commissioner will be able to see who have been making false, fraudulent and inaccurate returns. In other words it is the Government's claim that if they can tighten up on the collection of income tax they will be able to give a little ease to those who bear the burden. If that is the aim of this piece of legislation, the Government should let the public know what is the main purpose of the Bill. I am submitting with respect, Mr. Speaker, that this Government talks about open government. I cannot find a definition for that yet. Here is a Bill whether you like it or not is something different, laid in the House on the 2nd August, debated in the House on the 5th and if the public did not read a little piece in the Advocate on Sunday, there is no landlord or no real estate agent or no agents who look after properties in Barbados who would have known that this Bill was coming before Parliament through a Government which boasts of open government. As I said, it was laid on the 2nd August, debated on the 5th and today is the 9th; and they are introducing a Bill, which undoubtedly is going to affect not only landlords but also real estate agents in Barbados.

This Bill, whatever you say about it, is not an elegantly drafted Bill. It leaves too many things to guess work. You may say that it is a field day for lawyers and attorneys; but legislation should not be drafted on that basis. Legislation should be drafted on the basis that those who are called upon to obey that legislation will have a clear and accurate knowledge of what the law is about.

Mr. Speaker, the third omission that I am going to quarrel about is that there is no definition or method in the Act itself by which a landlord know or calculate what is the correct rent for any house that he owns or for which he is responsible. You may tell me that there will be regulations. I feel that this is the crux of this Bill. If I own a house I must know how to calculate what the true and honest rent of it is. When you look at this Bill you find a definition of "Commissioner", you find a definition of "Collector"; you find a definition of "Premises" and you find a definition of "Landlord" and a definition of "Rent". Where is the definition of how a landlord can calculate what is a fair and reasonable rent for his house? Is it 10% on the valuation? Is it 10% of his mortgage commitments? Do not tell me about regulations. This is the vitals of this Bill.

A landlord can be fined up to \$2,500, and I will deal with that. I submit strongly that the Act itself should give some method of calculating

rent, either 10% of the assessed value, or whatever percentage is necessary.
3.45 p.m.

Let us face facts. This particular Bill is cutting across the freedom of contract that has hitherto existed between the landlord and the tenant. You may have a house now, you may think it is worth \$700 a month, but I may not think, as a prospective tenant, it is worth that, and we had freedom of contract to bargain in order to reach a reasonable figure; therefore, when you come across a section which says that a tenant who pays a lower rent than the amount the premises he occupies are capable of being let for, you are thereby cutting across the freedom of contract which is a tradition which people in Barbados endured for a long time. This is the whole point. Therefore there should be something in the Act whereby the landlord as well as the tenant would know, according to this, what the premises he occupies are capable of being let for. Not only does it cut across the freedom of contract, which hitherto entitles and allows any landlord and tenant to bargain on a rental, but it is also going to put a lot of people in a lot of trouble.

You may have a house, Mr. Speaker, which, genuinely, may be worth \$750. You may want a \$750 tenant, but you cannot get such a tenant. You may then decide that \$500 would help meet the mortgage commitment, pay the land tax, and go some distance in some way towards, at least, meeting your outgoings. What is the position in the absence of a definition clause giving you some freedom to regulate the rent at which you should charge? What is a man to do who has a big house worth \$750; he is advertising in the *Advocate* every Sunday and every day, but cannot get a \$750 tenant but could get a \$550 to help him meet his mortgage commitment? What about the man who has a house whose brother or sister has just got married and he is letting her live almost at a peppercorn rent in the house? What is going to happen to him? In order that he may not be said, according to this section, to be in collusion with the landlord?

Section 12(2) says:

"A tenant who pays a lower rent than the amount the premises he occupies are capable of being let for shall be deemed to be acting in collusion with the landlord until the contrary is proved."

The section before that says:

Any person who —

- (f) "Fraudulently acts in collusion with another person to avoid the operation of this Act, is guilty of an offence and is liable on summary conviction to a fine of \$2,500 or imprisonment for a term of 12 months or both."

Mr. Speaker, my first argument is that the Government should set out in clear, unmistakable terms how the rental is to be assessed so that both tenant and landlord, looking at the Act, would know what the house is to be valued at. A house is not something that carries a special rental. You can rent a house according to the ability of the person to pay. You can rent a house according to the necessity of the person who is eager to get your house. You can rent a house based on what your outgoings are going to be when you add up your tax, your mortgage commitments, and your total value of the house. There is no special formula by which anybody works out the rental of a house. You will know that many times you hear that John Brown is getting \$600 for his house, and you know it is not worth \$600, but he is getting that for it. Many a time a house that should carry a higher rental is being rented for a lower rental. The first criticism is that this Bill should first let the tenant and the landlord know what is the rental of his house and how it is arrived at.

Mr. Speaker, Section 4 of the Bill, as I said before, is going to bring in a fee. It differs from the Budget Speech in that suddenly — I have only found the Commissioner of Inland Revenue mentioned once. Whether it is a second thought that if you mention the Commissioner of Inland Revenue too the people would find out that the real purpose of this Bill is in addition to getting a surcharge on houses and to see that people do not avoid paying income tax, because they do not return their total revenue from sources such as these.

Now, I say that more money comes in through these fees. I have heard this broadcast as a Bill which gives security of tenure to tenants. There has been nothing more misleading than that statement. The tenants who are in houses will only be able to live free if the landlord, foolishly, does not register. If the landlord registers the tenants have no security. The only Section which allows the tenant to sit down on the landlord is where the landlord does not register, and the tenant can sit down for two years.

Section 13 says:

- “(a) a court shall not entertain an application by a landlord for a warrant of ejectment against a tenant unless the landlord produces to the court a certificate of registration issued to him under this Act in respect of the premises sought to be recovered; and
- (b) where premises are let out in contravention of this Act –
 - (i) a tenant has security of tenure for a period of 2 years from the date on which the landlord seeks to terminate the tenancy, unless the tenancy has come to an end by expiration of time.
 - (ii) after the expiration of the period of 2 years mentioned in sub-paragraph (i), a tenant may only be ejected by virtue of the order for the ejectment of a tenant.
- 2. A landlord may not increase rent payable to him by a tenant during the period referred to in paragraph (b) of subsection (1).”

Section 14 says:

“Where a tenant pays rent to a landlord in respect of premises that are not registered under this Act, the tenant is entitled to a refund of the entire amount paid by him as rent during the period that the premises remain unregistered and the tenant may recover such amount as a debt in civil proceedings before a magistrate notwithstanding that the amount sought to be recovered exceeds the normal monetary limit on the jurisdiction of the Magistrates’ Courts.”

If the landlord registers his house under Section 14 the tenant has no security. He has to pay the rent. If he does not pay the rent he will be ejected like anybody else. It is only if the landlord is trying to avoid the Commissioner of Inland Revenue, knowing that he is receiving rent for a house, and very foolishly does not

register it within the period allowed by the law that the tenant has security. To describe it as a security of tenure for tenants is nonsense. You are talking about security for tenants of landlords who do not obey the new legislation which the Government has brought down. Similarly, if the landlord complies with the Sections of this Act the tenant has no special security other than under the ordinary Landlord and Tenants legislation. It is only when he does not comply with the Act or does not register his premises that a tenant has a better chance of sitting down for two years enjoying a certain freeness in this legislation.

3.55 p.m.

To describe it to people who do not know better as security of tenure for tenants, I must say that the only Act that gives security of tenure to tenants was the Tenants Control Bill that the Democratic Labour Party passed, that if four or five houses are on a piece of land you cannot move them under certain conditions, but this does not give anybody any special security here, not if the man complies with the law and registers his house; so it is not fair to make people believe that this particular piece of legislation is so revolutionary that it is giving to tenants another aspect of security, when in truth and in fact the main purpose of this legislation is as I have said is two-fold, to collect a surcharge and to let the Income Tax Commissioner know who in Barbados owns houses and had not been making returns in their income tax returns.

Let us go on further in this Bill. Again I object to this. You have a section here where the landlord, like a person who has to attend the Probation Office, who changes his name or address shall so notify the Collector as soon as is practicable; so you have to let him know that you have moved from Bridgetown to Lodge Hill, or from the Garrison to Wanstead, or from here to there to anywhere else. You have got to let him know, as if you are on probation, and therefore the Act itself is also imposing, it is making sure that the landlord does not even have freedom of movement. He cannot move about freely, he has to notify the Collector of Taxes, even though the subsection says that a document served on him by leaving it at or mailing it to his old address shall for all purposes be deemed to have been properly effected. That is what obtains today. I think my learned friend knows that there is nothing in Barbados at the moment that says that I must give you notice of my address. If you have an action to file against a citizen in Barbados, if you know his address all well and

good, but if you do not know his address, you can get permission from the Court for substituted service either by registered letter, by advertisement in the newspaper or a million and one ways you can bring to the attention of the potential defendant that an action has been filed against him; so I do not see why in this Bill you have to make the landlord look as if he is a dodger that every time he moves he has to go to the Collector of Taxes and say he has moved, when the procedure in the Courts right now enables people to know and to serve actions, the hon. member for St. Michael North West would know that is a procedure that has caused no trouble up to now, so I do not see why you have to impose on a landlord this special restriction that every time he is moving he has to run into the Collector of Taxes and tell him where he is. How does the Collector get out his land tax bills now? Some go and come in and some go astray, but the law says where he sends it to the last known place of abode that it is deemed to be a service, and you would not have to impose on him this additional burden of notifying him like a criminal notifying the Probation Officer or somebody there.

Now, Mr. Speaker, I would like to deal with this question of offences. I do not know if the Governments meant in section 12(1) "any landlord" instead of "any person". I believe they meant any landlord, but the Act says "Any person" and I would like to hear from the Attorney General why "person" is here instead of "Landlord". I would like to know what is the special reason because the offences are landlord offences, and then for the first time you are getting introduced subtly into Barbados what I can only describe as mandatory sentences where the magistrate's jurisdiction or the Court's jurisdiction is being removed as to the punishment it can mete out to a miscreant or defaulter, because when you read section 12(1) it says "Any person who receives rent in respect of premises that are not registered under the Act..... is guilty of an offence and is liable on summary conviction to a fine of \$2,500 or imprisonment for a term of 12 months."

If I understand the law, and I am no fool on law, I may be a fool in lots of other ways, this is a mandatory sentence, removing the magistrate's jurisdiction, to place a fine less than \$2,500. If you look at most legislation you will see "to a fine not exceeding \$2,500" which gives the magistrate an option to fine you from \$1.00 to \$2,500. This clearly says that the fine is \$2,500. I can see that a man can be guilty on technical grounds, and I can give an

example. I am looking after a house for a lady in New York. The Commissioner or the collector wants some information under (c) which is worded "any person who fails to give to the Collector any information that he is required to give by virtue of this Act...." I am taking over from the lady, I do not know when she bought the house, I do not know the value of the house or what she paid for it, but the Collector wants information which I am not in a position to give, because I do not own the house, I am an agent, do you mean because I cannot run and give him the information that I am liable to a fine of \$2,500 just for that? If it is the intention of the Government to make it mandatory and not to realise that it can be a technical breach of an offence, then it carries a maximum punishment like a blatant, deliberate breach of the law; if the Government has come to that stage as the Minister shouted that it is not a technical breach and you must pay \$2,500 rather than if it is a deliberate flouting of the law when you still pay \$2,500 or go to prison, if that is the Government's method of penology, there is nothing I can do about it except to deplore that the discretion of the magistrate is removed, and that the Government is laying down probably in the first piece of legislation of which I am aware — there may be others, and I am speaking subject to correction here, a mandatory sentence of \$2,500 for anyone of these offences.

Listen to them. "Any person" ...I believe they mean "any landlord"....who receives rent in respect of premises that are not registered under this Act ...shall pay \$2,500." Even if it is a \$6.00 a week house rent. Imagine a man has a house in Garnet Street under the law.

Hon. C. L. BOLDEN: On a point of order, the Hon. Leader of the Opposition has completely lost track of what he is saying because if he starts off earlier by saying that the Act only comes into operation when the rent reaches a certain figure of \$600, how now can he use the example of \$6.00 a week house in Garnet Street?

Hon. F. G. SMITH: He sits in Cabinet and does not understand what is going on. It is tragic because I will show you what the section says and what the Prime Minister himself said if you read his Budget speech. Mr. Speaker, the Prime Minister said "To support collection of the tax, all landlords and persons who rent out properties of any description will now be required to register their properties with the Commissioner of Inland Revenue by September 1st, 1977." They do not say any landlord who

rents a house over \$600. The Bill says no landlord shall let out premises at a rent for residential or business purposes unless he gives notice to the Collector of his intention to do so. I do not see any \$600 in that section. Notice under subsection (1) shall be given in such form as the Collector approves. I do not see any \$600 in that section. Section 4(1) says "The Collector" shall upon receipt by him of a notice given in pursuance of section 3 and upon being informed in writing of the amount being received or about to be received as rent and upon payment to him of the prescribed fee, register the premises proposed to be let out by recording in a register kept by him for the purpose the following particulars which the landlord shall supply — the description of the premises and the place where they are located; the purpose for which the premises are being let out,

4.05 p.m.

the name and address of person with title to premises; the name and address of the person whom the landlord has appointed as his agent. The section thus gives the Minister of Finance the right to exempt from the operation of this law certain premises. I do not know what is to be exempt, and if the Minister of Finance does not exercise that right it comes back to the argument that the Minister of Finance knows what he is going to exempt; I do not know. Some people have about fifty four dollar houses rented out. Only yesterday I was talking with a solicitor who did a case for a man fairly cheaply and the man died a little time after leaving money in every bank and about seventeen rented houses. So what I am saying is that if a man is compelled to register, then it means he may very well commit an offence under one of these sections, because the first section says "any person who receives rent in respect of premises not registered under this Act". I do not know what premises the Minister of Finance is going to exempt. This is putting a lot of power in the hands of the Minister. When we were administering the Government you used to hear a lot about giving Ministers too much power. But the Section I am referring to says "the Minister has the right to exempt from the provisions of this law various premises". He did mention National Housing Corporation, churches, and so on, but I do not know what else he will exempt. Therefore what I am trying to point out is that a slight breach of the law might carry the mandatory sentence of a fine of \$2,500 rather than give the magistrate the opportunity to fix the sentence according to the magnitude of the offence.

Rt. Hon. J. M. G. M. ADAMS: I have only just come in here and all I can hear is

mandatory sentence. It is not intended to be mandatory. I would like the hon. member either to re-read the section or in Committee add the words "not exceeding." When the Collector of Taxes originally submitted the suggestion on this, the words "not exceeding" were there, but I believe that modern drafting practice does not think it necessary to use the words. But if he wants the words added, I don't mind. But I would not like the hon. member to spend his fervour on something that the Government has absolutely no intention of defending if unwittingly the words which we have used convey that impression. If he wants to include the words "not exceeding" he is welcomed to move it in Committee.

Hon. F. G. SMITH: I am grateful to the Prime Minister for his explanation, but the Prime Minister will see Bills that came down to this House only last week with the words "not exceeding". However, if that is so, my strictures on that section will enable the magistrates to adjust the fines to the degree of culpability of the particular offender.

As I said, the Prime Minister was not here earlier, and I repeat that I would prefer the Minister of Finance to set out the method by which rent will be calculated rather than leave it to regulations: because I think if a landlord has a house and wants to abide by the law, he must know how the rent is calculated. The Bill cuts across freedom of contract because Section 12(2) says: "A tenant who pays a lower rent than the amount the premises he occupies are capable of being let for shall be deemed to be acting in collusion with the landlord until the contrary is proved"; so that the mere fact that it is being assumed that the premises are capable of bearing a certain rent, then the Act itself should tell you what these premises are capable of bringing.

Rt. Hon. J. M. G. M. ADAMS: If the hon. member will give way again — I dealt with all this at length at the second reading, and the hon. member should recall that in my speech I said that there is no offence of collusion; we are not interfering with the sanctity of contract. You are free to collude and rent for a dollar a year if you want to; the offence is fraudulent collusion. We are not stopping from renting an old aunt a house for whatever rent they want to charge just sufficient to preserve the right of ownership.

Hon. F. G. SMITH: I see the point of the Hon. Prime Minister. But what I am saying is whether you are colluding or not there should

be some method in the Act by which both landlord and tenant should know what the premises are capable of bringing, so that the tenant will have some clear idea and therefore avoid any possibility that he might be colluding with the landlord, because he will know how to calculate the value of any house.

