

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION OF 1976 – 81

HOUSE OF ASSEMBLY

Tuesday 28th June, 1977

Pursuant to the adjournment, the House of Assembly met at 12.14 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Rt. Hon. E. W. BARROW, B.Sc., LL.D.; Mr. R. St.C. WEEKES, J.P.; Rt. Hon. J. M. G. M. ADAMS, M.A., (Prime Minister and Minister of Finance and Planning); 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); Dr. R. B. CADDLE; Mr. L. E. SANDIFORD, M.A.; Mr. D. A. C. SIMMONS, LL.M.; Hon. L. B. BRATHWAITE, (Minister of Communications and Works); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Mr. M. C. C. WARD; 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); Hon. DeL. O BRADSHAW, (Acting Minister of Labour and Community Services); Mr. L. L. SISNETT; Dr. R. L. CHELTENHAM, M.Sc. and His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were read by Father F. A. Cayless.

MINUTES

Mr. SPEAKER: I wish to advise hon. members that I understand that the Minutes of our last meeting have not yet been circulated; but I want to give this Hon. House the assurance that the matter will be receiving the most urgent attention, and we hope later in the day to have members satisfied in this respect.

ANNOUNCEMENT BY MR. SPEAKER

Mr. SPEAKER: I have to inform the House that I have received a message from His Excellency the Governor-General informing the Hon. House that Her Majesty conveys her thanks for the message of congratulations dispatched to her by this Hon. House on the occasion of Her Silver Jubilee.

PRIVATE MEMBERS' NOTICES

Mr. WEEKES: Mr. Speaker, I beg to give notice of the following Resolution:—

Whereas owners of lands from which oil is being extracted have received no payment of royalties in respect thereof;

And Whereas no explanation for the delay in making such payment has been given to owners of lands thus affected;

Be It Resolved that this House urges that the owners of lands from which oil is being extracted be immediately paid by those responsible, such royalties as may be due to them.

STATEMENTS BY MINISTERS

Hon. L. B. BRATHWAITE: Mr. Speaker, I ask to make the following Statement:—

Very soon after I assumed the office of Minister of Communications and Works I gave notice of my intention to extend the operations of the Transport Board to encompass the routes now operated by the two private concessionaires, the Elite Bus Co. and the Rocklyn Bus Co. The concessions under which these companies operate will expire on 30th June, 1977 and the date for taking over of the services by

the Transport Board was set for 1st July, 1977.

The staff of my Ministry and the Transport Board have undertaken the necessary planning in order to achieve a smooth take over of the two services on the projected target date and stand ready to implement these plans.

However, the negotiations for the purchase of the concessionaires' assets have not progressed as swiftly as anticipated. The Ministry has inspected and valued each unit owned by the two private concessionaires and these valuations have been passed to the Directors of the Rocklyn and Elite Bus Companies. Representatives of the two companies have advised me that they require more time to complete their own valuations in order to negotiate a final price for their rolling stock.

After having given a commitment to take over the two services on 1st July, 1977 I am naturally reluctant to extend the period of the present operations under any circumstances, but in the interest of justice and fair play, it is incumbent upon me to give the concessionaires the opportunity to negotiate as fair a price as possible within a reasonable time limit.

I have accordingly decided to grant the Rocklyn Bus Company and the Elite Bus Company a further period of one month within which to complete the negotiations for sale of their units etc. The two companies will continue to operate the services allocated to them under the existing concessions after 30th June but these operations will not extend beyond 31st July, 1977. The extension which I have granted is also subject to the proviso that the Transport Board will take over the services prior to 31st July, 1977 if the negotiations for purchase are completed before that date.

Hon. H. deB. FORDE: Mr. Speaker,

I wish to report to the House that I attended the Seventh Regular Session of the General Assembly of the Organisation of American States which was held in St. George's Grenada.

During my stay I participated in the deliberations of the Conference particularly in the series of informal conversations of the Foreign Ministers. There were about 14 Foreign Ministers in attendance: Barbados was the only Caribbean country (other than

the host Country) represented by a Foreign Minister.

Two topics dominated the informal conversations. They were the topic of Human Rights and the question of the Independence of Belize.

I put the Barbados position on these topics. On the issue of Human Rights, I drew attention to our stand against terrorism. I stated firmly that our country deplored the brutalization and torture of any human being on any pretext whatever. I stated that Barbados took an uncompromising stand on the preservation of the rule of law and fundamental rights and freedoms. I called on the Organisation to face the problem squarely and not to make it a matter of cheap politics. My delegation strongly supported the work of the Inter-American Commission of Human Rights and joined with other delegations who expressed an interest in having the Commission strengthened. As the House would expect, I drew attention to the status of women as an area of Human Rights which is being redressed in Barbados.

I first tackled the issue of Belize under the heading of the restructuring of the OAS Charter. Jamaica had introduced the issue under Human Rights, indicating that independence and the right to self-determination were two basic areas of Human Rights. I indicated our dissatisfaction with Article 8 of the OAS Charter, which had always been used to keep Guyana out of the Organisation and which would be similarly used in the case of Belize. I abhorred the Guatemala attempt to prevent Belize from becoming independent and called on the Organisation to come up with a just solution to the problem of Belize.

On the second day of the Assembly, Barbados made two interventions on Belize. In the Secretariat's report on non-autonomous territories of the region, no mention was made of Belize. Together with the other English-speaking Caribbean delegates and Panama, Barbados deplored the fiction that Belize was an occupied territory and not a non-autonomous state. Only Guatemala itself spoke against this intervention. Argentina, realising that the Falkland Islands were not being lumped together with Belize, withheld comment.

In a second intervention, I indicated the position Barbados had taken at the

Commonwealth Heads of Government Conference and stressed our unpreparedness to allow the cession of a square inch of Belizean territory without the express consent of Belize. Later too, in a brief informal chat with the Guatemalan Foreign Minister, Snr. Molina Orantes, I explained that Barbados understood that the problem for Guatemala was an internal political one and that Barbados would not be unprepared to help in whatever way possible to assist in a solution.

12.25 p.m.

In my statement to the Assembly during what was called the informal dialogue, I also made reference to the issue of quotas, indicating that Barbados felt that the GNP per capita basis copied by the OAS from the UN in no way reflected the truth about the economies of the hemisphere or the countries' ability to contribute to the Organisation.

I also spoke against Uruguay's proposal to have the quota of Barbados re-adjusted upward for the July-December 1977 extension of the old financial year in preparation for the new January-December fiscal year of the OAS.