Just one or two points more. This Bill carries out a promise made by the Minister of Finance in the Budget Speech. I have said that this does not provide any special security for tenants since the tenant only has security if the landlord breaches the Act or fails to register his premises. I have got an explanation about the sentencing mentioned in Section 12(1).

It would be interesting to know to whom the rent books will belong, whose property they are going to be. You may get a tenant moving out of the House and taking away the rent book and this could put the landlord in difficulty. So what should happen to these books at the termination of the tenancy? Whose books are they, the property of the landlord or the tenant? And if the tenant deliberately removes the rent book, is anything going to happen? Or does the Prime Minister propose in the regulation to deal with these books, whose property they are, where they should be kept and to whom they should be returned, especially if the Collector of Taxes has the right to inspect all rent books under Section 12(2) which says "All rent books kept under sub-section (1) shall be made available for inspection by the Commissioner and the Collector". Now I have given a case where the tenant might vanish with the rent book and therefore put the landlord in difficulties because he cannot produce the books to the Commissioner.

These seem, Mr. Speaker, to be the main points of the Bill, and I would like to see these points dealt with by the Prime Minister in his reply.
4.15 p.m.

Those, Mr. Speaker, seem to be the main points of the Bill. I would like to see those points I have mentioned dealt with by the Prime Minister in his reply, and as I say, I would like that question of section 12(1), whether those words "any person" or whether they meant "any landlord" who receives rent knowingly or whatever the case may be, whether "person" there is not "landlord" or for what special reason that is drafted so wide to include anybody at all. I would like to have the reason for it because the offences, as I see it,

all relate to the landlord receiving rent, knowingly supplying, failing to give the Collector, contravenes or fails to provide or fraudulently so-and-so, and I wonder why "person" instead of "landlord" because the next subsection, (2), deals with the tenant, so I assume that "person" there must be "landlord".

I want it to be quite clear, Mr. Speaker, that my criticisms of this piece of legislation are not made and should not be related to the people who rent houses or who have houses that bring in \$1,000 U.S. per week, or people who have palatial mansions rented out, because I know in certain areas the Government does not get any money from that type of operation very often, so my speech is not related at all to that type of person which is adverted to in the Prime Minister's speech who has houses and who lends to his millionaire friends from time to time and draws rent. I am not talking about that, I am not defending them, if Government can get some money from them to help run the country, good luck to them, and therefore my speech was related to the problems which the landlord, mainly the Barbadian landlord, is likely to encounter if the law is not set out clearly and if it is not made by legislation clear to him what pitfalls he can fall into in certain circumstances.

As I say, it is obvious, and I think the Prime Minister would be the first to agree, that the two-fold purpose of this particular piece of legislation can be achieved. I would like finally to ask him, can he give me some idea now that he has had the time to deal with the Act and that he has had time to talk with the Collector of Taxes, what amount of money he anticipates this measure will bring in? It may be in the budget, but what amount of money does he anticipate this 8% will bring in? Whether he has had time since the budget to revise his estimate of receipts. I suspect that this is going to bring in millions of dollars not only from the surcharge but from the Commissioner of Inland Revenue casting a backward glance at some of the returns he has encountered, so I do not know if the Prime Minister is in that position yet to predict that second aspect, but I would like to know if he had any reason to revise his estimate of expenditure in this matter. Thank you, Mr. Speaker.

Mr. WARD: Mr. Speaker, I believe that this is an ideal piece of legislation. This is the second time that we have brought legislation here to regulate and control and we find that the members on the other side ridicule us. I do not believe that any Government that introduces

legislation to control and regulate — it is good Government — should be criticised for it. When we brought in legislation to control the slot machines we were criticised, everybody had them all over the island. We brought in legislation to control them, we were criticised. We wanted to know how many they were, who owned them, what the revenue was, and we were criticised. Now legislation is being brought in by the Prime Minister to regulate and control rentals in this country we are criticised. It appears to me that they are opposing for opposing sake, because nobody that was thinking would say that legislation like this was not proper.

The hon. member who just sat down said that he could see that the Government was bringing in all the hard legislation in their first eighteen months and then would give you easy legislation later on. How could legislation dealing with rentals of \$600 a month be hard on the populace of Barbados? Mr. Speaker, is it reasonable to believe that houses that rent for \$600 — and I do not believe there is one member in here who rents a house for that figure of \$600 a month — that is a bundle of money, and to say that that is bringing hardship on the people of Barbados is absolutely ridiculous.

As to the control, Mr. Speaker, the Minister of Tourism and myself went into discussion once about how many tourists come to Barbados and stay in private houses. Do you know that we could not find anywhere where there was any record of this? So the Prime Minister bringing this legislation in to control the rentals will clearly show to the Minister of Tourism how many tourists come into Barbados and stay in private houses. May I emphasise, these are not necessarily houses owned by Barbadians, but houses owned by people overseas. The Government does not know what rents come in, what money people pay for these houses, nothing, so anybody who criticises this Bill, Mr. Speaker is on very, very shallow ground indeed, because it is an ideal piece of legislation.

As to the revenue part of it, I do not see in this Act here any mention of revenue, but the hon. member who just sat down, the Leader of the Opposition, said it was to be 8% because it was mentioned in the Prime Minister's budget speech. This too is an ideal piece of legislation, Mr. Speaker. I will give you an example. Do you know tourists come in on American Airlines, half of them go to hotels and pay the 8%, the other half of them go in private houses. They are entitled to the same police protection,

water rates, customs, roads, you name it, but pay no part to support Government here for providing the facilities and amenities and what have you for them to enjoy themselves in Barbados. Why should we be prejudiced in our legislation or discriminate in our legislation in that people going into hotels pay the 8% and people going in private houses do not pay it?

The hon. member said that he visualises that this 8% is going to add millions of dollars to the Treasury. I would be very proud of that, and I am not going to explain any further, that is between myself and the Prime Minister. I would be very proud to think that millions of dollars came into the Treasury through this, so that when the member says that millions of dollars will come in and then criticises this, it boggles the mind, because if outsiders, Mr. Speaker, we are not taxing Barbadians, because no Barbadians pay \$600 a month, if the outsiders come in and pay \$1,000 a week then they are the people who are going to be taxed. Furthermore, the member said that this legislation was brought suddenly and not discussed, but after the Prime Minister mentioned it in his budget speech all the real estate agents discussed it, and I asked some of the leading real estate agents in Barbados, and they said they agreed with the legislation, they did not see any problem with it, but the hon. member who just sat down creates these stumbling blocks. There are no stumbling blocks, Mr. Speaker, the real estate agents agree that visitors to this country should contribute something to the economy.

I will tell you, Mr. Speaker, for the benefit of the House what I saw happen at the airport. I happened to know people who were arriving on a flight into Barbados, and when I spoke to them they said they were in a hurry because they had to meet somebody who was departing on the same plane. I could not understand what it was, but do you know what it was? The person owned a house at Brighton but they were leaving the island, and they arranged to meet these people coming who were going to rent the house, and they put \$600 U.S. in his hand and he got on the aeroplane and went back out. Government had no knowledge of this, therefore this legislation would stop things like, because the landlord living in New York would have to have an agent here in Barbados.

I am going to give the Leader of the Opposition something now that he has not even worked out. He does not even know when the legislation says "person" it does not say

"landlord" and "real estate agent", there are other people in Barbados who call themselves rent collectors or house agents, so when they say "person" I can only assume it was drafted to mean "landlord", real estate agent" or "house agent" so I really cannot understand the attitude of that hon. member at all.

4.25. p.m.

I cannot understand the attitude of the hon. member at all. Mr. Speaker, I would like to compliment the Government on it; but there is one last thing that I would like to draw to the attention of the Minister of Finance, which is that there is no Real Estate Agents Act in Barbados. Therefore it is difficult in disciplining real estate agents, and protecting real estate agents from people who do wrong things to them. This legislation focuses attention on the necessity for dealing with real estate agents so that they will have to be fair to the public and the public will have to be fair with them.

Another thing that I would like to mention for the benefit of the Minister of Finance is that real estate agents would not mind paying \$300 a year for a licence if they can get proper legislation to protect them; because often they sell a property to a person for the price asked and when the buyer comes he says he is not worrying with the sale; and the real estate agent finds it difficult to enforce the fact that he is getting a commission.

As far as rents are concerned, the agents are quite prepared to put the 8% into the Treasury. The Act says that you must report to the authority immediately, if you move and change your address. This is nothing new. The Collector of Taxes or the Commissioner of Inland Revenue must know where people live who have to pay money to him. I think that that is a very poor point.

I wish to finish by saying that I compliment the Minister on this legislation, and I hope that it does, as the Leader of the Opposition said, bring millions into the Treasury. *(Cheers).*

Dr. CADDLE: Mr. Speaker, I would like to point out that there are two aspects of this piece of legislation. The first is the financial aspect. I do not believe that anyone will quarrel with the financial implications of this Bill. There are houses in Barbados, if you know them, which draw a lot of money for the owners; and one would expect that at sometime this type of legislation would touch up with a lot of people who rent houses to foreigners; and just as the hotels have been taxed it would only

be a matter of time before houses which are rented to foreigners — not only tourists, but to people who are resident in Barbados for long periods of time — it is only a matter of time before these house owners will find themselves in the same position. When you look at Sunset Crest and areas on the South Coast of Barbados, and you see the houses and the type of people who occupy these houses, it is only a matter of time.

I am not quarrelling with legislation; but the point I want to raise is the bureaucracy that is likely to ensue as a result of this piece of legislation and the problems which simple people may have to face in dealing with this piece of legislation. There are simple people who may have a house to rent just to have some income; and they do not have the potential which Sunset Crest and other types of organisations may have to keep themselves at all times within the bounds of this type of legislation.

Too often we deal with legislation copied from other places without looking at the circumstances obtaining in this country. There is nothing wrong with the actual Bill; but you are seeking to place on simple people a lot of problems with which they may not be acquainted. A man may forget to licence his house in the proper time. I wish to point out that there are some people who look to prey on the innocent. I would like to say that nobody can pass laws for only one section of the community. In passing this Bill to have these houses registered you might expect the simple man to apply for registration as well as an organisation to meet with all the requirements. I would like to say that some consideration must be given to small people who may have to rent houses purely to assist themselves and they may not be in a position to meet the requirements of this law. I do not think that they should be seen in the same light as people who own Sunset Crest and other organisations, and who are well organised to deal with these requirements. They have offices, and they have staff who will be prepared to see that the individual houses or apartments are rented out. They will have legal people available.

I would like to hear from the Hon. Prime Minister what proposals he will have in dealing with people, say in Carrington Village, Chapman Lane, Gills Road and those areas. I feel that while it is necessary to have this type of legislation to enable the Government to get some of the money which the people who own

these houses and rent them out are getting; but I feel that some consideration should be given those simple people in Barbados who rent houses without having a big organisation behind them. My present concern is about the simple people in Barbados who have been renting houses purely on the basis of making an income, and not on the same basis as big organisations who rent for the purpose of exploiting tourists and others who can afford to pay big rents.

Hon. C. L. BOLDEN: Mr. Speaker, I had no intention of getting into this debate; but the Leader of the Opposition in recent times has been making statements from his seat which are rather derogatory to the Government side, and then walks out of the Chamber. His attitude is to make these speeches when the Press is in the Chamber and get a headline next day and then do not stay to listen to the Government's reply.

I want to make some comments here, and I hope that the Press, in reporting the speech of the Opposition, will also report the Government's reply on a Bill of this nature. When I was in the Opposition a few years ago I received an envelope full of brochures from a company called the Barbados Properties Rental and Transfer Corporation in Miami, and they were seeking to enlist my help to find properties which were up for sale or for rent in Barbados to do the rental in Miami for persons coming here.

I go further. Last year, just before the election, I was involved in the transfer of a property at Gibbs in St. Peter. A prominent solicitor in the country was representing the owner of the property. A local Barbadian was the agent, and it was agreed that the proposed owners would move in at a certain time. Within four or five days after that we received a letter which stated that the landlord, who was an American, had agreed to rent the property to some Americans at \$1,200 (US) for a month, and now the purchasers could not live in that property until a later date. None of that money came into Barbados. The agent in Barbados could not collect his commission because he did not negotiate the rental.

Now, when the Leader of the Opposition talks about Section 9, the change of address of a landlord, and he talks about security of tenure, there was no rent book involved; and this Act recognises that there are a number of transactions of this nature which take place in Barbados month after month. There is no rent book involved, and there is no receipt involved. There is no evidence of the sum of money

transferred between the persons for the relevant period.

4.35 p.m.

If Barbados is to supply certain services the taxpayers of this country must contribute to them: the stability of the country, the water services, etc.; therefore, those persons who make profit out of them must contribute to the infrastructure of this country. The Leader of the Opposition cannot talk about what security of tenure. In order to put the onus on landlord and tenant you have to draft the legislation in such a manner that you deter both landlord and tenant from breaking the laws or avoiding what you seek to set up. At one time the Leader of the Opposition talks about the best lawyer in Barbados; he knows the Act is wrong, and what we are seeking to do is wrong. At another time he sets himself up as the advocate of the poor man. Now he sets up himself as the advocate of the avoiders of the law. If he remembers his jurisprudence, the French had the Evasion of Law Act, and if you found a loophole in the law and you used it you could be surcharged on it.

Sir, the Leader of the Opposition was in the Government when they passed the Property Transfer Act. There were loopholes in the Act. Why did he not say that they were acting wrong when they did that? Do you mean that if you draft legislation to prevent people avoiding what you seek to bring into effect that you are wrong? Are you imposing hardship on people? What nonsense is he talking about? He says there will be no longer freedom of contract. Here, again, he forgets his training as a lawyer. The words "deem to be" set up a position. He says that if you have a house, you advertise it for so many weeks, you cannot get a tenant and you drop the rent. I would be sorry, Mr. Speaker, if I were a landlord or a tenant and I had to employ him in a case like this. Anybody can plead his own case. Let me tell him how I would do it if I were practising at the Bar. I would collect the newspapers to show that I advertised for seven weeks for a property at a certain rent. I could not get it, and I would produce them to the magistrate and say: "Here is the evidence. I advertised for seven weeks, the house was rented for so much before, I could not get a tenant, I know I could not keep it vacant any longer, and I am renting it at this amount." Tell me which Judge, Magistrate or anybody could get around that sort of evidence?

For cheap political mileage the Leader of the Opposition will make unfounded statements,

and then tell you: "I got front page though." as if front page is something. There once used to be a reporter in Barbados called front page. He is dead and gone and nobody remembered him. If the Leader of the Opposition is seeking to put himself in that same position, I am sorry for him. As Leader of the Opposition I would have thought that any contribution he made to a debate in this House would be of such a standard that if tomorrow the member for St. John, whom he says has to decide in his mind whether he is coming back or not for the DLP to prosper, then the people would say that this man is speaking with such authority we would no longer accept the member for St. John and he should be the one to succeed. Do you know something?

Mr. SPEAKER: Let us stick to the Bill.

Hon. C. L. BOLDEN: This is in the Bill, Sir. If the Leader of the Opposition comments on the Bill and makes such stupid statements, then you must comment on his ability to be the Leader of the Opposition. He comments on Section 12 and the penalties which follow. I do not think he has been back in practice very long, so he will not understand. He will soon learn, Mr. Speaker, that you will find yourself in court and somebody turns up and says: "I am collecting rent for John Brown in the United States." Mr. Speaker, I will risk to tell you something now, and he knows about it because I have sent clients to him on it. There is a parcel of land with numerous house on it in St. Philip that at least five different people have been collecting rent and nobody knows who is the landlord. He knows that I spoke to him about it and sent people to him. Suppose the Act catches one of the rent collectors, is he truthfully a landlord? Is he an agent? He knows as well as the world that if you get in court and you cannot prove that the man is the landlord or an agent of the landlord you are thrown through the door.