I took opportunity of my attendance at the General Assembly to have discussions with the American Secretary of State, Mr. Cyrus Vance, on matters of mutual concern. In these discussions, we exchanged views on the restructuring of the OAS, the issue of Belize and regional co-operation in the Commonwealth Caribbean. We agreed that Mr. Philip Habib, Deputy Under Secretary of State for Political Matters, would visit Barbados to continue the discussion on bilateral matters.

I also held discussions with the Foreign Minister of Colombia, the Foreign Minister of Venezuela, Ramon Escovar Salom, and the Chief of the Brazil Ministry of External Affairs.

I revised the position of trade between Colombia and Barbados, particularly in cement: and the Foreign Minister and I reached an understanding that initiatives should be taken to explore areas of trade and co-operation between the two countries.

My discussions with the Foreign Minister of Venezuela enabled me to deal with a number of pending matters among which was an arrangement for me to visit Venezuela sometime in July or early August.

I talked to the leader of the Brazilian delegation on matters relating to the shrimp industry. We also agreed to see what areas of technical co-operation could be developed between our two countries.

Finally, Mr. Speaker, I wish to report to the House that as a result of our diplomatic efforts, the Chief Justice of Barbados, Sir William Douglas, has been elected to fill one of the three vacant seats on the Inter-American Juridical Committee of the Organisation of American States.

Hon. H. B. St. JOHN: Mr. Speaker, I rise to crave the indulgence of Your Honour and the House to re-open a number of Items, Documents to be laid, Notices, and First Readings of Bills. This is because the documents have just arrived, and I apologise to the House.

Mr. SPEAKER: The Hon. Leader of the House is seeking leave to....

Hon. F. G. SMITH: Mr. Speaker, there is no objection.

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

PAPERS LAID

Hon. H. B. St. JOHN: Mr. Speaker, I beg to lay the Annual Report and Statement of Accounts of the Barbados Industrial Development Corporation for the year 1975-76.

Hon. L. B. BRATHWAITE: Mr. Speaker, I beg to lay the Motor Vehicles and Road Traffic (Amendment) (No. 2) Regulations, 1977.

GOVERNMENT NOTICES

Hon. H. B. St. JOHN: Mr. Speaker, I beg to give notice of a Resolution to approve the lease to the National City Bank of land at the Grantley Adams International Airport Christ Church.

I also beg to give notice of a Resolution to approve the compulsory acquisition of land at St. Patricks, Christ Church.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to give notice of a Bill to amend the Overseas Service Agreement Act.

BILLS READ A FIRST TIME

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to move that the Overseas Service

Agreement (Amendment) Act, 1977 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.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. H. B. St. JOHN: Mr. Speaker, there is a Message from the Senate with respect to a Resolution which was passed previously by this House inviting the concurrence, and we propose that it be dealt with.

RESOLUTION CONCERNING THE CLERK OF PARLIAMENT

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that the House do concur in the amendments proposed by the Senate and that the Resolution be amended accordingly. As you will see, Mr. Speaker, the amendments merely call for the deletion of the word "Sitting" and the substitution of the word "Committee". After the Resolution is passed, I propose to make certain nominations to the Committee.

Mr. SANDIFORD: Mr. Speaker, this particular matter that is before us is one that we could have foreseen and one in which, from this side of this Honourable Chamber, we spoke against pointing out the strange procedures and methods being proposed by the Government and the Leader of this House on this particular matter. In spite of the criticisms from this side of the Chamber, in spite of the arguments advanced with no rancour and no bitterness, set out logically, in its wisdom or unwisdom the Government went ahead and proposed this cumbersome and unconstitutional method for dealing with the dismissal of the Clerk of Parliament merely by means of some unheard of Joint-Meeting of both Houses of Parliament. That was and remains a blunder of the first magnitude, and the very brief introduction to this particular Resolution is not only a tactical ploy on the part of the Leader of Government Business in not saying very much when measures are being introduced. We have become accustomed to that particular ploy now, and I would say that it is one which is not in keeping with the accepted procedures and conventions for the introduction of Government measures.

We would expect the Leader of the House, in introducing measures, to come and tell us what

are the reasons for the new measures and, in this particular instance, why it is that he has found it necessary and the Government has found it necessary to accept this particular amendment.
12.35 p.m.

We have heard nothing of that, but they have the numbers over there and they have the firing power as my colleague the hon. member for St. Joseph is wont to say. He has on a suit and tie today.

Mr. SPEAKER: Will the hon. member please address the Chair?

Mr. SANDIFORD: You always have on a tie, Mr. Speaker. They say what is the strength of the legal firing power over that side, Mr. Speaker, but still when it comes to the introduction of measures, and this is a classic example today, they will wait until we speak from over here and they come batting from behind, as it were. They have the last word anyhow. Why is it that the Leader of the House cannot get up and tell us why he has accepted this particular amendment?

Let me make the position clear. I am not certain that I understand the intent of these amendments coming from the Senate. The matter that is before us calls for the deletion of "Special Joint Meeting" and the substitution of the words "Joint Committee". I have the concurrence of the Leader of the Government Business on this matter, so I assume this is what the amendment is all about. They are not asking for or seeking any longer a joint meeting, but they are instead proposing a Joint Committee of both Houses of Parliament to deal with this particular matter. Now we have pointed out how cumbersome not only how unconstitutional it was to have a Joint Meeting of the Senate and the House of Assembly to deal with this matter of the disciplinary action against the Clerk of Parliament. They did not accept our arguments when we advanced them from the floor of this Honourable Chamber, but the Senate has now considered this matter and have put forward their amendments and one of the amendments proposed, the major force of the amendment is that we would no longer have a Joint Sitting of both Houses of Parliament, but instead there would be a Joint Committee of the Senate and the House of Assembly.

Now where are we going, Mr. Speaker? I am advancing this argument and I want careful attention to be placed to it. The Debates Committee is established by Act of Parliament, and that Debates Committee is a joint committee of the Senate and the House of Assembly. It is a

Joint Committee of members nominated from the Senate and members nominated from the House of Assembly, and the Debates Committee to the best of my recollection is charged with the responsibility of making appointments to certain offices in respect of Parliament including the office of Clerk of Parliament. That is set out in the relevant legislation. I believe it is Cap. 10. That Committee is a joint committee of both Houses of Parliament which is charged with the responsibility of making appointments to the post of Clerk of Parliament and according to established interpretations also charged with the responsibility of disciplinary action, because as I understand it that body which has the authority to hire also has the authority to fire. (*Asides*) I will take legal counsel on any legal point. That authority to appoint and to take disciplinary action against members of the staff of Parliament is vested in the Debates Committee by law — Cap. 10 of the Laws of Barbados. Now we are going to get ourselves into another tangle and another tie by setting up yet another Joint Committee to deal with the work of a Joint Standing Committee of Parliament.

Now, Mr. Speaker, I would like to know what authority there would be for us to proceed in this particular matter. This seems to be even more clumsy than the procedure originally suggested, because at least that Act, the exact title of which is "The Parliament Debates and Establishments Act" said that the Clerk and other officers of Parliament may be removed by both Houses of Parliament if the Committee so recommends or words to that effect. It envisages that the Committee would take action, then the Houses of Parliament separately in their own Chambers would deliberate upon the matter and then finally the Debates Committee would take the necessary action. I do not know that there is any power or authority for the Debates Committee to delegate its powers to any other body or any other Joint Select Committee or any other kind of Select Committee.

Now I believe that somewhere in our Standing Orders it is said that a Select Committee cannot delegate any of its functions and power. If this power were removed from the Debates Committee to take the necessary action as envisaged and as set out in the legislation, this might be considered as an Act which is gratuitous, which is not necessary and which maybe in old religious or ecclesiastical law be termed as an act of supererogation. It is absolutely unnecessary because the law itself says how these matters must be dealt with. The Debates Committee must consider the matter, there must be a report from that Debates

Committee to each of the Houses of Parliament that is the Senate and the House of Assembly. If each House then agrees with the decision or the recommendation of the Debates Committee, then the Debates Committee takes a formal decision in order to take disciplinary action. But that particular procedure was not followed. First of all you are hearing about a joint sitting of both Houses of Parliament, and I thought that this was nearly the exuberance of office, that the new administration had come in in shining armour to take action against those persons and those institutions which they believe action needed taking against. That was in the early days when the matter was under consideration and they were thinking of cleaning up here and cleaning there and taking action there. So the Clerk was one of those persons against whom action was to be taken. I am not against disciplinary action being taken against any officer, but we must follow the law of the land and we must follow procedures.

12.45 p.m.

And we must not invent new-fangled procedures which have no basis in the functions, practices, and indeed the law of this land. You can get rid of people if you want to get rid of them. You can get rid of people, and this was the move against the Clerk. We will come to the other persons who have recently got letters of dismissal or of intent to dismiss from the School Meals Programme.....

Mr. SPEAKER: I think the hon. member is now attempting to stray.

Mr. SANDIFORD: We are not dealing with that matter now, Sir; we are dealing with the question of a dismissal. We will go on to that on another occasion. But I submit, Mr. Speaker, that this matter originated in a Joint Committee of both Houses of Parliament, that is the Debates Committee, which is a joint Committee. And now what we are being asked to consider is to establish another Joint Committee to take disciplinary action in an area which is specifically set out for the Debates Committee, namely, in respect of the Clerk of Parliament. And this is set out in Chapter 10. That is as I see it, Mr. Speaker, and I will find it impossible to vote for this particular measure, because in my view the procedure was wrong from the start, it was wrong in the continuation, and now at this stage it is still wrong.

Hon. F. G. SMITH: Mr. Speaker, I shan't be very long on this, but I would give the Government the opportunity to reply to me. Everything that the hon. member for St. Michael

South has said is correct. We on this side of the House pointed out the unconstitutional nature of the Committee which they set up, and I gather from information that the Honourable Leader of the House, who is one of the legal brains of the Government, was responsible for introducing this particular method. As a matter of fact, I can quite see the embarrassment which he would face today if he had got up, having been vehement in having a joint sitting of Parliament and try to justify the change now. And I see the Attorney General next to him, another legal luminary with all those brains, and yet the House has not been treated to know what has caused the Government in spite of the advice given to them previously that the methods they are adopting were incorrect that to come down and accept from the Senate this particular amendment. As a lawyer myself, I can agree that you can change your opinion from day to day in the face of additional facts that come before you. But there are no additional facts here. The only question that was asked then, and the only question that is relevant now, is what is the procedure to get rid of a Clerk you no longer feel is performing his duty. But there are no new facts which can enlighten us or cause the Government to come down and ask this House to accept the recommendation that has come from the Senate.

My learned friend has raised a very interesting point – and don't let the Government think this is the end of the matter because they use their numbers to pass this Resolution; because the Parliamentary Debates and Establishments Act is the legislation which governs the appointment of the Clerk and the method of his dismissal. It will be very interesting. Section part 3 states: "The office of the Clerk of Parliament, the office of the Deputy Clerk of Parliament, and the office of the Librarian of Parliament are hereby constituted and appointments to these offices should be made by the Debates Committee" – which we appointed at the opening of Parliament, which is a joint Committee of both Houses. Section 4 says: "The Clerk, Deputy Clerk or the Librarian shall be removed from office by the Debates Committee" – not by any Joint Committee – "...for inability to discharge the functions of his office, whether arising from infirmity of body or mind or any other cause, or misbehaviour, if both the Senate and House of Assembly resolve that he should be so removed."

Now, what is the procedure? You are going to set up a joint Committee, but the joint Committee cannot recommend anything to this House; there is no authority for it in the laws of Barbados. So the joint Committee would

therefore have, I assume, to do whatever they are going to do, then refer it to the Debates Committee, I imagine, with their recommendations, and then the Debates Committee recommend it to the respective House for action. If the Joint Committee refers it to this House it is wrong in law; it is a wrongful dismissal, for the only way he can be dismissed is by the Debates Committee. I am giving you this advice free; it might cost you more when you adopt your method and it becomes expensive, because the only way the Clerk of the House of Assembly can be dismissed under the laws of Barbados is by the Debates Committee with the approval of both Houses; and therefore to set up a joint Committee the Leader of the House must tell this House whether after the functioning of the joint Committee the matter is to be referred back to the Debates Committee who will then under the law make the recommendation to this House; because there is no authority for doing otherwise, and even a Resolution of this House cannot bypass the laws of Barbados which call for the removal of the Clerk by the Debates Committee with the concurrence of both Houses of Parliament. That is free advice to the Government with all their legal brains. This is a face-saving device by the Government after we told them that there is no Constitutional position for any joint sitting of Parliament. Even when the Queen opens Parliament or the Governor-General opens Parliament, that is not a joint sitting of Parliament. You are summoned by the Black Rod or White Rod or whatever rod – to use the English term – to come to the House to hear the opening, and that in law cannot constitute a joint sitting of Parliament because if the House does not want to go it does not have to answer the Rod at all, or the gentleman who goes as Provost Marshal. So with the establishment of a joint committee the Government must tell us what they intend to do. Is the joint Committee, the nominations for which the Leader of the House says he will today explain, going to report back to the Debates Committee, and are both Houses going to act on the Debates Committee recommendations or on the joint Committee recommendation? If the joint Committee says anything in here, it can be ignored, because they have no *locus standi* under the law. It is just as I say, using the last device first; because what they were trying to do, as I understand it, is to short circuit the joint meetings of the House, which is the last method, by having both Houses meet – that is the second part of the Section; that is, if both the Senate and the House of Assembly resolve that he should be so removed. And I gather the intention of the Government then was instead of each House meeting separately, to have a joint meeting of both Houses to recommend or

approve dismissal. What they are now trying to do is to use this method of a joint Committee — I don't know for what purpose — in substitution for Parliament meeting twice.