If the Act says any person collects rent, then you do not have to define him as a landlord or agent. The member for St. Philip South knows what I am talking about. He knows the parcel of land. The Leader of the Opposition must, really, analyse his statements before he gets up in here to ridicule people. He knows as well as I do that, starting from the Lazaretto until you get right out on the point in St. Lucy, there are numerous houses owned by persons unknown to anybody in Barbados. He knows that because he is always down there between the Lazaretto and St. Peter. That is true. I will not tell a lie on him. He knows that

if you start from the Lazaretto and look at every house down there and ask who is the owner, not even the person living in it knows the owner of the property in which he lives. Ask any estate agent who deals with properties down there, and he will tell you that he received a letter from a firm of lawyers in the United States asking him to look after the property. They do not know what the true rents are. That is the situation you get in this country, and this is not now known. This was known for the last seven or eight years. He, as Attorney-General, knows of a case involving one of the houses, but why come in here for cheap political mileage to comment on Sections of a Bill when in truth and in fact you will speak to me outside the door or in the Canteen and tell me: "Man, I know what all of you are doing is right, but I have to get a little publicity you know."

Now, he talks about change of address and procedure in the Courts. Here, again, I would say that he has not been at the Bar long enough to know what happens there. If the Act is going to put it within the procedure of the Magistrate's Court, he knows as well as the world that when you draw up a complaint the procedure you have to follow if you want to catch a defendant.

4.45 p.m.

Mr. Speaker, the present Prime Minister I know has been in Court with a landlord and tenant case from Black Rock for seven years and I have vowed and I know there is no landlord in Barbados that could win a case if he had a competent lawyer. As the Act stands, there is no landlord that could win a case if you have a competent lawyer and looking around this whole Chamber including him from the time he practised law, there is not one of them that has won through the magistrate's Court more than I have done. I know the Act.

Mr. SPEAKER: In here we have hon. members.

Hon. C. L. BOLDEN: Hon. members who practice the profession of law outside this Chamber. Mr. Speaker, the Act has got to be drawn in such a way that it is made easy for the Collector of Taxes to identify who is the landlord, who is the tenant, and coming back to the land tax business I will tell you something now. I have seen cases in the courts where there is no rent book until a case comes to Court. When the books are written up and you check them, you see rents going back from January 1974, to December 1976, all written in

the same ink and the stamps are all stamps of the same issue, issued in November 1976, but the rents date back to 1974, and the Prime Minister told me he would ask on many occasions, when were these stamps issued? But you see the hon. member has not been out there long enough to know what goes on in Court. I have known of cases in which no notice was sent out.

Hon. F. G. SMITH: I wish the hon. member would leave out my professional career and deal with me politically. Whether I am out there two days or a half day is no concern of his. I do not beg him for anything.

Hon. C. L. BOLDEN: Mr. Speaker, I am not leaving him out. He brought the law into question and when it is rebounding he cannot ask to be left out, so what is he telling me? You were the man pontificating about the law; you were talking about section 12 and mandatory sentences. You knew the law; why do you want to be left out at this stage? I have seen notices in which the originals were in Court and there were no duplicates; people come in court and swear they were never posted. I know there are some mango tree lawyers out there who know the art of producing an original notice in court to which there has never been a duplicate, therefore the Leader of the Opposition must not put himself in these positions. He talks but when it rebounds he gets up and asks to be left out. He brought the law into question. He was Attorney General and he is now a practising lawyer, but does not understand what goes on out there and he must first understand what goes on out there before he comes to criticise what is good law and not law as practised under his administration.

Mr. Speaker, I believe there is now security of tenure where tenants falling under this bracket will be affected. We have had many cases of people where overnight the landlord says your rent is now raised from \$1,000 to \$1,400, and the hon. member does not understand that. You yourself, Mr. Speaker, live in the parish of St. James where there is a property called Quaco Bob and I have had to deal with it in similar circumstances, where overnight the tenants got a letter from somebody in the United States telling them that the rent would be \$US600 a month instead of \$600 BDS two days before the end of the month; so the hon. member does not understand what goes on in property deals in this country and he must first wait until he gets enough property market action and then he will

know what is going on as the hon. member for Christ Church North Central has said.

Every estate agent in Barbados is glad for this Act because now the question of renting houses will move from outside wherever it is back to Barbados, and as I said earlier, if the Government is supposed to produce the number of policemen, provide roads, water services and everything that goes to make Barbados the happy place it is, they have got to contribute and not the ordinary citizens of this country paying for their luxuries. Barbados is renowned for having the sea, sand and the skies and there is one other "S" which I would not care to mention now. You will hear them say when you go to another part of the Caribbean you cannot walk around for fear you get robbed. In another part of the Caribbean you cannot come out of your house. Recently a friend of mine got her finger with a gold ring on it bitten off. There is something called choke and stroke; it is no longer choke and rob. You are advised not to walk around with money in your pocket. In Barbados you can walk the roads morning, noon and night. At two or three o'clock in the morning you see people strolling down Broad Street; on every dark road you see people walking. Would the Leader of the Opposition expect us to let this country fall into the situation of these other countries? If we have to keep the infrastructure going, if we have to keep the living standard at such a level that people will enjoy this country, they have got to contribute to it, and when he talks about Carrington Village landlords, I would not be party to a Government which will penalise a man who lets a 14 x 9 house for 25 cents or 30 cents a week. He knows that. This is what surprises me about the members of the Opposition. If you go into Carrington's Village most of the rents cannot get over \$2.00 a week. It costs more to set up a register to collect \$2.00 a week than what you would get from 8% of \$2.00 a week and the hon. member should know that. He was in Government. The administration of services is such that it has got to be at a certain level before it becomes profitable to Government; and then he goes through this and says he cannot see it anywhere in the Act. Here again I must draw his legal competence into debate. It shows quite clearly that the Minister will make regulations in order for the Act to be operative.

Mr. Speaker, there is something that one has got to understand. This is a moving society; the society does not stand still. If you put it in the Act, as a past Attorney General he knows the procedure; he knows the problem of having

an Act changed. If it goes in the regulations the Minister can change the regulations by the stroke of a pen. If you find there are loopholes where persons are slipping through the loopholes and it is brought to your attention, all you have to do is to change the regulations, give notice and the change is effected. But he is setting up a situation because he knows that if you put it in the Act it will take six or eight months before you can get the Act changed and the very evil you are trying to stamp out would have been perpetrated during that period until you come here and debate it, go to Select Committee, send it up to the Senate and then you go to the Governor-General before you get the change. If he really had the interest of this country at heart, if he would appreciate the financial problems of this country and if as a Barbadian and Leader of the Opposition he was interested in rescuing this country out of financial problems, he would not have made these allegations about the Government and talking about inefficiencies.

Mr. Speaker, time will tell. I keep saying to the Opposition that they have got first to be true to themselves before they can be true to the people out there who expect them to represent them. This bluffing of the public will one day come home to roost, and he must realise, as I said before, the Leader of the Opposition should let the other members make stupid statements for political mileage, but as Leader of the Opposition he should put himself above criticism of this nature, because as Leader of the Opposition, as I know it, he stands in a position that some day until he leaves this Parliament or gets out of politics he can take over the Government, and he must not make these statements whether he makes them as a politician or as an Attorney-at-Law, and I believe for the benefit of this Chamber you cannot stand up and talk about refurbishing the Chamber giving it its ancient rights and privileges when you talk and make statements like the ones he has made today trying to catch the newspaper for political mileage. That is what I have to say on this, Mr. Speaker.

4.55 p.m.

Mr. SIMMONS: Mr. Speaker, in the debate last Friday the hon. member for St. Lucy said that as far as the record of the Democratic Labour Party in housing is concerned, they had nothing to be ashamed of; and he went on to say that not enough attention was being paid to housing in this country. Mr. Speaker, this piece of legislation — I have lost track of the number of Acts which this young Government has passed since taking office; at my last count about two weeks ago it was in the forties, and

by now it must have past a half century; but I think with this piece of legislation the Government in its wisdom intend not only to raise revenue but also to provide security of tenure, and implicit in this piece of legislation I see an element of rent control.

There are one or two Clauses in the legislation which at first sight may have prompted the former Attorney General — now Leader of the Opposition — to have spoken as he did. I share with him his doubt as to Section 12 and the penal provision of \$2,500, and I much prefer for the sake of clarity to have it written into the Bill that one would be liable to a fine "not exceeding". I know it is the view of some draftsmen that the intent is covered by the wording as set out in section 22 subsection 5 of the Interpretation Act; but in my submission that does explain away the doubts that could result from having the wording of the Act as presently framed. Last week when we passed legislation concerning minibuses the legislation spoke of "not exceeding" and I think we could ask the draftsmen to standardize the wording of legislation in future.

There is also the question of collusion in sub-section 2 of section 12: "A tenant who pays a lower rent than the amount the premises he occupies are capable of being let for shall be deemed to be acting in collusion with the landlord until the contrary is proved." Now, who is to determine, and by what measurement of fairness, whether the premises are being let for the proper economic rent or not? Who is to determine — not in terms of large tracts of land or big bungalows; I am thinking in terms of a man with a chattel house renting for \$20 a week; if he feels this is the proper rent, what is to prevent someone under the terms of this legislation from acting arbitrarily and saying "You are paying \$20 a week but I, as Collector of Taxes say it should be \$40 a week." I think we should be wary that arbitrariness does not mar the effectiveness of this Act.

I have also drawn to the attention of the Prime Minister a typographical error.

Mr. SPEAKER left the Chair and Mr. DEPUTY SPEAKER took the Chair.

Mr. Deputy Speaker, in sub-Clause (2) of Clause 15 the word "not" in the line beginning "does not act" should be changed to "any".

Now, Sir, speaking as the Chairman of perhaps the biggest landlord operation in

Barbados, the National Housing Corporation, I am concerned that the National Housing Corporation is not specifically exempted under the Act. There is provision in Clause 18(b) for the Minister responsible to exempt any premises as he deems fit, but in Clause 24 house spots and agricultural holdings are specifically exempted and I wonder if the Government's intention is to exempt the National Housing Corporation why it could not specifically be mentioned. As it is, it is not exempted, so I will speak on the assumption that the National Housing Corporation is not an exempted Body under this Act. I therefore wish to draw it to the attention of the House that under Clause 23 Corporations are specifically dealt with, the section reading "Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer" – understand, Sir, Chairman of National Housing Corporation – "of that body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished accordingly." With the 5,000 houses the corporation has for rent, I can see that if we slip up we could be brought before the courts as a director or officer of the corporation and may have to look for a few hundred dollars and perhaps seek the Leader of the Opposition to represent us. So I will ask for specific exemption for the National Housing Corporation. I am sure that the framers of this legislation did not intend for the National Housing Corporation to be included in this Bill, for I think the administrative difficulties which would be imposed on the corporation would make it unworkable.

And talking about registration leads me to the point raised by the hon. member for St. Michael North Central. He was asking that assistance be given to small people. I am not sure if he was in his place last week, but the Prime Minister did say then that it was the intention of the Government to have the Government Information Service run programmes explaining to the public how this Bill is to work, presumably along the line of a few months ago when the Government Information Service ran some informative programmes on filling out tax forms and the allowances people were entitled to, and things like that.

5.05 p.m.

I think that if the Government's public relations machinery gets into operation early enough, a lot of the fears which may be genuinely expressed by members may be allayed and some may very well wither away into nothing.

Now, Sir, under clauses 3 and 4 it appears to me that the Collector of Taxes has got to provide certain prescribed forms for people to give all the information that is required under the registration part of this Act. Under the Betting and Gaming Legislation certain prescribed forms are called for for the purpose of making application to the Betting and Gaming Committee, as it is called, and I am not sure even today that those prescribed forms are ready, and I would counsel the Government in respect of this Bill to ensure that as speedily as possible the Collector of Taxes has all the necessary forms in his possession so that when this Bill is passed and people go down there next week to register they are not being sent away and told that the forms are not ready. It seems to me that all the background work to relieve the bureaucratic bottle neck which is likely to ensue should be ready by next week when this Bill goes to the Other Place and hopefully is passed. So I would hope that the Collector has his department well geared to take account of the rush which will obviously be made at his department within the next few months.

Since the National Housing Corporation is not exempt and its officers and managers are not specifically exempted from this, I would wish to say a few things for those who may have thought that on Friday I got spoilt, as the Leader of the Opposition chose to describe it. The National Housing Corporation has a function as a landlord. It also has a function as a builder of houses and we are building a number of houses both for rent and for sale, the commercial side of our operation, in several areas. At Oxnards already work has started on the 33 additional units to Phase II, what we are calling Phase III, the 109 houses at Lodge Terrace are being allocated, 60 have already been allocated and a lot more will be allocated within the next few weeks. At Wildey the 96 terraced units are well in hand, the plumbing is in some of them, some are being painted, the louvres have gone in. At Wotton the work of construction has not started but we are building 50 two-bedroom concrete houses and 69 chattel houses for sale. The landlord side of us in terms of the rent aspect is limited to 50 terraced units for rent. The roads are in, the tenders for asphalt will come before the Board next week Thursday, and at Free Hill, Black Rock there will be built 50 two-bedroom concrete houses.

In addition, it has been my experience that the National Housing Corporation has not engaged as a builder or as a landlord any experimentation in housing, and to that extent I have authorised the technical department of the Housing Corporation to experiment on six concrete houses at Free Hill, Sir, in your constituency, and experimental work is also being done on 50 chattel houses using separate systems. We hope that by looking at various systems, trying systems in Barbados, with our own technical staff, and looking at systems abroad — we have seen systems in Miami and in Jamaica, and Mr. Pandor, the technical officer, is going to Miami next week to look at another system that has been offered to us — next year we hope we may be able to speed up the building of low cost housing units in Barbados, but you have to do research, you have to examine various systems, you have to look at the comparative advantages or disadvantages of various systems to see whether they could suit the needs of Barbados.

I wish to make a statement, Sir, about one area that has been causing the Housing Corporation the greatest concern. We have about, including houses for sale, the purely commercial aspect of our operations, presently going — I am not talking about development at Wotton or otherwise, I am looking at the ones we have now. We have Oxnards Phase I and Phase II, Lodge Terrace Phase I and Phase II, Wildey and the land, 1.4 million square feet of land at Husbands Heights, just in the back of Oxnards and Wanstead, we have that land for sale, and the total assets of our commercial operations now, prices have been agreed upon, are \$10,406,456.30.

The holdup with the Housing Corporation side of housing in Barbados has been to get in this money sufficiently quickly so that there can be a rapid turnover, people can get their houses and the Housing Corporation can get money to pay contractors or suppliers or whoever. The big holdup has been in the area of legal expenses. If I may give an example, Sir, on a house where the average purchase price is \$44,000, the legal expenses to which the purchaser is presently put is \$2,840. That is according to the scales of cost. On a house of \$35,000 the expenses are \$2,355.50, and what we have found, Sir — and this is part of the legacy that we have inherited — is that the conveyances can be ready, the people can be allocated their houses, but they cannot raise the money to pay the legal expenses and so the conveyances cannot be closed. So it is obvious that some new formula will have to be found by the National Housing Corporation and the Ministry of Housing to ensure that the people

can pay the legal expenses, even reduced legal expenses, get their houses and the National Housing Corporation get in the money.
5.15 p.m.

Let me give you some examples. It seems to me to make sense, and I am recommending to the corporation — I hope that the general public will hear about it that we are looking at the Oxnard houses for \$44,000 while the fees are \$2,800 — and the purchaser cannot raise the \$2,800. What we must do is to lend the purchaser the \$2,800 and take a promissory note, as has been suggested to me, so we can lend the \$2,800 to pay the legal expenses and let him go to the Mortgage Financing Company with \$44,000; and so there will be a rapid turn over and that burden will be eased, and the cash flow of the National Housing Corporation will be improved immediately. The money can revolve and we can pay creditors and contractors without having to come and burden the Government as we did last Friday with a Resolution for \$655,000.

The other way in which I think we can assist — and to this extent I am getting some assistance from the manager of the Barbados Mortgage Finance Company. We have had a meeting of the Board and we are expecting a favourable response from the Board of the Barbados Finance Mortgage Company. Now what we can also do is to have an arrangement whereby the surfacing of the houses which we build for commercial purposes — the purchasers will purchase the land. The land will be conveyed to them. The National Housing Corporation enters into a contract, and the Mortgage Finance Company receives from the corporation stage payments for the building of houses so that we enter into a performance contract to have 50 houses, 30 houses, or whatever, built by a specific time; and the financial position of the National Housing Corporation can thereby be improved by getting a release of funds by stage payments.

They will have an initial expenditure which will be in terms of services, planning, laying out and so on. They will have to look for an initial \$2,500. The purchaser will agree to purchase the land, and when the National Housing Corporation has conveyed the land to the purchaser the Mortgage Company which is paying the money will then contract thus, and will pay us at various stages of the progress of the work. It seems to me that if we can have a final meeting to agree to that, we will be assisting the Barbadian public in a substantial way, a substantially different way from the last Government.