You can't get out of it, Mr. Speaker. The legal position is quite clear. The Government finds itself in a tangle, and I want it to be quite clear that the Opposition has no part of this at all. As a matter of fact, I understand — I may be wrong and the Government can correct me on this, that during the interval between the suspension of the Clerk over six or seven months ago, the Government realized its mistakes and was trying to get the Clerk to accept a job in the Attorney General's department.

Hon. H. B. ST. JOHN: Mr. Speaker, that statement, left unchallenged immediately, is a grave reflection upon the people on this side. Either the hon. member name what job, what time, who from the Government offered the Clerk a job, or stand condemned in here of being guilty of a most irresponsible statement.

Mr. SPEAKER: Your point has been taken.

Hon. F. G. SMITH: I have been informed. (*Asides*). I don't think (*Asides*).... I am not a school boy.

Hon. H. B. ST. JOHN: I say that the hon. member, unless he can substantiate his statement, will stand condemned in here as a most irresponsible person.

Mr. SPEAKER: The point of the Leader of the House has been taken.

Hon. F. G. SMITH: I have been instructed and informed. (*Aside*) You cannot ask me that, boy.

Mr. SPEAKER: Will the Hon. Leader of the Opposition please withdraw that remark, calling the Leader of the House "boy".

Hon. F. G. SMITH: I withdraw it unreservedly. But I am entitled to say, and I repeat, that I have been informed that during the interval the Government was trying to get the Clerk to take a job to save their faces.

Hon. H. B. ST. JOHN: Mr. Speaker, I must raise objection again. Either the hon. member state the source of his information or stand condemned, because you are accusing Government members on this side of acting with improper motives. Everybody knows you are the biggest liar in creation anyhow.

Hon. F. G. SMITH: You now have to withdraw that.

Mr. SPEAKER: The Leader of the House....

Hon. H. B. ST. JOHN: I withdraw, Sir.

Hon. F. G. SMITH: I was saying, Mr. Speaker, about offering the Clerk, who is a qualified barrister, a job in Government. Is there something wrong in that. He is a trained lawyer. I am saying it again, if you want to hear it.

Mr. SPEAKER: Please let us get on with the amendment.
12.55 p.m.

The point of the Leader of the House has been taken.

Hon. F. G. SMITH: I have been instructed and informed that during the interval... (Hon. H. B. ST. JOHN: Who told you so)? You cannot ask me that, boy. I have been informed that during the interval...

Mr. SPEAKER: Will the Hon. Leader of the Opposition please withdraw that remark, calling the Leader of the House a boy?

Hon. F. G. SMITH: I withdraw it unreservedly, but I am entitled to say, and I repeat it, that during the interval the Government was trying to.....

Hon. H. B. ST. JOHN: Mr. Speaker, I must raise objection again. Either the hon. member states the source of his information or stand condemned, because he is accusing Government members on this side of acting with improper motives. Everybody knows you are the biggest liar in creation anyhow.

Hon. F. G. SMITH: He now has to withdraw.

Mr. SPEAKER: The Hon. Leader of the House will withdraw that.

Hon. H. B. ST. JOHN: I withdraw, Sir.

Hon. F. G. SMITH: All I am saying, to offer the Clerk who is a qualified barrister a job in Government, is that something wrong? He is a trained lawyer. I am saying that I have been so informed, and reliably informed.

Mr. SPEAKER: Please let us get on with the amendment.

Hon. F. G. SMITH: I understand that between the Resolution passing this House of Assembly so many months ago, it was lying down in the Senate week after week and month after month because these negotiations were going on to get the Clerk to have an easy way out, to save a face, but as I say, the Resolution is here today and the Government has to explain what is this roundabout all-supported novel of dealing with a very simple matter where the laws of this country are extremely simple.

The Debates Committee may remove the Clerk of the House whether from infirmity of mind or body if both Houses of Parliament so agree. That is all I have to say, Mr. Speaker, I could not vote for this under any circumstances, because I know the motive behind it and I know the reason why the Government now finds itself in this position, therefore the Opposition will not be supporting this Message from the Upper House.

Hon. H. B. ST. JOHN: Mr. Speaker, in view of the fact...*(Aside)*. I am prepared to finish it right now, because there have been some nasty, foul accusations.

Hon. F. G. SMITH: He has to withdraw it.

Hon. H. B. ST. JOHN: I said nothing about you. If the cap fits,...

Mr. SPEAKER: Would both hon. members please take their seats. The Hon. Leader of the House must withdraw those remarks.

Hon. H. B. ST. JOHN: Mr. Speaker, I did not say any remarks in respect of...

Mr. SPEAKER: The Hon. Leader of the House must withdraw those remarks, they are offensive.

Hon. H. B. ST. JOHN: Which remarks, Sir.

Mr. SPEAKER: The Hon. Leader knows that a repetition of the remarks used by him...

Hon. H. B. ST. JOHN: I withdraw the remarks.

Hon. H. deB. FORDE: Mr. Speaker, I rise at the earliest opportunity — I wish the Leader of the Opposition would come and sit down and listen to the debate, because he has a habit of making allegations and running out of the House. This is the sort of man he is and I want to deal with him on this point.

Mr. SPEAKER: I cannot tie the Hon. Leader of the Opposition to his seat.

Hon. H. deB. FORDE: It is a pity you did not have that power. An allegation has been made in here that the Government offered a job to the Clerk arising out of this debate, and offered him a job in the Attorney General's Chambers. Let me make the position quite clear.

The constitutional situation in relation to the appointment to jobs in the Attorney General's Chambers resides with the Judicial and Legal Service Commission. If the hon. member does not know that, I know one reason why he does not and I am going to state it in this debate.

Mr. SPEAKER: Please stick to the amendment.

Hon. H. deB. FORDE: Yes, Mr. Speaker. Other than the appointment of Judges, which that former Government, the Opposition, changed to give the power exclusively to the then Prime Minister, that is the constitutional position in Barbados. It still remains the constitutional position. The only instance I have ever found on any file in the Attorney General's Chambers of anybody writing to offer a person a specific job is when the hon. member was Attorney General and offered a job to Mr. Fred Waterman and to abrogate to himself the powers of the Judicial and Legal Service Commission.

Mr. SPEAKER: Would the hon. member please stick to the amendment.

Hon. H. deB. FORDE: He brought up the subject under the amendment and stated that we are offering jobs to people in order to by-pass the Debates Committee in the circumstances. It is all right for him to make allegations about people in the House, I wish he would sometimes make them outside. Why does he not make them outside?

In relation to this matter the hon. member has turned a somersault. When he was formerly in the House he did not even know the particular provision of the Parliament (Debates and Establishment) Act, Cap. 10 which dealt with the question of how the Clerk's services were terminated. On that occasion, if he would read the debate, I drew his attention to the provisions of the Act and the difficulty which has always been confronting the House is a simple difficulty and it is one in my view where the House is leaning over backwards to see that justice is done.

In the instant case the allegations against the Clerk originate with the Debates Committee. The

Debates Committee has purported to have a trial against the Clerk. At least they heard the Clerk *prima facie* when the Clerk was before them, and they have been the accusers of the Clerk. One must ask oneself the simple question, is it fair that the people who are accusing should be the people who are going to try the Clerk. The hon. member for St. Michael South has not yet answered that question. Is it right that the Debates Committee who are the people bringing the charge should be the people who should be the triers of the Clerk in those circumstances, and then should Parliament be asked to act on the motion or on the findings of the Debates Committee. That has been the difficulty posed by section 4 of the legislation, and as I understood it, the proposal was that the Houses of Parliament would adjudicate the matter themselves, and even if they pass a Resolution they would send down the Resolution to the Debates Committee, assuming that they pass the Resolution for his dismissal. If they did not, a report merely is made and that is the end of the matter.

This is still a question, regardless of what the Opposition says, that they have not properly addressed their minds to. Am I to understand that the Opposition's position is that it does not matter that the Debates Committee are the people making the allegations, that the Debates Committee may also be the judges of their own case, because in this instance all that we could act on any report which they sent down or should we be a Court of Appeal of the Debates Committee on that report they sent down. The Debates Committee has only a limited power to dismiss and it can only act on those powers to dismiss if a positive resolution is passed by both Houses of Parliament, so that even if the Senate agreed to dismissal and the House did not there could be no dismissal, and vice versa if the House agreed and the Senate did not; but if both House and Senate agree the Debates Committee must dismiss.

This is the point, so at some stage both House and Senate must resolve this matter affirmatively or negatively, and that much is certain by the legislation which is before us. What is the argument about? How do the House and Senate meet to do this matter?

1.05 p.m.

The hon. member on the other side is saying now that we cannot have a joint meeting because you will have 45 people meeting together and that would be cumbersome. The other argument that it is unconstitutional rests on no legal validity that I can find. If hon.

members can find any legal provision to prove that it is unconstitutional, I would accept that it would be unconstitutional.

If it is the intention of members to say that this is a precedent that they do not want to follow — that traditionally there is no joint meeting other than at the opening of a session, they may say so, but do not come with a legal objection that it is not constitutional. The other point, as I understand it that is being made, is that we should avoid a situation where the Debates Committee is the judge of its own case. If other members feel that it does not matter one whit, let them say so. I feel that it would be unfortunate if the Debates Committee which is the Committee accusing the Clerk on various matters should decide the case and then all that Parliament has to do is to consider the report of the Debates Committee. I feel strongly about it and I do not favour the interpretation of the section that said so.

It was not a question of looking at this as any party matter or trying to sack people. I am sorry that the hon. member for St. Michael South, because he has various things on his chest about people being dismissed, seeks in this way to bring these issues before the House. The House is entitled to have some help with issues of this nature, but I think that what we want is a situation in which regardless of what procedure is followed, that natural justice obtains and the Clerk is not put in a position of being tried by the same people who are his accusers.

That is why I said that we must try to safeguard that basic principle. The Leader of the House has come back to the Chamber, but I thought that I should clarify these two points, because it is all right for people to get up and say that we are doing something which may be a breach of the House's Standing Orders and which will go down in the record as though it was based on fact well evolved. I challenge the Leader of the Opposition to show in any way that any job has been offered by the Attorney General to the Clerk.

Hon. H. B. St. JOHN: Mr. Speaker, the Hon. Leader of the Opposition has said that the Government, in order to get out of its embarrassment, had tried to offer the Clerk a job. I want to put the record straight in this respect. That is why I interrupted and ask the hon. member to state the source of his information. He declined. The only reason why he declined is because it was a concoction out of his own brain. I want to say that anyone

who could get up and make such a nasty allegation against the Government is a person who is totally unfit to be Leader of the Opposition.

The hon. member for St. Michael South also made the insinuation that this procedure originally adopted was adopted by the Government because they wanted to get at the Clerk. That is false and dishonest, and it dishonours the traditions of the Leader of the Opposition's Office.

The member also trotted out the argument about the action being unconstitutional. I want to rebut that and say that an action cannot be unconstitutional unless it is a breach of a specific provision of the Constitution. You cannot find that the action taken by the Government is unconstitutional because there is no provision in the Constitution dealing with this. So when he uses the word "unconstitutional" in these circumstances and of these facts he only parades his ignorance. *(Asides)*.

Hon. H. deB. FORDE: Mr. Speaker, the Hon. Leader of the Opposition is interrupting the House, and I submit that that is a breach of the Standing Order.

Mr. SPEAKER: The Hon. Leader of the Opposition may be unaware of it.

Hon. H. B. St. JOHN: Let us go further into these arguments made by the member for St. Michael South. He says that his understanding of the law is that he who has power to appoint has power to fire. That cannot possibly be the law because the Act says very clearly that while the Committee has power to hire and assign specific duties, it does not give power to fire the Clerk. Some people get to know a few smattering phrases of the law and do not understand the elasticity of the law. I have no doubt that he was advised by the Hon. Leader of the Opposition. (Hon. F. G. SMITH: If that is so, he was advised by a good lawyer.)

Mr. SANDIFORD: Mr. Speaker, on a point of explanation. I would like to elucidate a point which the Leader of the House does not seem to appreciate when he speaks about ignorance. The point that I made was that the Debates Committee which had the right to appoint had the right to fire. I pointed out.....

Hon. H. B. St. JOHN: Mr. Speaker, I have no objection to a point of order.