I go further. The Act will have to be amended to provide statutorily guaranteed titles. So again we will be relieving at least some of the legal burdens from the purchasers, because the amount of investigation and research will not be necessary and will not be appropriate where you have a statutorily guaranteed title. In these three areas I think that the National Housing Corporation can make significant strides. The National Housing Corporation, as we know, has not in the past functioned satisfactorily. I am not getting into any elements of infelicity or about whatever went on at the National Housing Corporation. That is for Mr. Hanschell and his Commission; but the National Housing Corporation has also been in breach of the law, and no corporation should be allowed to get away with it.

Under section 17 of the National Housing Corporation Act, the Corporation after the expiration of each financial year, and in any event not later than 30th September in any year must submit to the Minister a report showing its accounts and statement audited under Section 16, and the audited report should be laid in Parliament. Since 1972 no such report has been laid. I have told the manager already that the two of us will spend a day locked up together and ensure that a report is written and laid on the table of this House by the 30th September. The new administration will comply with the law.

Do you know, Sir, that the accounts of the National Housing Corporation were not audited past 1973? You might know these things because you were involved in a case with past employees, and you seemed to know more about the working of the National Housing Corporation than even the Chairman and the manager, Sir. It is a tribute to your usual research and your ability to ferret out information from even the darkest corners, of course on behalf of your clients.

Sir, we have made a number of decisions at the National Housing Corporation. I want to give some information on them. Without hearing from the Hon. Prime Minister, I want to say — because some members have been asking about old people's homes. That is a very touchy area. It is one of the areas which is within the purview of the Commission of Inquiry, but I can say that in future the National Housing Corporation will not be investigating the cases. They may have to do repairs as a construction firm, but the \$4,000 which was voted last year — and we were looking for a vote in this year's Estimates has been dropped, and the plan is that the old age pensioners homes repairs will now be transferred

to the Ministry of Labour and Community Services. So the investigation and the background work will be done by that Ministry, and the National Housing Corporation will carry out repairs after receiving instructions from that Ministry.

I look forward also to the ultimate transfer to the Government's National Bank of certain of the loan functions presently carried out by the National Housing Corporation — like public officers' housing loans, loans to general workers, where ordinary members of the public not being Civil Servants, can get up to \$5,000. These functions in my view are certainly within the province of a national bank, and I have certain reasons to believe that if these functions can be transferred to the national bank it would relieve the corporation of the burden it now has in the collection of loans and so on, and allow it to be a construction corporation.

There are a number of old units which are in need of immediate maintenance and repair work. The member for Christ Church North Central on Friday raised the question of Silver Hill. I wish him to know that when he was asking the question about Silver Hill, employees of the National Housing Corporation were in Silver Hill, carrying out surveys, and in fact repairs are underway on houses there.
5.25 p.m.

I am a little disturbed at an anonymous letter I received this morning from somebody calling himself "A resident, Silver Hill Housing Area", telling me that he had read in the *Nation* of 31st July, 1977, that no complaints has been made to the Corporation about the state of houses in Silver Hill. If this anonymous letter writer was paying attention to what was going on, or if he really lived in Silver Hill, he would have known that last year the Minister, the Manager of the National Housing Corporation and other members of staff of the Ministry and of the Corporation visited Princess Royal Avenue and Silver Hill, recognised the need for immediate repair, and work is being done on those very old estates to put them in order. I do not pay attention to anonymous letters as a rule, but this one had to do with the National Housing Corporation, and it was not like some I used to get prior to my resignation as Prime Minister of Love. I had to draw this to the attention of the House.

(Asides.) Has my time run out, Sir?

Mr. DEPUTY SPEAKER: Your time is up.

Mr. SIMMONS: I will get another chance later.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I am intervening in the debate only to answer a legal point raised by hon. members, and some hon. members are concerned as to whether under the Act there is a mandatory sentence or not. In reading this Act one reads it subject to the Interpretation Act, Chapter 1, of the Laws of Barbados. Section 22(5) and (6) provide for the way of construing enactments in which penalty or a fine is set out, and implied in every Act drafted in that manner is the term of a "not exceeding" provision and, therefore, every court before whom such an enactment falls has a discretion to give a fine or the penalty not exceeding the amount set out in the statute. We have not drafted for any mandatory sentences. Were we drafting for mandatory sentences (Asides.) It says "is liable to". This is not only a sentence it is a penalty. We are not drafting for any mandatory amount. It is "will be not exceeding \$X." I trust that hon. members will be satisfied on that.

Some hon. members have raised with me the fact that some of the statutes do contain the words "not exceeding". They do in two circumstances: One is "not less than" and "not exceeding". In those cases you have to provide expressly for it where those forms of words are used, and there are others where, depending on the draftsman who has done the drafting, this has crept in to the method of drafting. The rule in the Drafting Section now is to follow the Interpretation Act because it simplifies drafting, and at the end of the year the Law Revision Commissioner and his staff will make the necessary changes so that there is a standard form or method of drafting in these circumstances. I thought that I ought to clarify those particular points for the benefit of hon. members. I have not heard the balance of the debate but, of course, the Bill has my support.

Mr. SANDIFORD: Mr. Deputy Speaker, this measure is one that causes us some concern on the Opposition benches. I will indicate a number of those areas of concern, and I hope that the Minister of Finance in looking at this matter, would consider deferring implementation of this particular measure so that it can be further studied and so that persons who may be directly affected by the measure could be given more time to study the implications of the Act and to put forward any suggestions which might be incorporated in the Bill. I say this because, even though the measure is introduced as a budgetary measure and some indication of it was given in the Financial Proposals and Budgetary Statement by the Minister of Finance, it was only towards the end of last week that we actually saw the details of this measure.

The Bill, as I recall it, was circulated, perhaps, some time on Thursday. I received mine on Thursday night. It was introduced on Friday evening, and here we are on Tuesday dealing with the substantial aspects of the Bill. I am saying that the time given for consideration of this measure is too short, and we should be given more time to study the implications of this measure. I am saying this also because as I said earlier today in a debate, whenever there is anything new introduced by this Government I will come and I will say that it is a new measure. I will not claim that it has any antecedent as far as Democratic Labour Party thinking may be concerned. To the best of my knowledge this is entirely new measure, and the Government and the Minister of Finance and Prime Minister are free to take whatever blame or credit will result from this particular measure. He is quite free, and I give him all the credit for the ingenuity with which he has conceived this particular measure and included it in his Budgetary Proposals although not as extensive as we have here in this measure. As I understand from my colleague, the member for St. Michael South Central, there are certain new features which were not adumbrated in the Budgetary Proposals which are now embraced by this particular measure. Mr. Deputy Speaker, on those grounds I am asking for a referral of this particular measure so that the implications, the very wide implications of this Bill could be given further study.

The measure, of course, will cause concern among those who fall into this category of renting houses at \$600 per month or over. Mr. Deputy Speaker, I am certain that this is quite clear to all landlords who fall into this particular category. What they are being called upon to do is to pay some 8% out of rentals, presumably, as they come in as a surcharge in order that the Minister of Finance can rake in some more money into the Treasury. Of course, this is one of his measures for narrowing the gap between his expenditure and his revenue. We are quite aware that he had to go into novel ways into the by-ways and hedges in order to find additional revenue.

5.35 p.m.

As I understand it, this 8% is a figure which would give us considerable revenue, and I would say that if the Minister of Finance has to raise some funds, I would say that he should give consideration perhaps to a reduction in the percentage charge on these rentals. We could move an amendment for a reduction of the amount, but we would suggest that in any case 8% sounds to be a somewhat high figure for starting with this particular measure.

In all of the years, and I do not mind being branded as a conservative on this measure, we have been so branded before, construction has gone in this country without this particular measure being placed on the Statute Book. Well the Minister of Finance in his wisdom believes that this particular measure should be so placed and I am asking whether he has fully considered the implications which this measure will have on those persons who may have saved up some money and may have been thinking of investing in real estate, and whether this would have the effect of slowing down in any way the rate of construction and the deployment of savings and other resources for real estate purposes. This is a matter which I throw out for consideration. As I recall it, the Budgetary Proposals made reference to the Commissioner of Inland Revenue. That section of the proposals reads as follows: "To support collection of the tax, all landlords and persons who rent out properties of any description will now be required to register their properties with the Commissioner of Inland Revenue by September 1st, 1977."

Mr. Deputy Speaker, this Bill has very wide implications. Let us take the case of the person who out of his savings or out of resources available to him puts up a structure and decides to live in the premises downstairs, and rents out the premises upstairs; that particular person falls within the category of this measure. I believe the Minister of Finance did make this quite clear. If the rental of the upstairs premises is over \$600 a month, that person would fall within the scope of this particular Act. Indeed the person may not be in the business as a pure and simple entrepreneur business man out to make a profit or a killing; he may not even be in the business of tax avoidance. What we are saying is that for someone who is trying to pay for his house under these conditions, there should be some further concession for that particular person. A person who occupies the premises and probably has one more flat upstairs is not in the business of rentals pure and simple like apartment buildings with ten or twelve apartments or however many they go up to; he is in the business of trying to earn a livelihood, trying to earn some additional funds; in fact he may be in retirement. Whatever the situation may be, I believe in a case like this a person in that particular situation should not have to pay at the same rate as the person that is in it pure and simple as a business operation, and I throw this out for consideration by the Minister.

On this whole question of lodger, I think that gives some cause for concern because a

person may have a lodger and that person may be exempt. We are concerned that there is no definition in the interpretation clause of a lodger and it may be that the Attorney General may tell me, as was done before, that something is in the Interpretation Act, but I am wondering if Lodger should not be defined in this particular measure. (*Asides*) I understand it is well known to the law and hence there is no need for a definition, but I am afraid that in these matters one should make it abundantly clear, and I believe that just as if you say "collector" for this purpose you are talking about the Collector of Taxes and you still defined Collector of Taxes, maybe if there were a definition of lodger it might avoid confusion in the minds of certain owners.

Now we would like to know what are the implications of this measure in their entirety, because all persons who own premises as defined in this Act will have to register these premises and I am not certain whether those persons who own an 18 X 9 would be exempt under Clause 24. I believe not because Clause 24 relates to houseplots or agricultural holdings to which the Security of Tenure of Small Holdings Act relates, and I would like to know if the implications of this is that all house owners whether of an 18 X 9 or a modest bungalow would have to register and have to pay a registration fee. I certainly have not heard — I was absent for a part of this debate and maybe I missed that particular point, but I certainly am not aware of what is this registration for. What is the quantum of the fee that the owners of these premises will be called on to pay? I do not believe, Mr. Deputy Speaker, that it is necessary for owners of premises however modest to be called upon to fall within the net of this. I think there should be some provision to exempt certain persons from the operation of the Act.

5.45 p.m.

Then this question of rent books — having to keep two rent books, one for the owner of the premises and the other for the person renting the premises. Maybe the Minister will explain whether these rent books remain the property of the owner of the premises, or whether the book having been given to the person renting the premises, that person is free to go off with the rent book or not. I am just raising these matters because there are persons in the community who may be concerned about this and it is well, especially in the introduction of a new matter, for these things to be set straight from the start so that there is no confusion. The answer may be a very simple

one, with both sets of books remaining in the ownership of the owner of the premises; but people need to be reassured on these things and it would be well for the Minister to clarify this particular matter.

It may be too, Mr. Deputy Speaker, that there are fifteen apartments in one building, and as I understand the import of this Act, there would have to be thirty rent books for that particular building. I do not know if the hon. member can tell me the largest apartment building we may have, how many apartments it contains, whether it is in St. Peter or elsewhere, whether it has fifteen, twenty or maybe thirty apartments; and I am asking whether that would mean that the owner would have to maintain 60 rent books. I hope that this particular measure would not lead to cumbersome procedures and I just referred to this as one of the areas of concern.

We have heard the Attorney General on Clause 12, where one is liable on summary conviction to a fine of \$2,500 or imprisonment for twelve months, or both. I have a high regard for his knowledge of the law, but in my view this is somewhat Draconian. I heard the Minister in introducing this measure indicate that Acts such as this one are best administered when the tenants can deal with the landlord. But it seems to me that the very idea of your owning a property and if for one reason or another you may not have registered the particular premises someone can live there up to two years rent free and that you are in addition liable to a fine of \$2,500 or a term of imprisonment, seems to me to be somewhat excessive, and I am certain that if more time was given for a study of this measure maybe the Minister would end up with a Bill that would be more acceptable. But I just throw this out for further consideration.

Mr. Deputy Speaker, I do not wish to speak much longer on this measure, but I would like to indicate again that this is a measure of far reaching importance and I do not think the country has been given enough time to study the measure. This is a very different measure from other Budgetary Proposals, because this is not an increase of 10% or 20% on charges to which people are already accustomed; it is an entirely new measure; and I do not believe — if we are talking about open Government — which in my view means that the people of the country must be given a full opportunity to study the impact and implications of new measures — I do not believe that this particular condition has been satisfied in this case, and I am appealing

that the people be given ample time to study a measure such as this one. That is my contention. Information on this measure was made public largely through its introduction on Friday last week, and I do not think that is time enough to study a measure of such far reaching consequences. So I am appealing to the Minister to give consideration to this suggestion and perhaps postpone further consideration on the measure. I do not think he is that hard up for the cash that he has to proceed post haste to get this measure on the Statute Book. I believe the public can be given a little more time to study the implications of the measure.

I do not think there are any other matters which I wish to refer to, except to recall that in discussing other measures when the present Government was in Opposition they used to say that too much power was being put in the hands of Ministers; but I see in this particular Bill before us Section 7(3) which reads: Notwithstanding anything contained in subsections (1) and (2) the Minister may, by order, exempt any service from the operation of this section; and I am wondering with the Minister having all these very heavy responsibilities, whether he would not consider having some small advisory body to advise him on these particular matters.

5.55 p.m.

This has nothing to do with the right of the Minister to impose with the approval of Parliament charges which are of a budgetary measure, but in terms of granting exemption from the operations of certain sections of this Act and generally in terms of administering his responsibility, it may be well for the Minister to consider having some type of body whom he may consult and which the public may know is there, just as we have in certain of the Town and Country Planning procedures, we have certain appeal mechanisms built in to that legislation to ensure that citizens are given as much opportunity as possible to extend their right to appeal and to question and so on, rather than something simply going to the Minister and that is the end of the matter.

Those are the points I wish to make and I draw them to the attention of the Prime Minister and Minister of Finance.

Rt. Hon. J. M. G. M. ADAMS: Mr. Deputy Speaker, I would thank hon. members for all the contributions they have made to this debate. To deal with the points of principle raised by the Leader of the Opposition and the hon. member who has just sat down, they are emphasising

upon the basis of the premise that this Bill departs substantially from the budget proposals that the public be given a longer time to study.

Mr. SANDIFORD: Mr. Deputy Speaker, I really do not wish to interrupt the Minister unduly, but my point was, there was one departure to which I made reference. I was not here when my colleague spoke, but I merely said that the registration of properties according to the budgetary proposal was with the Commissioner of Inland Revenue, and as I understand it from the Act registration is through the Collector of Taxes, but it was not on that particular ground that I advanced the case for a deferral of the measure; maybe that may apply to my colleague, I do not know, but I would not like to be misquoted in that regard.

Rt. Hon. J. M. G. M. ADAMS: I heard the hon. member say that according to his colleague there were substantial departures. There is a departure in respect of the fact that it is the Collector of Taxes since he maintains records of property who will be the registration authority rather than the Commissioner of Inland Revenue, but the Collector of Taxes will pass on the information to the Commissioner of Inland Revenue. Of that you can be sure, and the Commissioner of Inland Revenue will be the collecting authority for the surcharge, but this is what I said in the budget. I said:

"Some part of the shortfall in revenue might reasonably be expected from the reported levels of tourist expenditure, may be due to the lack of any provision for collecting an impost on the rents paid by visitors who occupy villas, cottages or other non-hotel properties for longer or shorter periods."

This is still true, Sir.

"It is accordingly proposed that from October 1, 1977 a surcharge at the rate of 8% will be applied to all rents of property of \$20 or more daily or \$600 and upwards monthly, and will be collected in the same manner as the hotel tax. This surcharge will apply to all holiday or residential properties in Barbados, no matter what the nationality of the tenant, and appropriate legislative steps will be taken to ensure that the \$600 figure is not avoided by artificial subdivisions."