Mr. SPEAKER: You cannot make objection to a point of order. Do you give way?

Hon. H. B. St. JOHN: No, Sir. When the hon. member was speaking nobody stopped him. We allowed him to parade his ignorance.

Hon. F. G. SMITH: Mr. Speaker, on a point of order. You must ask the hon. member to control himself, otherwise the debate can degenerate.

Mr. SPEAKER: Let the Hon. Leader of the Opposition take his seat.
1.15 p.m.

Hon. H. B. St. JOHN: Mr. Speaker, I believe in calling a spade a spade. The hon. member for St. Michael South got up in here and said that it was unconstitutional, and he was challenged on more than one occasion that when you use the word "unconstitutional" you must show which particular provision has been broken. At least you allege that a provision of the Constitution has been broken. That has not been done, and I say that is ignorance. I go further and point out to the hon. member that if we accept their contention, then we would only have to come in here and move a Resolution and invite the Senate also to move a similar Resolution, and the Clerk would be dismissed without any hearing at all, but we do not operate in that way. We want the Clerk to have a full opportunity to come before the House and state his explanation against the charges that have been made. That is the point. The Senate has only deleted the word "Houses" and substituted the word "Committee". That is all. I pointed out at the time that both Houses were, by reason of the Standing Orders, a Joint Committee. I pointed out that at the time the House was perfectly in power at any time to invite the Senate to form a joint Committee. *(Asides.)* That is your opinion. You are fishing for a brief, and I will be glad if you will get one. *(Asides.)* Do you want to give legal advice before the event? That is champerty.

Mr. SPEAKER: The Leader of the Opposition must contain himself.

Hon. F. G. SMITH: Mr. Speaker, on a point of order. Champerty is a criminal offence in this country, and he must withdraw it. He is accusing me of champerty which is a criminal offence, and he must withdraw the remark.

Mr. SPEAKER: The hon. Member may proceed.

Hon. H. B. St. JOHN: As I was saying when the Committee meets the Clerk would be entitled to come and give evidence, call witnesses, and do everything. We are trying to give the man an opportunity to answer the charges, and we are being accused when we do not have to do it. There is nothing in the law which says that an employer must give an employee a right to a hearing, but our conception of the office of Clerk, irrespective of the holder of the office, is that it is such an important office and dismissal has such far-reaching implications that, before dismissal takes place, the man must be given an opportunity to state his case, and we are getting no co-operation from the other side.

Mr. Speaker, the other side wants the Debates Committee to try the man although the offence is an offence that relates to his conduct in relation to the Debates Committee, and that is their sense of justice. It is not our sense of justice, and nothing they do will stop us because we are not afraid of our responsibility. If we have an employee who needs to be disciplined we shall discipline him, and he will have an opportunity to state his case. There is absolutely nothing in the contention raised by the other side about unconstitutionality, illegality, and all of that nonsense. The basic position is that the Government's conduct in this matter has been most honourable and, despite the provocation from the other side, we will not mention anything about the merits of the case because it is a matter for a Committee of the House to go into and make a report or not make a report.

The basic position is that once the Committee is appointed, and he is given an opportunity to state his case, this House will bring a Resolution arising out of the report, and then the matter will be carried to its conclusion. I do not want to tie any member in the House to vote. Members can vote as they like. Members of the Senate are entitled to vote how they like, but as long as I am the Leader of the House and I see evidence of indiscipline, then the machinery will be brought into motion for it to be dealt with because this community cannot survive on inefficiency. Accordingly, I beg to move that this House do now concur in the amendments, as suggested by the Senate, and that the Resolution be amended.

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

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

AYES: Rt. Hon. J. M. G. M. ADAMS; Hon. H. B. St. JOHN; Hon. H. deB. FORDE; Hon. De LISLE BRADSHAW; Hon. C. L. BOLDEN; Hon. L. B. BRATHWAITE; Hon. L. TULL; Dr. CHELTENHAM; Mr. WARD; Mr. V. JOHNSON; Mr. SISNETT; Mr. D. SIMMONS; His Hon. E. E. ALLEYNE and Mr. ODLE — 14.

NOES: Hon. F. G. SMITH; Dr. CADDLE; Mr. SANDIFORD; Rt. Hon. E. W. BARROW and Mr. WEEKES — 5.

Hon. H. B. St. JOHN: Mr. Speaker, consequent on the passage of the Resolution, I beg to nominate all members of this House, with the exception of the members of the Debates Committee, to be members to serve on the Joint Committee.

Hon. F. G. SMITH: Mr. Speaker, the Opposition has no intention of taking part in this farce.

Hon. H. B. St. JOHN: Mr. Speaker, I beg to nominate the people.

Mr. SPEAKER: I think the Hon. Leader of the Opposition is stretching his language a bit.

Hon. F. G. SMITH: Mr. Speaker, the Opposition have no intention of taking part in this matter at all — none of us. If you want to ask us individually you may do so.

Mr. SPEAKER: That is the hon. member's privilege.

Hon. C. L. BOLDEN: Mr. Speaker, before this is passed, I think you should ask the Leader of the Opposition to withdraw the word "farce". I do not think any one of us will come in here to create a farce over anything.
1.25 p.m.

If work is done in Parliament, I should think it is legitimate and done according to the Rules of Parliament, and I do not see how especially a person who is Leader of the Opposition can call the work of Parliament a farce. If he says it in here, what would people outside say of us? I think it should be struck from the record.

Hon. H. B. St. JOHN: Mr. Speaker, I only heard the hon. member speak, and I am inviting all members of the House to be members of the Committee, with the exception of the members of the Debates Committee. If hon. members decline the invitation, let them state so. I know that the Leader of the Opposition has declined.

It shows that the work of the Committee would be advanced quickly because he has nothing to contribute to it. With respect to the rest, I would like to know whether or not they accept the nomination. Then we would know whom the Committee consists of.

Hon. F. G. SMITH: Mr. Speaker, until the Governor-General withdraws my instrument of appointment as Leader of the Opposition, when I say we are not taking part, I mean nobody in the Opposition is taking part.

Mr. SPEAKER: The members of the Committee are those hon. members of this House who are not members of the Debates Committee, and as the Leader of the Opposition has indicated, the members of the Opposition will not be serving on this Committee.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, the Leader of the Opposition may say that he speaks for the Opposition, but nobody can speak for a member of Parliament. It is possible for all five hon. members present to indicate whether expressly or implicitly that they accept what he says, but the hon. member for St. Lucy cannot be spoken for, I respectfully submit, by the Leader of the Opposition. The hon. member for St. Lucy is not present and I respectfully submit that the nomination in respect of him must stand.