This is what was said in the budget speech, this is what is in the Bill, and I went on:

"To support collection of the tax, all landlords and persons who rent out properties of any description will now be required to register their properties with the Commissioner of Inland Revenue by September 1, 1977. Whether the usual rent amounts to \$600 monthly or not, amendment will be introduced to the present Landlord and Tenant legislation which will provide that all rents paid by a tenant in respect of unregistered premises will be forfeited by the landlord and other provisions will protect the security of tenure of any tenant who is subjected to victimisation by a landlord of unregistered premises."

I do not believe that this Act goes any further than that.

As far as the story that the first the public knew of this Act was on August 2, I have a file here of properties which were registered starting as long ago as 1st June. People have been registering their property even before the Act was in Parliament. Even before the Act was in Parliament people have been taking advantage of this.

"Dear Sir,

I wish to register the above named house ..."

It was addressed to the Commissioner of Inland Revenue; that is true.

"... which has been rented at \$600 per month from 15th May, 1977. From 1st October, 1977, I will pay the surcharge at the rate of 8% as stipulated in the Prime Minister's budget speech and should be obliged if you would advise me as to the correct procedure to be followed."

The most recent letter I have is dated the 8th of August, and it comes from Villa Road, Brittons Hill.

"Sir,

I have taken this opportunity to personally congratulate you and your colleagues for making such good decisions in some vital and important matters. Thanks ever so much for the intended legislation which is to come before the Honourable House of Assembly dealing with landlord and tenant. This legislation is going to make my social outlook brighter and more comfortable.

I am praying that God will continue to bless your reign and most of all make

the difficult paths straight. Keep on the good work, Sir, and move forward to further victory."

This is a letter signed by one of the constituents of the Hon. Leader of the Opposition. This also is a genuine letter, not one written by the hon. member for St. Michael South West and signed with one or another of his abundant pseudonyms. I have noted that the letter "DSP, please acknowledge with thanks and file in 5004/56", so if you ever get back into Government call for the file and read the letter. That will be in the Archives.

So this is by no means in my view so unpopular or so revolutionary a measure as hon. members are suggesting. I am hearing about simple people with a rent house.
6.05 p.m.

In many ways this Bill will assist landlords. It will protect them from themselves, and from the present very inferior agents whom they employ. We see landlords everyday going into court and unable to prove their cases. We will not now have this charade of rent books resting on no firm foundation. We will have registered premises, and the owners of registered premises will have to be known, or serious steps taken. It will, in my opinion, reduce the incidences of arrears in rent because if a landlord knows that he is under liability to pay to the Commissioner of Inland Revenue a certain amount of money or explain why it has not been paid, landlords will not allow a condition of arrears to go on.

I heard the Opposition put up a case for the landlord. I am reminded that when we were in Opposition and we put up a case about land tax, the then Prime Minister making a humorous statement, and I was very touched by it at the time although I did not show it; but I was pleased with it because he said that he had read in many history books about landed tenantry owners and the landed rich, but it was the first time that he had heard about the landed poor.

I now have to throw this back in the faces of the Opposition. I have heard of rich landlords and I have heard of grasping landlords. I have heard of honest landlords, and decent landlords, but this is the first time that I have ever heard of poor landlords. All of a sudden this Act is supposed to create a greivous burden. I cannot understand it. I see the churches attacking gamblers for not doing any work, for trying to get money without working; but there is a whole caucus of socialist thought that landlordism is the essence of getting money

without working; that to sit down and be a landlord is one of the most parasitic occupations. I do not subscribe to that. I am a landlord of several premises and I know that it is a lot of work to get the money. You have to be around the premises. You have the trouble of collecting the rents. You have to see after the maintenance of the premises. The kind of tenants you get in Barbados are sometimes a little careless of the condition of your premises, and a little careless about the necessity of the paying the rent punctually and so on. (*Aside*). I heard the voice of the member for St. James. I must say that I agree with his aside.

I am surprised to hear the vehemence with which the case of the landlord is supported by the Opposition. This measure even contains in it some element of rent control, because to me this will appear a kind of ceiling. This will be a break even point, I refer to the \$600, and of course the Act contains the machinery, if one wanted at some future date to impose other provisions on the landlord; but the Act does not seek to impose onerous burdens now, although the Act contains the means to do it. We are not now considering this at this stage, but this is the purpose of the Act.

In Barbados we have one of the most open and capitalist societies in some areas than exist anywhere else in the world. There is no rent control; no registration of landlords; free landlordism; no tax on speculation in land; no insistence that a man must cultivate his land or have it taken over as exists in many other countries. We do not even have the inducements as in the United States to farmers — although it is true that their inducements not to plant the land are financial and not legislative — but they work very well. We have an open capitalist market.

We are now trying to exercise a little bit of control which will help to protect both the landlord and tenant as much as it will help the Government; and yet the Opposition is harping on it and criticising the Government on a measure of this nature. The only hon. member who spoke meaningfully on that side was the member for St. Michael North Central, and even he had to spoil his speech by talking about small people in rent houses in Chapman Lane. They above all will be protected by the rent book system. The purposes of the Act will also, as a side benefit, provide us with useful statistics of our housing stock. It is estimated by the Collector of Taxes that there are approximately 13,000 bungalows in Barbados — substantial bungalows. I think that his estimate is based on where the approved value of the

land is over \$10,000. In other words, bungalows that by the standards of the land tax valuation, themselves have the value of \$10,000, nothing to do with the land.

I am surprised that the hon. member for St. Michael South was not able to get such information when he was in the Government. He has to get from us to help him. What sort of Government must they have carried on when they were kept in ignorance of points like these? When the registration is completed we will have an idea of how many rentable bungalows there are, and how many rent houses there are. This is information which is very important to a number of ministries. It is important to the division of my Ministry which deals with immigration and which carries on on the principle that there is an adequate stock of three bedroom bungalows and apartments for rent. It is not so much the apartments, but we carry on on the basis that the stock is adequate in the island, and therefore persons who wish to reside in Barbados on retirement are not at present putting undue pressure on housing in the island.

Now, it may turn out that this view is mistaken. It may also turn out when we see that there are 200 or 300 houses registered but not rented, that we should be more generous in allowing foreigners to come here and retire but not to work, because it may be that there are houses which they can go into, and of course there will be maids to employ. That is the type of statistics that is needed in Barbados for immigration control and for knowing what sort of houses the National Housing Corporation should be building. The Corporation recently has been concentrating on building three bungalows for sale to Barbadians. It may very well be again that there is a stock of unrented, potential saleable three bedroom bungalows in the island. We do not know, and all of these things can be made clear when we get the registration process completed.

The Collector of Taxes is now fully geared to carry out the registration, and I have no doubt that he will carry it out with efficiency and despatch, especially now that he has been released from the Trade Tax and the Interim Traders Tax as well as the collection of long passed tax arrears; and the public should be informed that at the present time, until forms are ready, they may write to the Collector of Taxes and give details of their premises. If it is an apartment house in Cave Hill you have to give details of each apartment, and the amount that it is rentable for. If it is a furnished beach

house in Black Rock, you must give details of the rent you expect. You will be at liberty, if you charge variable rents in the season and for the rest of the year to save yourself the trouble of sending in a notice of variation by telling the Collector of Taxes that you charge \$X from December to April and that you charge \$Y from May until November as the case may be. The public can write to the Collector of Taxes, and he is accepting registration in this form for nonce.

I had expected that a brief announcement which is going to be made and repeated in the Government Information Service setting out the details of the Bill to the public would have been aired in this House this afternoon. The public officer who arranged it was here, but it seems to have gone astray in the despatch boxes. Therefore, I cannot show it to the hon. members. We are ready to start today even though it might be a little premature, but it will be done, so that the public can be facilitated. I do not know how many of the 13,000 houses are going to be registered, but if it is even 25% — 3,000 — that will be a fair amount of work because you can expect registration to be coming in at a fair number every day.

6.15 p.m.

Do not leave registration until the last possible moment. Please register at an early stage and your certificates will be sent to you through the post in due course. Mr. Deputy Speaker, I think I have covered the whole ground, and I now beg to move that the Act be read a second time.

Hon. H. deB. FORDE: I beg to second that.

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

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Hon. H. deB. FORDE: I beg to second that.

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

Clause 1 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Clause 1 stand part.

Hon. H. deB. FORDE: I beg to second that.

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

Clause 2 was called.

Rt. Hon. J. M. G. M. ADAMS: Sir I beg to move that Clause 1 be recommitted. Something has been drawn to my attention, and I beg Your Honour's pardon. It is a very minor amendment, and I do not even know if it is necessary.

Hon. H. deB. FORDE: I beg to second that.

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

Clause 1 recommitted.

Rt. Hon. J. M. G. M. ADAMS: In Clause 1 we have a little difficulty. The Bill, as submitted to Parliament, had "landlord" written as one word, the medial "l" being in lower case. The Bill as printed has "land lord", apparently, two words. I would beg to move, Sir, just for safety, that we delete "land lord" and substitute "landlord". It appears to be a typographical error, but anything can go wrong.

Hon. H. deB. FORDE: I beg to second that.

Mr. CHAIRMAN: The question is, "That Clause 1 be so amended." Hon. members in favour say "Aye". Hon. members against...

Mr. SANDIFORD: Mr. Chairman, I am certain that I know the Prime Minister and Minister of Finance would wish that we do everything in order. Quite frankly, I thought it was a typographical error, but if we are putting the amendment, Is not there a particular procedure for putting amendments? I do not think we can just say that it be so amended. I believe there is a particular procedure for doing this. I remember the Minister drawing to our attention that there is a certain amount of time set aside for debating budgetary measures, and I think we will have to follow procedures. Indeed, I am certain that last week we did this as well incorrectly. I am certain there were some amendments made in the way which we are

attempting to make them now. Maybe, I just draw this to your attention, Mr. Chairman.

Hon. H. deB. FORDE: Mr. Chairman, I feel myself that when a correct Bill is handed in the House must deal with the correct Bill which has been handed in, and the one that is circulated to members is not necessarily the correct Bill before the House. (*Asides.*) Sir, I heard the hon. member for St. Michael South Central ask, How does the House know what is the correct one? What more can we do? If the correct Bill is handed in to the Table of the House to the Clerk, in my humble submission, it is the duty of the Clerk and the printers to see that the correct one comes before this House. It is putting an unusual strain on any Minister, indeed, on the Attorney-General's Chambers for us to come down and correct mistakes made in printing or, indeed, made otherwise.

In my view, as I understand from the advice given to me by the Clerk of the House, that the correct procedure is that the Bill which is with the Clerk of the House is the one which they go on so far as these things are concerned. I cannot understand the hon. member, if in giving all of those circumstances, taking objection to having the word printed to be circulated here. To me, if it were a substantial amendment it would be different. A little later on the Minister may ask to substitute a word. Again, the Bill, as far as I am concerned, had the correct draft in it. (*Asides.*) The one handed in is correct, and I know that, Sir. In those circumstances, What are we to do? That is the one that is before the House. Members have a facsimile of it for guidance and that is how I understand it, Sir. That must be the correct Bill before the House.

Hon. F. G. SMITH: Mr. Chairman, I think the Attorney General is trying to get out of a difficulty. You may have the correct Bill, but the Bill that is debated in the House is the one that the members have. I do not know what Bill you handed in. I can only deal with the Bill that is passed to us. If there are errors in the Bill, do not blame us. Do you have 24 correct Bills that all of us can get a copy? All we are saying is that there is something wrong somewhere. If you have handed in the correct Bill, then somebody should make sure that the members get the correct Bill, because we can only talk about the Bill that is circulated to us. We are not blaming you. Obviously, there is some where where we must get the correct Bill in order to avoid this confusion.

You have missed the point raised by the member for St. Michael South. He is not against the amendment, but he is saying that the Rules have a special procedure where there is something to the effect that "the words substituted stand part", when you are moving an amendment. I do not think he is arguing that you cannot move the amendment. I am not quarrelling with the Chairman's method because that is the simplest, but the procedure calls for "the words substituted stand part." He is saying that since the Rules call for this special wording that we should stick to it. The Chairman is not wrong because the end result is the same. What you must do is to ensure that the Bill you submit reaches the members so that this type of altercation or argument can be avoided. You cannot blame us if the Bill we have is not the one you handed in, because we can only go by the one we receive.

Rt. Hon. J.M.G.M. ADAMS: Mr. Chairman, I do not know that what is called a verbal amendment has to be moved formally at all. I was reading Erskine May today, and I observed that even a third reading of a Bill, although no amendment is allowed on third reading, but on third reading verbal amendments to correct typographical errors are a common place. Where the Committee has substantially amended a Bill and it comes with one or two little errors, it is a common place in the House of Commons that on third reading these are corrected rather than have it corrected in the House of Lords and sent back and so on. I really consider that this is not even a verbal amendment. This is the correct printing of the word landlord. If your Honour would prefer to put my motion: I beg to move the section as typographically corrected, or something like that, stand part, I will do so gladly.

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

6.25 p.m.

Clause 2 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 2 stand part.

Hon. H. deB. FORDE: I beg to second that.

Mr. SANDIFORD: Mr. Chairman, I did raise a question as to whether it is not considered that there should be some definition of lodger. I recall it was important enough for

the Prime Minister and Minister of Finance when he was introducing the measure to advert to this particular matter; he did say something about lodger and gave some attention to it, but I have myself wondered whether it is not important enough to have a definition of this in the interpretation clause. What I did hear is that it is sufficiently known to the law, and by the same token, although I do not like arguing on these matters, the word landlord is sufficiently known to the law, but it is still defined in here. I just raise this matter.

Hon. H. deB. FORDE: Mr. Chairman, the hon. member is trespassing upon an area of law which is unquestionably a most difficult area. You cannot define lodger. Lodger is a question of fact. I can tell you some of the criteria that they use to determine whether a person is a lodger or not. The general position is that if the owner of the premises still retains control over the access into the premises, you are then determined as a lodger. If he does not have any control you may be a tenant or you may be a licensee. He can only be a lodger if the landlord retains control. We have difficult situations in Barbados in relation to this and it was specifically thought after a lot of consideration that we had better leave it as wide as possible so that it may not catch people whom we do not want to catch. We want to catch tenants, not lodgers, and if you rent a house down on the coast or around the coast in which you have a butler, a chauffeur and the key is yours and you are the boss in there, we want to catch you.

In respect to the other area in which the person lives upstairs and has somebody downstairs, that is a difficult area and it is very difficult to precisely define the term "lodger" because it is an old historical distinction and we do not want to do that. We want to define landlord and we know what a tenant is. We want to give the in-between cases the benefit of the doubt. If we are restricted here we may restrict people and bring them within the Act; that we don't want to bring within the Act; so it is better to leave it as wide as possible.

There is another point I want to draw to the hon. member's attention in relation to this section because it is most material. This section does not affect things like guesthouses. I was only drawing to the attention of the Prime Minister that there are a number of small establishments in Barbados who will neither be caught by this Act nor the Hotel Sales Tax Act. I see there is a smile immediately provoked.

Mr. SANDIFORD: I was wondering if you are giving some advice to some members on the back benches over there because out here I am certain that we have seen all of that, especially my colleague the hon. member for St. Michael South Central.

Hon. H. B. St. JOHN: This is a deliberate policy decision. I drew it from the point of view of tourism to the attention of the Ministry of Finance and we decided as a matter of policy that you are a hotel or you are providing the service which a hotel would normally provide, but because of the range and diversity of accommodation we have in Barbados for people of the luxury class, we feel that they should be paying the tax. We do not feel that if you have a guesthouse of under ten rooms that this should be included. We know it is not covered. Places like youth hostels and so on are not covered. We know that the Y.M.C.A. is not covered, so do not think that we missed anything. It is a matter of deliberate policy decision that you do not want to trouble these small people. As a matter of fact our policy is to encourage them to get the ten rooms and then they will be covered.

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

Clause 3 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 3 stand part.

Hon. H. deB. FORDE: I beg to second that.

Hon. F. G. SMITH: My colleague the hon. member for St. Michael South did ask the Prime Minister and Minister of Finance if he did have in mind any idea of what the prescribed fee would be for registration which you have got to pay under Clause 3. I am sorry, that is under Clause 4.

Rt. Hon. J. M. G. M. ADAMS: I will just say under Clause 3 that the point I would make is that at the present time since there is no prescribed form we will be accepting letters setting out the details, but I will tell you about the fee in Clause 4. No form has yet been prescribed; you can just write in at the present time.

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

Clause 4 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, in moving that Clause 4 stand part, I regret to say that we have not yet decided what the prescribed fee shall be. We are struggling between \$1.00, \$2.50 and \$5.00, but it would not exceed \$5.00 and I myself really think the \$5.00 is a bit much. We are not seeking to raise revenue through that; we are just seeking to raise the cost of making out a certificate and posting it out. But that is under consideration. I hope that satisfied the hon. member. It will either be \$1.00 or \$2.50. I do not think it will reach \$5.00. I think \$5.00 has really been rejected.

Mr. SANDIFORD: Or grade it to different categories of premises.

The question that Clause 4 stand part, was put and resolved in the affirmative without division.

Clause 5 was called and passed.

Clause 6 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 6 stand part.

Hon. H. deB. FORDE: I beg to second that.

Mr. SANDIFORD: Just another query here, Mr. Chairman. The Leader of the Government Business did attempt to clarify the question of lodger and I would like to raise a case for clarification. If there is a building and there is a self-contained flat — I am not asking for any legal opinion here, I am just drawing an example of probably some of the problems which may come up, or there may be answers to them already. There may be a building and a self-contained flat with one or two rooms, but in which the owner allows a relative, maybe a mother or some relative to occupy that particular flat and it may have its own separate entrance. I do not know if the person would be considered a lodger or not, and I would like to be assured that this type of situation would not fall within this particular category.

6.35 p.m.

Rt. Hon. J. M. G. M. ADAMS: The hon. member is really asking some difficult legal questions. I do not like referring people to the experience of other countries too much, but all of these problems have been gone into in the much more extensive landlord and tenant jurisdictions in England, United States and

Canada, because quite often the question of whether the premises are separate premises or not is important for rating purposes, and all these things come up from time to time. Those of you who are familiar with old English form of land tenure will know that there are literally hundreds of country houses all over England which have a small house within the grounds of the big house; it is usually known as the dower house, where the widow of the previous tenant, the dowager, is allowed to live for the rest of her life. What is the relationship of the dower house to the overall hereditament? Even quite small houses in England, houses with six or eight bedrooms, have a little flat built on to them. The family, in contemplation of having an old female relative has attached the flat which has a connection to the main house, but, as the hon. member says, has its own front door. It is not intended to be let out as separate premises, but sometimes it is; and in fact the real answer to all these cases of family arrangements is simply that the parties never intended the relationship of landlord and tenant to arise at all; and I would not be surprised even in some of these cases of family arrangement where a pepper corn rent is paid, if some of them do not amount to landlord and tenant. I think that when you let a relative into possession of property for a pepper corn rent that is only a family arrangement. I wonder how far you can collect these pepper corn rents if anybody every sought to sue them. But the self contained flat downstairs — when you perhaps are living upstairs — is helping to pay the mortgage to the bank when the month comes, and that is tenancy and we should not fool ourselves about that. It is a different matter if there is one front door and you take in a student, say from Cave Hill; it may even have separate facilities, though that may be a toss-up again as to whether it is a tenancy or a lodging. But self-containment is to my mind definitely a tenancy once family arrangements are not in it.

The question that Clause 6 stand part was put and resolved in the affirmative.

Clause 7 was called.

Rt. Hon. J. M. G. M. ADAMS: I would like to draw Clause 7 to the attention of all landlords. We do not want complicated litigation in Barbados between the Commissioner of Inland Revenue and landlords. We do not want estate agents to tell a prospective tenant that they are going to charge him \$5,000 to find a house for and then rent out the house for \$100 a week for a month

and then give the landlord \$4,000 out of the \$5,000. All these little fiddles are well understood by those responsible for administering this Bill. I hear the hon. member for St. Michael North West tapping the table behind me and it reminds me of human fallibility and the necessity to maintain a little humility in the face of the ingenuity of the landlord provision. But we will not hesitate to close loopholes if any should turn up. We have been assisted in this matter by Sir Roy Marshall, to whom I would like to pay tribute for the help he has given us with this Bill and for some of the ideas set out in this Clause 7. We want practitioners to understand that we will close loopholes, if necessarily retroactively, and I would ask everybody to understand that we are not playing games. This is a social measure and a taxation measure, and the fiddlers will not be tolerated by those responsible for dealing with this measure. And at the level at which I am speaking hon. member will appreciate that we are dealing with wealthy people; I am dealing with rents of \$600 and upwards, I am not speaking about poor people's rents or middle class rents. And I am dealing with foreign owners who may be trying to receive \$1,000 in New York and pay only \$400 down here. It is that sort of thing that we have every intention of dealing with the minute any element of evasion comes in.

Dr. CADDLE: Mr. Chairman, I would like to enquire from the Minister of Finance if this law covers security money. I think he understands what I mean by security money, but I would just like to explain what I mean; it is the type of money which the landlord asks for as security against damage or loss to the property. They may start asking for security money and I would like to know if this covers it.

Hon. H. B. St. JOHN: There is a distinction between genuine security money which is a reasonable deposit accepted in the trade as an earnest of the good intentions of the tenant and also as evidence of the ability of the tenant to pay. There is a potential loophole there too, but there will be a distinction between genuine security money and a premium or other device. All these things will be taken into account. But I want to underscore the point made by the Prime Minister in dealing with this Bill. It is very important that people do not think they are going to make any arrangements abroad for settling accounts in Barbados. There is also another means by which they can be got at, and that is the exchange control regulations, with very penal provisions. This Bill is designed

to ensure that we capture a certain amount of tax, as well as to ensure that we have a record of the housing stock in Barbados that is available for rental. So in case anybody thinks they are going to indulge in these clever devices, there is more than one way to get at them. In the attempt to evade this Bill they may be caught if they make the shuffle abroad, under the exchange control provisions, because they will be accepting the payment abroad in respect of an interest here in Barbados without the permission of the Central Bank.

Mr. SANDIFORD: Just one more query. Clause 7(3): "Notwithstanding anything contained in subsections (1) and (2) the Minister may, by order, exempt any service from the operation of this section." I wonder if the Minister would indicate what types of exemptions he has in mind and why this Clause may be necessary; how does he see this actually operating?
6.45 p.m.

This is intended to help with employment, Sir. There are a lot of service tenancies in Barbados. You charge a certain rent, and it is customary — on the west coast particularly — to throw in the services of staff. We cannot give it a general exemption in the Bill because these arrangements vary so much, but we would not want to think that, for example, any maid is sent home because her wages would bring the tenancy above \$600. You can take an example. Suppose it is house and a gardener, and the gardener's wages are \$70 a week and the house rents for \$650, the owner of the house might well decide not to supply a gardener and rent the house for, say, \$580 or \$590. The intention of 7(3), the only area where I can see at the moment, and we are thinking of exemption, will be in those cases where wages, where service tenancies are offered and the scheme appears sufficiently satisfactory to the Minister as will allow him to remit the surcharge on the salaries of the employees.

I do not think any hon. member would disagree with the principle of encouraging landlords to employ two or three people, it is in everybody's interest. The property is looked after, whether there is a tenant in it or not, if you have permanent employees and you know that you will not be penalised for giving the employment and looking after your premises properly by having somebody there all the time by having to levy additional taxation on the tenant.

The question that clause 7 stand part was put and resolved in the affirmative without division.

Clause 8 was called and passed.

Clause 9 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that clause 9 stand part.

Hon. H. B. St. JOHN: I beg to second that.

Hon. F. G. SMITH: Mr. Chairman, I shall not be very long, but I wonder if the Prime Minister does not think there is the possibility in this Bill of land rents going up. If they have to pay a surcharge of 8%, it happens in most things like when the land tax went up, whether the landlord to recoup \$600 might not up it to \$670 or a figure which would enable him to recoup it. One of the possibilities would be an increase in house rents. Even although I am not pleading for people at that level, I am just thinking of the general level in the community of land rents going up, so that if I am getting \$600 now, when this tax comes in let me get the same \$600 and the whole tendency is to increase it, so I am wondering what his view on that aspect of it is likely to be.

Rt. Hon. J. M. G. M. ADAMS: The tenant will pay the surcharge. Hotel rates do not go up in order to recoup the 8% tax. Of course in a sense the rents will go up because the tenant will pay more, that is all I can say.

Hon. H. deB. FORDE: I want to take this opportunity under this section to make it quite clear to the Opposition that this is really a genuine socialist measure. One is really surprised that this point has not sunk home to them yet. As a matter of fact, it may well be the precursor to rent control which is very necessary in a society in which we have so many houseless and landless people, and one is surprised indeed in the debate that has gone on from the Opposition side other than, I think the member for St. Michael North Central, that they did not unanimously join with the Government in a measure of this nature. I think the country is in for a little bit more education on genuine democratic socialism from this party, contrary to what the other members think, they will get it, it is going to come, and it is going to come without suppressing reasonable mixed economies or activities, but in instances like this we have to have some control.

The hon. member when he spoke, spoke as a landlord himself. My deceased mother was a landlady for most of her life, but I do not think any of us who have even come up with that system can be satisfied with the disparity

between the haves and the have-nots, and we must take the steps although they may not be popular steps with a limited section of the community, but the mass of the people out there will appreciate this measure in the long run.

The question that clause 9 stand part was put and resolved in the affirmative without division.

Clause 10 was called and passed.

Clause 11 was called.

Rt. Hon. J. M. G. M. ADAMS: In moving that clause 11 stand part I wish to advert to a point raised by the hon. member for St. Michael South as to what happens to the tenant's book on termination of tenancy. This point is causing a little on-going discussion, but it will be settled by the regulations. There is one school of thought that says that there should be a continuant tenant's book just as there is a continuant landlord's book. There is another school of thought that says that the tenant should keep his rent book so that he would have an answer to the landlord's claims for arrears, since the normal way of keeping a rent book is that the landlord signs in appropriate places showing when the rent was paid up until. He will either make the entry himself in his own handwriting or his agent's or sign his name to entries made by the tenant, and this is the tenant's evidence that he is in arrear or not in arrear of rent as the case may be.

As I say, there are the two arguments but they will be settled by the regulations. I think indeed, although it is a slightly greater expense, that the tenant will be allowed to keep his rent book, the tenant will be able to take his rent book with him when he goes if he so desires.

Mr. E. E. ALLEYNE: Mr. Chairman, perhaps I can raise this one point to which the Hon. Minister of Finance might direct his attention. In so far as the landlord may have more than one apartment which he is letting, might the landlord not come within the ambit of this section if he keeps a single rent book in which he records all of his transactions, although he gives to his several tenants separate rent books?

Rt. Hon. J. M. G. M. ADAMS: I suppose that if the landlord keeps a loose leaf rent book in which he puts each tenant on a separate page, there being no definition of book, each page in this branch of the law like in many other branches of the law may constitute a separate document, indeed even a separate volume. Two

or three pages can constitute a volume, and certainly it will constitute a separate document.

I have appeared in many criminal cases and tried to bring all of a book into the ambit of the court and heard the Judge say that certain pages should be sealed off and not shown to the jury because they were nothing whatsoever to do with the case under point unless you seek to produce them as part of a system. There is a lot of law in that too, the Leader of the Opposition will confirm that, but I do think that the requirement of keeping a book is satisfied by keeping separate pages in a loose leaf book. I do think so. If the landlord wishes to arrange his business in that way, I imagine that even without specific permission in the regulations he will go to a lawyer who is familiar with the law of landlord and tenant, who perhaps has seen rent books and for whom this problem is a real and living one, and the lawyer will research the point and advise him accordingly.

6.55 p.m.

I certainly would not like to make the Housing Authority keep 5,000 rent books. As a matter of fact the Housing Authority keeps a list of cards and issues rent books to everybody. They have cards in a ledger and each tenant has a separate rent book. I have no doubt that systems will be evolved for the convenience of persons.

The question that Clause 11 stand part was put and resolved in the affirmative without division.

Clause 12 was called.

Rt. Hon. J. M. G. M. ADAMS: Do hon. members want to add the words "not exceeding"? If you look for example, at the Road Traffic Act — and the Attorney General says that he must resist this — I would suggest to the hon. member to look at the Road Traffic Act. He must have appeared in the Traffic Court at sometime, even if he is a little bit above the Traffic Court now. If he reads the Traffic Court Act as it read for many years, perhaps for nearly 40 years he will observe that the magistrate had no difficulty with these words "shall be liable on summary conviction before a magistrate to a fine of \$96 or imprisonment for four months, or to both such fine and imprisonment." If he realises that on the basis of these words the traffic magistrate had no difficulty in fining a man \$10 or \$50 or \$75 or \$96, or to convict, reprimand and discharge or indeed sending him to prison, I do not see the difficulty.

I seem to recall that when I sought to amend this section when I was in Opposition, I merely sought to amend the words "\$96,000" to

"\$1,000"; but the Government subsequently rejected my Bill and brought in a new Bill in which the only variation from mine were the words "not exceeding". I do not know if the words "not exceeding" is a matter that divides the Barbados Labour Party from the Democratic Labour Party; because they rejected my leaving it to liable to a fine when I was in Opposition, and now they are arguing that we should not say "liable to a fine" now that we are in Government. So I do not know if that is one of the great points to consider that divides our two parties; but if it is, we will have to stand by the words as they now appear and repeat the words of Sir Hartley Shawcross — "we are the masters now."

Mr. SIMMONS: Mr. Speaker, I think that this is a case where there are two continuing bona fide legal schools of thought. Section 22(5) of the Interpretation Act says that where an enactment provides a punishment for an offence against the enactment, the offence shall be punishable by a punishment not exceeding that so provided. All that that means, in my submission, is that the magistrate cannot exceed his jurisdiction in sentencing, a point that I share with the Leader of the Opposition. It should provide specifically, concisely and without doubt that the magistrate should have discretion between \$1.00 and \$2,000 in my submission there is no such discretion.

We have been passing Bills with the phrase "not exceeding". There is no doubt that what is needed is standardisation in the legal draftsmanship. We had two Bills recently where the phrase "not exceeding" appeared. The Attorney General's Department is assisted by the Parliamentary Council, but when I look at it I do not agree with their opinion. I must say that.

Hon. F. G. SMITH: Mr. Speaker, I am on a legal point too. Now, as a criminal lawyer, looking at (c) you have to have what lawyers call a certain *mens rea*. I would like to know if the mere fact that you do not prevent it makes you liable to this fine, or whether failure to do so with some lawful excuse or justification without *mens rea* implies some protection rather than just failing to do it.

There may be a very good reason. I would like the Hon. Attorney General to tell me if it is an absolute offence if you fail to produce it and therefore you are liable to be fined, or whether there must be some *mens rea* accompanying the act. I would like to know from the Attorney General whether there must be some mental basis rather than a mere failure, because this could be

interpreted by some judges as an absolute offence. I would like to hear the Hon. Attorney General on this jurisprudential point.

Hon. H. deB. FORDE: Mr. Speaker, it is a good thing if you have an Attorney General from whom you can get free legal opinions. I am looking forward to getting back to the Bar to deal with him in some other areas. Anyhow, let us be serious, Sir. Two Acts came down recently. Various amendments were made in Cabinet which did not go back to one of the senior draftsmen, or otherwise the words "not exceeding" would not have occurred.

Now previous to 1966 we did not have the provision such as Section 22(5) in the Interpretation Act although there was another provision that existed in the Act. We are trying in the Department to standardise drafting, and I regret that these two Bills which have gone through the House have not been standardised in this way; because it would be pointless having an Interpretation Act and employing a method of construing statutes and then using an abundance of words which are unnecessary.

Even if members put them in now, they will be changed at the end of the year when Mr. Errol Chase, acting on my behalf as Law Revision Commissioner, will look into the laws which we are trying to standardise and to make the Interpretation Act much easier for people to follow. I am sure that the hon. member for St. Philip North will take the point. Under Section 15 — I am reading at random — of the Offences Against the Person Act, any person who unlawfully and maliciously and with intent to maim, disfigure by whatever wounds or bodily harm shall be liable to imprisonment for life. There is no term of imprisonment exceeding life so those words are not there; but I am sure that the hon. member will be satisfied that nobody will interpret that to mean that the person will go to prison for life.