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that the nominations other than those who have declined be accepted, and all members of the House who are willing to serve who are not members of the Debates Committee, and as I understand it, none of the members over there are willing to serve. I will withdraw their nominations if necessary, but one thing I want is the Committee.

Mr. SPEAKER: The question is that the members of this Committee shall be those members of this Honourable House who are not members of the Debates Committee.....

Hon. F. G. SMITH: Mr. Speaker, I do not understand this Resolution that you are putting, with all due respect. I heard the Leader of the House put a different Resolution than the one you are putting before this House.

Mr. SPEAKER: I will be very grateful if the Leader of the Opposition makes this the last occasion on which he attempts to challenge the Chair in this manner.

Hon. F. G. SMITH: Mr. Speaker, with all due respect, I am not challenging the Chair. I heard the Resolution from the Leader of the House. I am not accusing you of anything, because the Speaker is not infallible, but I am saying with the greatest respect that it is not the Resolution I heard moved by the Hon. Leader of the House. If you say it is, it is.

Mr. SPEAKER: The Chair has a right to accept or reject the form in which a Resolution is received.
1.35 p.m.

The question that the members of this Committee shall be those members of the Honourable House who are not members of the Debates Committee was put and resolved in the affirmative without division.

On the motion of Hon. H. B. ST. JOHN: seconded by Hon. L. R. TULL Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. ODLE in the Chair.

SUPPLEMENTARY ESTIMATES 1977-78 No.2

Hon. L. B. BRATHWAITE: Mr. Chairman, this Resolution seeks to increase the amount which was awarded in a previous contract to the Yellow Transport Company Limited for the transporting of mails throughout the length and breadth of the Island. Originally the sum of money for the contract was \$28,000, and it was subsequently increased as result of the change of time with respect to closing of Post Offices and the implementation of the five day week, and the units were called upon to work additional time on Mondays and there was a slight increase of \$100 a month.

Soon after I assumed office I became aware of the fact that people who were working on the vans carrying the mail were very poorly paid and I was appalled at the type of wages they were getting. I discovered that the wages were something like \$45 a week. I sometimes wish that people in our society who are sometimes troubled about the call by workers for more wages would look around and see people who are poorly paid, for it is certainly shocking to find that men who have got to take mail as far as St. Andrew or St. Lucy, mail with often quite a lot of money or valuables, can be working for wages as low as \$45 weekly.

When I discovered the situation I asked the Post Master General to see me, and I started to look into the contract for the operation of this

service, and I thought that something should be done to ameliorate the sufferings of these poor workers on the vans; and as a result of certain discussions we discovered that it was probably too difficult for the contractors with the money they were getting under the contract to implement the type of change by way of increased wages for the workers; so a request was made for a further sum of money to assist in this respect and I decided that I would be willing to view with sympathy any request made so long as the major concern would be the actual increasing of the wages of the workers as distinct from any profits which the contractors themselves stand to gain. As you will see, Sir, in the Addendum to the Resolution, very little money is going to the contractors even though the cost of gasoline has gone up since that time; the original price of gasoline when the contract was signed was in the region of 88 cents a gallon and now it has gone to the figure of \$2.20 a gallon.

I feel there should be no problem in hon. members seeing the justice in the increase of this sum, bearing in mind that the main purpose is to see that these unfortunate workers get a better deal.

I beg to move that this Resolution do now pass.

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

Mr. WEEKES: Mr. Chairman, in dealing with this Resolution here today, I am happy to know that these drivers will get an increase in their wages. But, Sir, I am wondering why the Government has found it necessary to give these drivers less than the amount which is paid to drivers employed by the Government.

I have noticed, Sir, that they were paid \$45 a week, but the increase which they will now get is not on par with the amount which the Government pays its drivers.

1.45 p.m.

I want to say, Sir, that the drivers of these vehicles play a very important role in transporting large sums of money, registered letters and other letters of importance. It is a fact, Sir, in my humble opinion, that the time has come when the Government should take into consideration the big risk in allowing these drivers to travel without security guards, and especially reading today's newspaper and seeing what is possible in this island. We must realise that there are certain crimes which we are now faced with in this country which is something new to us, something

to which we are not accustomed, and while in the past we have allowed these drivers to travel to the rural areas from the General Post Office without any protection, I think the time has come when the Cabinet should give serious consideration and do something to help these drivers and to protect them. It is protection they really need at this particular time.

It is quite possible that anything could happen when these drivers are travelling these long distances, and while I appreciate the increase which the Cabinet has seen fit to recommend, I want to know from the Minister why he has not found it possible to recommend that the increase should be retrospective. When we consider the time which has passed when the Government gave its workers the increases, it makes me feel, Sir, that these drivers who have worked for what I call a pittance should be even given better consideration. We realise that without these drivers having to risk their lives in taking large sums of money to these areas it would not be possible for the community to be served, and therefore I can only suggest and appeal to the Minister to consider the increase and to deal with the matter in a retroactive manner. The money would be well spent, especially when we consider how these drivers have suffered in the past.

I may also say that I am aware that some members will say that the former Government was in power for all these years and why did they not do this and why did they not do that, but I want to say this. These drivers are not employed by the Government, it is a contract, and therefore it is a matter for the Union and for the employees.

Mr. Chairman, I think the time has come when the Government should consider if it is possible to run this service when I am sure that the employees will then receive the amount which is paid to other employees who hold similar positions. It would be a means of also improving the service, but again I do not know the pros and cons of the matter and therefore I have only made a suggestion and I can only appeal to the Minister to look into two aspects of the matter and to find out if it is possible to have this service functioning through his Ministry.

1.55 p.m.

Not for one moment am I against the contractors; but I am just dealing with improvement of the service. I know that the Minister would have to give the matter careful consideration, and therefore I can only suggest that he looks into the matter carefully. I repeat, Mr. Chairman, that I am indeed happy to know

that although these drivers are not employees of the Government, that this Resolution has come before this Hon. House; and I want to say that it has my whole-hearted support.

Hon. F. G. SMITH: Mr. Chairman, just a brief comment. When the Minister introduced this matter, I did not like him making snide remarks at the Barbados Workers Union. A workers union represents the people who are members of that union. The union is concerned about the people who join it. Workers of the Transport Board are members of the union — either the Barbados Workers Union or the National Union of Public Workers.

What we as responsible persons must do is to ask all workers to safeguard their interest by joining a union of their choice, and say to management that they must give those people \$100 a week. We have to tell people that the Constitution of Barbados guarantees them freedom of association as members of trade unions, and that this is 1977; and any worker who in 1977 is still too timid and afraid to join a body of his fellow workers is asking for trouble.