If we take the Larceny Act, Sir, Section 46 says that any person who being in any building specified in Paragraph (a) commits any felony therein and breaks out of the Chamber shall be guilty of a felony, and being convicted shall be liable to be imprisonment for 14 years. The hon. member for St. Michael South Central has practised as a criminal lawyer with some distinction for several years. I do not believe that he would ever get up and submit that this form of words means that the judge would send a man to prison for 14 years. I can find statute law replete with examples of this. All that has happened is that hon. members have not adverted

to the provisions of the Interpretation Act, and I believe that this is probably the first occasion that they themselves have sought to rationalise why these sections have never been construed as mandatory sections.

7.05 p.m.

On the other hand, I thought I had made the position clear on the Cane Fires Prevention Bill where other hon. members were saying, for instance, in the Senate that you could not grant probation because Senator Connell had not adverted to the existence of a Probation Act or the Juvenile Offenders Act, and another very junior Senator from our side joined in that sort of criticism of the Legal Section. Those criticisms are unfounded. I suggest that the hon. members fears are completely unfounded. It is not a question of a genuine difference of interpretation. There can be only one correct interpretation of that form of words given the existence of the Interpretation Act. I am fortified in my opinion, not only resting on my own construction, but on checking with the Chief Parliamentary Counsel, the other Parliamentary Counsel, Mr. John Husbands, a Parliamentary Counsel of great distinction, and what more can I say? Hon. members have a needless fear here.

If the Magistrates err they have a good case for an appeal and they can get costs against the police. I am sure no policeman would appeal on a decision on a point like this, because he has to come to the DPP and to ourselves for advice on this. I think the hon. members are unduly disturbed about what is such a straightforward position. The Prime Minister cited the Road Traffic Act, but no hon. member including the hon. member for St. Philip North, who is a good legal man, or the hon. member for St. Michael North West, would never seriously go and argue before a Magistrate that it means you must have an automatic fine of the maximum, or an automatic prison sentence. (*Asides*) They are saying, Sir, that it depends on who is the Magistrate trying the case. That is irrelevant. It does not matter who is the Magistrate trying the case. The law is the law for whatever Magistrate is trying the case. Sometimes it may be straightforward and a Magistrate makes a stupid error. Are we, therefore, to draft legislation depending on who is the Magistrate trying the case? That would be the worst form of drafting and the worst form of legal advice that I could give to the Government. We cannot draft laws on that basis. I cannot argue anymore, Sir. I will argue this one up to the Privy Council that we are right in this instance. I really do not see the necessity for the amendment.

Dr. CADDLE: Mr. Chairman, there is just one point I would like to raise for the benefit of the hon. Attorney General. I think we are overlooking the word "liable", and I am wondering if he himself has not overlooked the word liable, because liable is saying that he is likely to be fined. I am wondering if we should pay more attention to the word "liable" and, probably, we will solve the problem that way.

Mr. SANDIFORD: Mr. Chairman, I must say that I follow the example of my non-legal friend here. It is not what he said, but the fact that, as a non-legal person, he has got up and spoken on this matter. I must say, inspite of the learned exposition by the learned Attorney General, that this Section leaves me with some disquiet. I must, as an ordinary layman, express my own view that on the simple construction of these words here it would appear to me that if it says the person is guilty of an offence and is liable on summary conviction to a fine of \$2,500, it means that the Magistrate, so long as you have been found guilty of that offence, automatically he or she has nothing else to do but to say \$2,500. That is how it appears to my simple non-legal mind. I cannot follow the torturous path of this legalistic interpretation, but it does so appear to me. I would take it that the Interpretation Clause is saying — I do not know. Maybe, we have to look at that, because it may merely be saying that you cannot charge more than \$2,500. It may be saying that, but I do not know. It looks as though this particular area should be looked at.

I follow the member for St. Philip North on this and if, probably, for no other reason than standardisation, we should do something about the matter. We understand when it says "not exceeding" it means that is the limit and you can go up to the limit, and there is no doubt at all. The very fact that we have been arguing here about this seems to indicate that there is room for reasonable men to differ on this matter.

Hon. H. B. St. JOHN: Mr. Chairman, I have just picked up Volume V of the Revised Laws of Barbados to show that this is standard, and in the Petroleum Winning Operations Act, Chapter 281, it says:

"Any person who contravenes the provisions of sub-section (2) shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months...."

This is the standard pattern. That is all it means. If you look at the old Offences Against the Person Act, you will see that that is historic drafting. It means liable to. It does not say that they must do it. Once you are convicted, it means that the Magistrate can fine you or imprison you. He can fine you \$1 up to \$500. Liable means eligible for. You can put the question.

The question that Clause 12 stand part was put and resolved in the affirmative without division.

Clause 13 and 14 were called and agreed to.

Clause 15 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, this needs a correction of a typographical error. I beg to move that the error in subsection (2) in the ninth line where it reads "does not act" it should read "does any act". The "not" should be deleted and "any" substituted. It is only typographical, but if the hon. members opposite want, I would beg to move that "not" be deleted and "any" substituted. The Clerk will advise you as to whether you have to put the question, "That the word proposed to be deleted stand part," in which case we will vote "No", Sir, and so on. It might be a little more than typographical, it might be a misreading.
7.15 p.m.

Hon. F. G. SMITH: If you look at Section 13(b) where it says "Where premises are let out in contravention of this Act...." one of the contraventions is not registering, so the tenant then can sit down for two years from the date on which the landlord seeks to terminate the tenancy, and then you do not seem to give the landlord the right under this particular section to regularise his default. If he fails to register which is a contravention of the Act, then the tenant can sit down for two years and go on merrily under section 13(b). If for some reason or other the landlord regularises his position, registers and pays the fee, the tenant just continues and the landlord who with intent to cause the tenant to give up occupation of the premises during those two years is in trouble. To me it is unnecessarily harsh if the landlord takes steps to remedy his default that the automatic two year period continues unabated. I think that section really is a bit hard when the original contravention might be something which could be corrected. If after 1st October for some reason or another he does not register the premises; eventually he is in trouble and there is nothing to give him a chance to remedy his original default which gives the tenant the original two years.

Rt. Hon. J. M. G. M. ADAMS: Sir, I cannot see this difficulty. He can remedy the default by registering the premises and he will collect the rent from the tenant during the two years, and if the tenant has any sense and the landlord comes and says to him, look you know I cannot put you out for two years, but you know for sure I am going to put you out at the end of the two years if you do not pay me a little extra, the tenant may pay him the little extra. I do not know why this should worry the hon. member. Two years is not a long time and in a way when you know that at the end of two years the tenancy will come to an end, you may feel worse than if the landlord can give you notice at any time, because during the two years there is nothing in the Act which says that the landlord has to paint the house, make a representation to the next door neighbour to keep his dog quiet or stop a band from playing; the landlord obviously is not going to cut off the water because this would be a persistent withdrawal or withholding of services reasonably required for occupation of the premises, and the things that a landlord does when his tenant gives him good service and they get on well he would not do for a tenant like this, and I would also point out that the tenant has security of tenure unless a tenancy comes to an end by expiration of time.

I believe that if a submission was made that section 16 was not proving to be a sufficient protection to a landlord, if it was found for example that a tenant was abusing the premises or something like that and the court could not find common law powers to deal with that, I believe that some means would be found to deal with this legislatively if it arose at some point in the future, but if you give somebody security of tenure for two years, you give him security of tenure for two years. If the landlord does not register the premises, he does not register the premises. The answer to this is to register the premises.

The question that Clause 15 stand part was put and resolved in the affirmative without division.

Clauses 16 and 17 were called and passed.

Clause 18 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, under Clause 18 I would like to set the mind of the hon. member for St. Philip North at rest. Instructions have been given for the Ministry of Finance to write to all Statutory Corporations, the Churches and charitable institutions asking them if for any reason they

wish exemption of their premises and putting up a case for exemption. In the case of the National Housing Corporation instructions have been given telling the National Housing Corporation that I wish to offer exemption and will they please submit a form of words which they would like the exemption to take because I intend to offer exemption only to the Corporation as a landlord. I do not intend to offer exemption to the Corporation's premises so as to protect sub-tenants. I believe that in general sub-tenancies are forbidden by the Corporation anyhow, but it may not necessarily make them illegal. The hon. member I think would be familiar with what I mean. There are grounds for forfeiture of the original lease, but they are not illegal as between the tenant and the sub-tenant. In other words, the sub-tenant still has to pay the tenant rent on his agreement; he cannot say that because it is illegal to rent out the Housing Authority's houses that you do not have to pay the sub-rent for it. I do not want to exempt these sub-renting agreements necessarily from registration where they are legal so to speak. The hon. member will understand. At the same time I do not want to give the sub-tenants anything that will make them think they have security of tenure; so the National Housing Corporation will have to submit very carefully what regulation they want me to make in order to save them from the obligation of registration, but to protect their premises from the operation of the illegal sub-tenancies, if the hon. member sees what I mean. He and his legal advisers will have to give thought to this matter and hurry with it because he only has to the end of October for existing tenancies and the end of September for future tenancies.

In addition to that, and this is to deal with the point of the hon. member for St. Michael North Central, I am also considering a lower exemption at income level. In other words tenancies below a certain level will not have to register. This is being considered. I am in favour of it, but I am being advised on it, and when the Regulations come out I will make my decision. I think that there must be an appropriate level of rents which really will deal with the small man in Carrington Village and Chapman Lane. The level recommended by one person is \$20 a month, the level recommended by the Deputy Prime Minister is \$50 a month. We may come to some level which will give a little ease to a lot of small landlords.

Mr. SANDIFORD: Just a small query here again. Maybe this is in the Interpretation Act, but I am not quite certain about it. I have not done my legal research in this regard, but clause 18 does not say whether these Regulations are to

be subject to negative Resolution. (*Asides*) These will be subject to negative Resolution.

Hon. H. B. St. JOHN: Mr. Chairman, if the hon. member continues, with the generosity of this side we will teach him all the things he did not pick up during the time when he was on this side.

The question that Clause 18 stand part was put and resolved in the affirmative without division.

7.25 p.m.

Clause 19 was called.

Mr. E. E. ALLEYNE: Mr. Chairman, I would like to ask the hon. Minister if now that he is about to collect certain funds under this section whether this would enable him to remove the betterment levy which I took to be a sectional tax and which I consider to be a tax on general application. I would like to know if the betterment levy can now be removed now that the Minister has found a way to collect some funds under this particular piece of legislation.

Rt. Hon. J. M. G. M. ADAMS: The matter is being considered by the Ministry of Finance.

The question that Clause 19 stand part was then put and resolved in the affirmative.

Clause 20 was called.

Mr. SANDIFORD: Mr. Chairman, I would like to ask for some specific information in order to clarify my uncertainty on the question of negative and affirmative Resolution. I would like to know where to find it in this particular section; because the Bill itself does not refer to affirmative or negative Resolution and I would like to know which one will apply.

Rt. Hon. J. M. G. M. ADAMS: I don't think I have to answer that under Clause 20; it cannot be relevant to Clause 20; it might be relevant to Clause 21. This deals with the Consolidated Fund and the Consolidated Fund is not subject to either affirmative or negative Resolution.

Mr. SANDIFORD: I am sorry, Sir, I thought we were dealing with Clause 21.

The question that Clause 20 stand part was put and resolved in the affirmative.

Clause 21 was called.

Rt. Hon. J. M. G. M. ADAMS: I would like under Clause 21 to help the hon. member. I am

moderately certain that I heard in here from the hon. member for St. John sometime ago that if I would read the Interpretation Act I would know the answer to the question. The hon. member for St. John had the remarkable facility for making people believe that what he said was true and I hope this is not a case where I was fooled. I was often fooled, Sir, strange as it may seem to hon. members. But I really do believe that once the Statutory Instrument is laid there is a general preference that negative Resolution is what applies. At this stage I will beg to move that Your Honour report progress and ask leave to sit again.

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. H. B. ST. JOHN, Mr. CHAIRMAN reported progress and asked for leave to sit again, and Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that the House be now suspended until 8.30 p.m.

Rt. Hon. J. M. G. M. ADAMS: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the Sitting accordingly.
7.35 p.m.

On Resumption

Mr. SPEAKER: This sitting is now resumed.

QUESTION TIME

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to move that Question Time be now taken.

Hon. H. deB. FORDE: I beg to second that.

Mr. SPEAKER: It is now Question Time.

QUESTION RE BROKEN SLIPPER DRAINS

Mr. SPEAKER: Question No. 41 asked by the hon. member for St. Michael South.

Mr. SANDIFORD: Mr. Speaker, I do not know if you will permit me just to make one statement in relation to this Question.

Mr. SPEAKER: Make a statement?

Mr. SANDIFORD: A comment, because I think if you will hear it you will understand the

problem I am raising. I have actually seen an answer to this Question circulated. I am sorry, it is not 41, it is 42.

Question No. 41 reads as follows:

To ask the Minister of Communications and Works: 1. Is the Minister aware that the majority of roads in the St. Michael South area are without concrete slipper drains for leading waste water efficiently away? 2. Is the Minister aware that even in the small number of cases where such drains are provided they are broken in several places and are in need of repair? 3. Is the Minister aware that the foregoing situation leads to the settling of waste water which soon becomes stagnant, noisome, and a threat to the cleanliness of the area and health of the residents? 4. Will the Minister state what plans there are for repairing the broken slipper drains and for installing slipper drains where they do not now exist?

Hon. L. B. BRATHWAITE: Mr. Speaker, the answer to this Question is as follows:

"1. No, Sir.

2. No, Sir.

3. Does not arise.

4. This Ministry will continue to pursue its usual maintenance programme which includes the repair and upgrading of all drainage facilities throughout the island, with special emphasis on the crowded urban areas."

Mr. SANDIFORD: A supplementary, Mr. Speaker. Is the Minister aware that on Curwen's Avenue there are broken slipper drains which are in need of repair?

Hon. L. B. BRATHWAITE: Mr. Speaker, I do not really inspect drains, neither do I look for broken ones. We keep monitoring the situation, and it is possible for several miles of drains to have one or two pieces broken here and there.

Mr. SPEAKER: With respect to Question No. 46 let the answer be laid.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, what is the situation with Question No. 42? Notice was given of this answer some time ago, but the answer has not been delivered. Unfortunately it has been circulated. Is that a breach of the Rules, Sir, for a member to know

what the answer is in advance so that he will be able to prepare supplementaries? That is an assistance, Sir. I hope the hon. member for St. Michael South is going to get up and thank the Clerk for providing him with this service, Sir.

Mr. SPEAKER: My instructions are that on Friday morning last the reply to Question No. 42 was inadvertently circulated before it had been delivered to the House.

Rt. Hon. J. M. G. M. ADAMS: May I respectfully suggest, Sir, that the hon. member be offered the opportunity of asking the supplementaries now? That the answer be taken as delivered — I would move it if he wants me to — that the answer be taken as delivered and hon. members be given the opportunity of supplementing the member's Question.

Mr. SANDIFORD: Mr. Speaker, I would think we have a situation to correct. That is, that a Question was asked for oral reply and I am just making a suggestion that the reply should be given and maybe in the circumstances explained, because it is unusual. At least, I am not aware of that procedure of the answer being circulated and I can read it in the newspapers and hear it on the radio before the Question is actually given in the House, but I would suggest that the Question should be given now in the normal manner to regularise it, and in advance I could say I do not intend asking any supplementaries now on this particular Question, but to regularise it it might be dealt with that way.

Mr. SPEAKER: From what I have before me here I observe that His Honour the Deputy Speaker had made an announcement to that effect, of the inadvertence of the circulation.

Hon. H. B. St. JOHN: Mr. Speaker, we have no objection to the hon. member asking the Question now, subject to your ruling. We have to apologise for what happened.

QUESTION RE COLLECTION OF REFUSE

Mr. SANDIFORD: Question No. 42 reads as follows:

To ask the Minister of Health and National Insurance: 1. Is the Minister aware that, in spite of the published schedules, refuse in the St. Michael South area is not being collected with the required frequency and thoroughness? 2. Will the Minister take steps to ensure that improvements are effected in the refuse collection system in the area mentioned? 3. Will the Minister

indicate what supplemental measures are taken in cases where the regular refuse collection trucks miss their collection schedules?

Hon. H. B. St. JOHN: On behalf of the Minister of Health, the answer to that Question is as follows:

"1. Yes, Sir.

2. Steps are being taken to effect improvements in the collection services of the area.

3. Wherever possible an extra truck is brought into service to make collections in areas which are missed in the regular pick up. Where such an arrangement is not possible, however, the area is serviced first on the following day."

Mr. SPEAKER: That brings us to the end of Question Time.

On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. B. BRATHWAITE, Mr. SPEAKER left the Chair and the House went into Committee to continue consideration of the Bill, Mr. ODLE in the Chair.

8.40 p.m.

Hon. H. B. St. JOHN: Mr. Chairman, just before we broke, the hon. member for St. Michael South raised a question with respect to Clause 18, and I informed the hon. member as I was then advised, having regard to the fact that I was not around the law courts for a long period of time as to my then state of knowledge of the law whether automatically, since there was no reference to a negative resolution, that it would be subject to negative resolution. I am now advised that with the coming into force of the new laws that that section in the Interpretation Act has been removed and that the new Interpretation Act as contained in the Laws of Barbados that are now in force, the Revised Edition is different from the previous law. Accordingly I believe that the Hon. Attorney General proposes to deal with this matter to effectuate the intention of all of us. So, Sir, we will have to ask that that Clause be recommitted for the purpose of moving this. So the hon. member in truth and in fact is the one who is doing the teaching today — quite undersignedly, Sir.

Hon. H. deB. FORDE: I beg to move that Clause 18 be recommitted.

Hon. H. B. St.JOHN: I beg to second that.

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

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that Clause 18 be amended by renumbering Section 18 as Section 18(1) and inserting immediately after that sub-section the following new sub-section as Sub-section (2): "Regulations made under this Section shall be subject to negative Resolutions." A copy of the amendment is being passed to the Leader of the Opposition and handed in at the table, Sir.

Hon. H. B. St.JOHN: I beg to second that.

The question that Clause 18 as amended stand part was put and resolved in the affirmative without division.

Clause 21 was called.

Hon. H. deB. FORDE: I beg to move that Clause 21 stand part.

Hon. H. B. St.JOHN: I beg to second that.

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

On separate motions of Hon. H. deB. FORDE seconded by Hon. H. B. St.JOHN, Clauses 22 to 25 inclusive of the Bill were agreed to.

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill in Committee with amendments.

Hon. H. B. St.JOHN: I beg to second that.

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

Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Rt. Hon. J. M. G. M. ADAMS seconded by Hon. H. B. St.JOHN the Bill was read a third time and passed.

OBITUARY SPEECHES

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to move that Congratulatory and/or Obituary Speeches be now taken.

There being no objection leave was granted.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, there has recently been in the sister CARICOM island of Jamaica — the largest in many ways, the leading territory in spirit in the former British West Indies and the present Commonwealth Caribbean — the passing of Sir Alexander Bustamante at the ripe old age of 93 years. I would like to take this opportunity of expressing on behalf of the Government and the people of Barbados and of Parliament our sadness at the loss of a great West Indian.

Sir Alexander Bustamante, Sir, had a career which was more than usually colourful even in a nation of large and colourful characters. His activities ranged in fact over many parts of the Caribbean and by repute, legend and even by myth even over a wider sphere. It was a tribute to the man that his followers in the West Indies saw him as larger than life. He was the first person to achieve the rank of Chief Minister of any Caribbean territory. He was the first West Indian to be Prime Minister of any Independent country; and on these grounds alone he would have had a place in history; but Sir Alexander Bustamante, first plain Mr. Alexander Clarke, by the time he entered politics, has an even greater claim than mere historical milestones to our attention.

After activities which included plantation overseer, bus inspector and money lender, he entered the field of service to the people of Jamaica as a trade unionist and as a populist politician, to use a neutral word; because if there was one thing beyond doubt, and this thing is not often realised by students of Jamaican politics. Bustamante much more often than not commanded the largest popular following in this island of Jamaica.

He entered politics as a populist politician. He organised trade unions. He led the agitation that brought Jamaica from the long political slumber that had surrounded the island's public life from the unhappy and melancholy events of 1865 and subsequent years in which the Jamaica governing class abandoned its responsibility in the face of popular movements until the 1940s when Busta and his cousin, Norman Manley brought Jamaica once again from darkness into light.

8.50 p.m.

Bustamante suffered as few West Indian politicians who reached the top have suffered. He suffered imprisonment for a period of 14 months. He was tried for manslaughter after

what, in other West Indian territories, would have been regarded, perhaps, as no more than ordinary trade union agitation. He suffered not only the heavy hand and the heavy manners in those days of the British Governors of Jamaica in the late 30s and the early 1940s. He also, indeed, suffered the affronts of the Jamaican middle classes who felt that Bustamante made his appeal too firmly to a working class constituency and paid insufficient attention to the then aspirations of the Jamaican middle class.

However, in 1944, released from prison at the head of a trade union and of a Political Party that was already leaning in a conservative direction, Mr. Bustamante, as he then was, won the greatest landslide in Jamaican electoral history and became that Island's first Chief Minister. On a much reduced vote he held on to his position in 1949, lost power in 1954, was even, perhaps, worst beaten again in 1959, and then made an unexpected resurgence at the time of Federation to defeat his political opponents first in the Federal Election, secondly, in the Federal Referendum, and then in the Pre-Independence Election as a result of which he became Jamaica's first Prime Minister. At the time of his retirement he had fought 7 elections in Jamaica and, in effect, won five.

Sir Alexander Bustamante did not always enjoy in the heavy days of Federation the best opinion from fellow West Indian who considered that his opposition to Federation was the decisive step that broke our Federation up, but we must realise in this perspective of time and history that Federation could not have survived without the general and popular good opinion of the electorate and the public in its largest and most important, even if not wealthiest member. I myself have come to the conclusion, and held this conclusion for many years, that it was always a mistake in the earliest days going back to 1947 to ask Jamaica for any concessions by virtue of the dominant position to which its population would have entitled it Federal politics, relating to membership of the House of Representatives. It was an even worst error in any way to have sought to have frustrated Jamaica in what it saw to be its legitimate ambitions. Once the goal of Federation was understood to be the primary aim of other West Indians, then other West Indians should have had a greater respect for the susceptibilities of Jamaica and the peculiar Jamaican feelings which informed the politicians of those days.

I consider that it was too little and too late with Federation that at the stage at which

Jamaica was to have received concessions the concessions were no longer sufficient, and Bustamante was not leading public opinion. I believe, verily, that he was following, and that a grateful public opinion gave Bustamante his last three electoral victories in the referendum in the Federal Election, and in the final General Election. I, indeed, believe that the only way Federation would have survived would have been for the Federal Government to have approached Bustamante and Manley jointly, ask them what they wanted, and then gone away and forced on them concessions for which they would not even have dared to ask, so important, I think, was the attitude of Jamaica at that time. I do not mean to be critical of any one in this regard, as the French say *Nous sont tout assassins*. We are all murderers in this respect, for Busta turned out in the end to be fighting against every single West Indian political party except his own, but in the end all of us lost and Busta won, and that is in the nature of politics.

Mr. Speaker, I have dealt with this because I think that all too often tributes to politicians emphasize only the lowest common denominator of agreement, and all too often they turn out to be platitudes. We must recognise that Sir Alexander Bustamante was an outstanding West Indian, an outstanding politician. He was outstanding because he took hold of some of the greatest issues, or the very greatest issues of our time and dealt with them as he saw fit. I must confess that I am one that sees more in glorious success than in glorious failure and, again, by the standards of changeable electoral politics Sir Alexander Bustamante achieved a glorious success for all of the things for which he stood during his lifetime of politics. Jamaica and the West Indies are poorer for his passing. He has been spared to survive for 93 years in which, virtually, every change in the West Indies that could take place in a single lifetime has taken place. All that Busta did not see was the Morant Bay rebellion, and he must have heard abundantly of this as a young boy from his parents. He came from a family which has given Jamaica four of its Prime Ministers. The ramifications of the Clarke, Shearer, Manley families have given Jamaica its only two Prime Ministers and three of its Chief Ministers: Busta, Shearer, Norman Manley, Chief Ministers, and Busta and Michael Manley were the Prime Ministers. Sangster is the only one outside the family. Although Mr. Sangster is outside the family, I seem to recall that Mr. Norman Manley recorded in his unfinished memoirs as a little boy going to the wedding of Mr. Sangster's parents, which will tell you how

narrow, perhaps, is the governing class that has ruled over Jamaica during its days of self-rule and Independence. Perhaps the mould is broken at this stage, but when history comes to be totally written Sir Alexander Bustamante will stand hand in hand with Norman Manley as one of the greatest of modern West Indian politicians — in fact, not only of modern West Indian politicians, but of all West Indian politicians. He achieved the status of National hero during his lifetime. Unless the well springs of adulation flow over in some unexpected way, he may very well turn out, Mr. Speaker, to be the only Jamaican of our time so to be honoured.

We in Barbados must respect and speak with affection of Bustamante, for he was cast in the heroic mould of which all West Indians should aspire.

9 p.m.

I have very great regret, Mr. Speaker, but I feel very privileged that I am able to move the passing of this tribute to him and condolences to his widow, for so many years his companion and Secretary, and in later life his widow, and to his relatives in due course.

Hon. F. G. SMITH: Mr. Speaker, I too should like to join the Rt. Hon. Prime Minister and second this tribute which he has paid to the late Sir Alexander Bustamante. The Rt. Hon. Prime Minister has recited in detail the history of this colourful personality, and it was my privilege and pleasure to have met him on several occasions when I served in a legal capacity in Jamaica many years ago.

There is very little more I can add that has not been said, but I think we are starting what I consider a very good precedent in that we are prepared to acknowledge in this Assembly of politicians the contribution made to the development of the region by outstanding persons in our sister territories, and if closer integration and if our coming together now or in the distant future or the near future is to mean anything, then we have first got to acknowledge and pay tribute to the noble qualities possessed by our fellow citizens in other territories.

On behalf of the Opposition we too would like to associate ourselves with the remarks made by the Rt. Hon. Prime Minister and we would like too that it be conveyed either through you or through the offices of this House, the House's profound regret at the passing of this great Jamaican, and we do hope

that our condolences will be conveyed to his widow and sorrowing relatives, and as I say, we certainly shall miss him, and Jamaica too has lost one of its greatest sons.

Dr. CHELTENHAM: Mr. Speaker, it has been one of my fortunes while living in Jamaica to entertain Norman Manley to dinner on at least three occasions while living in Taylor Hall, and to have interviewed him at great length on the whole question of the development of the planning unit in Jamaica in 1953 after he came to office. It has also been my fortune to have met on two occasions Sir Alexander Bustamante, and as a student of West Indian politics and of the Jamaican political scene in particular, I want to associate myself with the expressions of sympathy which have been made by the Rt. Hon. Prime Minister and by the Leader of the Opposition. I think that Bustamante will be remembered as one of the leaders of the working class revolt in Jamaica and in the West Indies, a revolution in which we are still engaged. I think too that he will be remembered along with his cousin Norman Manley as the two principal personalities on which the peace of Jamaica rested in the post '37 period and until recent times, and now that both of them have gone from the scene, it is significant that Jamaica is not experiencing the same political quiet which it experienced in the past, and I think that in contrast we can appreciate the enormous contribution to the political peace of the country which Bustamante and Manley made. They were able to carry the country forward and at the same time contain the warring elements in the land.

Busta is a man of whom there has been many stories. I think there is not a single person in Jamaica over ten years who cannot tell you a story about Bustamante. Many of these stories are apocryphal but they all reflect the many-sidedness of his personality, his warmth his great generosity, his sense of wit, his enormous capacity for speedy decision making, his great political instinct, all these features of his personality are reflected in the many stories which Jamaicans tell of him. Already one book has been written of him, a full-sized book written by Professor George Eaton, and I have no doubt that in the fullness of time many books will be written on Bustamante. He was one of the persons who contributed greatly to the political democracy which Jamaica experienced in the thirty year period 1937 to 1967, and I think he will forever be remembered as one of the outstanding personalities on the Jamaican political scene.

I have great pleasure, Mr. Speaker, in adding my quota of sympathy to that already expressed by the Rt. Hon. Prime Minister and the Leader of the Opposition.

Mr. SPEAKER: I would like to be associated with the remarks of sympathy that have been extended on this occasion on the passing of Sir Alexander Bustamante. I would say that when Sir Alexander Bustamante abandoned the surname of Clarke and had not chosen Bustamante instead for his greatness as a politician, statesman, trade unionist and more, the world might have found itself today faced with a conflict of history because we might have been seeing the pages of Sir Alexander the Great, for indeed he was a very great man.

I wish too to extend deepest sympathy to his widow and other relatives, and I now ask hon. members to join with me in standing in silence for two minutes as a mark of respect to this great man.

Hon. members stood in silence for two minutes.

Accordingly this Resolution of sympathy is now passed.

THE ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that this House do now adjourn until Tuesday, 4th October, 1977, at 12 o'clock noon, and in moving the passing of this Resolution, I would like to thank all hon. members and the staff of Parliament for their co-operation during this session of Parliament.
9.10 p.m.

We have passed a number of laws and have had a number of debates. Some of them have been contentious and some have been very pleasant. I hope that the events today will not mar future debates in this Chamber. I look forward to the resumption of Parliament in October in surroundings which I hope will be conducive to the greater comfort of members in carrying out their important task of doing the people's business in this Chamber.

Hon. C. L. BOLDEN: I beg to second that.

Mr. WEEKES: Mr. Chairman, I will be failing in my duty as a senior member of this House if I did not say a few words now we have decided to go into recess.

It is a unique occasion for me to be here tonight. As you are aware, I have served as a

member of the Government for three consecutive terms, and this is the first time I am serving as a member of the Opposition. I want to say how much I appreciate working with my colleagues here and also with the members of the Government. From time to time legislation has been enacted, and while it is true to say that we might not have seen eye to eye on all occasions, I want to say how much I appreciate working with both sides of this House.

Now that we are going on recess, I can only hope that we will all enjoy our break, and that we will return to this House in good spirits. I hope that the cooperation which has existed will continue and that we will at all times do our utmost on behalf of the people of Barbados. (ASIDES)

Hon. F. G. SMITH: I would like to assure this Honourable House that my failure to rise was simply due to the fact that the Leader of the House had expressed our sentiments and I did not think there was anything needed from the Leader of the Opposition. But I would like to assure the House I have enjoyed my new role and I would like to say that perhaps when we return and the renovations are completed we may very well see an improvement in the general tone of the House. I think we have had a very interesting session; the new Government is settling down to the task which the people gave them on September 2. They have come to the end of their first Session and I would like to assure them that even though they have succeeded in the first session they must be prepared for a tougher session ahead, and it will become tougher as 1981 approaches. Generally speaking we have all got on reasonably well together and I do hope that we will benefit from this break which I think quite a few of us have earned.

Mr. ODLE: Mr. Speaker, this has been my first Session in Parliament and I have rather enjoyed it. It was my good fortune to sit as Chairman of Committees during the Session. I had very little occasion to speak except on second reading of Bills, but I must thank all members of the House for the cooperation I got as Chairman of Committees. I must confess that at times mistakes were made; I must also point out that there were occasions when I was not satisfied with the conduct of members. However, I believe in time I will be able to cope with the problems even more effectively if I am again Chairman of Committees in the new Session. I would like to congratulate the Government as to what I consider a very fine

performance. It was quite an experience for me and I must say I enjoyed it very much from the beginning and look forward when October comes to be with you.

Mr. BRADSHAW: Mr. Chairman, I would like to associate myself with the remarks made by the hon. members who have spoken. This has been my first session in this Honourable House and I must say that I have certainly learnt a great deal during that time. I was fortunate to listen to some debates of a very high order, and while some others were not of the highest calibre I must say that what I have learned will stand me in good stead in the future. I want at this time to thank all the officers of this Honourable Chamber, to thank all my colleagues on this side as well as those on the Opposition benches. I would like to thank the staff members, the Deputy Clerk, and the wonderful gallery that has come here

Tuesday after Tuesday to listen to us. I do hope that when we return after the recess I will continue to benefit from the experience of all hon. members, with the hope that at the end of the session I will be stronger in the art of politics.

Mr. SPEAKER: I want to wish all hon. members a very pleasant holiday. I hope the staff will be able to tidy up all loose ends while we are away so that when we return the stage will be set for closer cooperation between us all.

The question that the House adjourn until Tuesday, October 4, 1977, at 12 o'clock Noon was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.
9.20 p.m.