I know that within the last eight months or so the only salvation for a worker in this country was the union of which he was a member. I do not like the argument using their force to get wages for other workers, although there may be matters of which the Minister may be aware. It was obviously a reference to the Barbados Workers Union which has a good record of fighting the cause of the working man. The only thing I am not happy about is the comment by the Minister in his introduction about the standard of wages in one area and those which exist in another.

Rt. Hon. E. W. BARROW: Mr. Chairman, before the Minister replies I would like to speak first on a question of principle. Several times when I was Minister of Finance people who had contracts with the Government came back and stated that the cost had gone up and they requested the Government to increase the contract price which had been awarded to them. On each and every occasion that such a request was made it was turned down, except where there was — and it came to my attention — except where there was some provision in the contract providing for an escalation in the increase of labour costs or any such costs. I can remember a case in which people came back asking for an increase and were refused for the very simple reason that unless a person has safeguarded himself, it is not fair to the other

people who may be supplying tenders for a person to put in a low bid and after a few months come back and say that the cost is more than it anticipated and therefore they want an increase in the contract.

It is an elementary principle. The point is that there is freedom of contract, and when a person submits a tender he is free to say that his price is subject to revision if there is an increase in things like fuel costs, energy costs and things of that sort, or that he had to renegotiate with labour or any such thing.

I do not want to call names; but members on this side are aware of the occasions on which I have refused bluntly to have an escalation of contract prices. I want particularly to draw this to the attention of the Division of the Ministry of Finance and Planning and to the Ministry of Education. I am sorry. I did not know if the Standing Orders were suspended. I will reserve my right to speak after.

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Chairman, I beg to move that you do now report progress and ask for leave to sit again.

Hon. DeL. BRADSHAW: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. CHAIRMAN reported accordingly.

Mr. SPEAKER resumed the Chair.

Mr. SPEAKER: This sitting now stands suspended until 2.45 p.m.
2.05 p.m.

On resumption —

Mr. SPEAKER: This sitting is now resumed. It is now Question Time. I am advised that there are no questions, so we will move into Private Members' Business.

PRIVATE MEMBERS' BUSINESS

Hon. F. G. SMITH: Mr. Speaker, there is no item under Private Members' Business.

Mr. SPEAKER: There being no item under Private Members' Business, we automatically revert to Government Business. When the sitting was suspended the House was in Committee of Supply, and to that it now reverts.

Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. ODLE in the Chair.

CONTINUATION OF SUPPLEMENTARY
ESTIMATES, 1977-78 No. 2.

Mr. CHAIRMAN: The hon. member for St. John may resume.

Rt. Hon. E. W. BARROW: Mr. Chairman, there are certain aspects of this matter on which, I think, the House should be entitled to a little more information. The first point I should like to make is that contracts are normally awarded on a two or three-year basis. From the introduction which was made by the Hon. Minister of Communications, I get the impression that this contract was awarded as long ago as 1972 and, therefore, I should like to know how long the contract has to subsist to continue, and how long was the contract originally awarded, for what period, and when does it expire. I should also like to know whether there was any provision in the contract for an escalation of the amount of money awarded to the contractor should there be, during the currency of the contract, any increase in fuel costs or labour costs. If there was not such a condition — since I may not have the opportunity to speak on it again after the Minister replies — I think that any increase is unwarranted for the reasons which I gave before the sitting was suspended.

If I may very briefly refresh the members' memory on this point, it would be very easy for a person putting in a bid for any Government contract to submit a very low price which he or she knows that none of his or her competitors can meet, and after he or she has been awarded the contract to come back and say that labour costs have gone up or the price of raw materials has increased, or the price of energy has increased and, therefore, he or she wishes to have a review of the contract. It is not fair to the other people who tendered contracts. I do not hold any brief for the business community. They indulge in a lot of malpractices most of which are designed to mulct the Government and the consumers, but as between one member of the community and another it is not fair for a person to get a contract and then come back and say that the cost has risen, having already secured the contract.

It was not the habit of the Government, when I was Minister of Finance, to entertain any such representations for increases in the

prices of contracts for the very reason that the person who is submitting the tender is perfectly free to put in a provision, or to take out an insurance as it were, against any increase by putting in an escalation clause for raw materials, labour, or for any other reason and make that a condition of the contract. Most building contracts for large projects carry such a provision, but most contracts for the supply of raw materials and other services in Barbados — contracts that go on from year to year — do not normally carry such a provision. What happens is that the people who are tendering normally use as a yardstick the existing cost and then they write in a profit margin which, over a 3-year period, all other things being equal, even if there is a 25% or 30% raise in wages, or if there is a Trade Union negotiation likely to come up during the period of the contract, they cover themselves by writing in a margin of profit which will take care of such a contingency.

Now, I come to another aspect of the matter. The Minister claims that these drivers were being paid \$45 a week. The hon. member for St. Philip South made a very good point. The drivers are not being employed by the Government. The drivers are being employed by the contractor. The Government has no control over the dispersal or disposition of the workload of those drivers. Let me give you an illustration of what I mean, Sir. As far as I know, as far as I can remember, I may be wrong, but I am pretty certain that I am right, there has never been a provision in any of these contracts that any driver who is assigned to carrying mail shall not do any other manner of work, he or his man servant, his maid servant, his ox, nor his ass, nor the stranger within the gates, but particularly him.

The point I am making is this. If you are not restricting the contractor on the use of his driver — Mr. Hunte, who is the Managing Director, as far as I can remember, of the Yellow Transport, can send a driver at 7.45 to St. Winifred's with his children, if he has children, come back and take the mail to Holetown, then drive him to Bathsheba, if he has any business down there, for lunch, do a short trip up to Worthing Post Office in the afternoon, and those two trips: one of, say, 4 miles, and the other of 7½ miles, will be the total commitment of that particular driver to Government work during the course of the 8-hours working day. I hope you see the point I am making, Sir.

Now, I believe that you have a fairly intimate knowledge of the workings of the Post Office, having been resident on top of a Post Office for a large number of years in the parish of St. George. I think that you know how these drivers work, but I am not asking you to disclose any secret information which you may have acquired in the course of your habitation. I am saying that, from a common sense point of view, where you award a contract to a man just to do a job, all that you are concerned about is that that job is done. You do not normally restrict that particular individual in the employment of the people who are engaged in doing the work or the identity of the persons. He may use casual labour every day, provided your mail is delivered.

Let us say that my assumptions are correct, and there is no such restriction on the employment of the people who are engaged in carrying mail, how then can you say that \$45 a week for the amount of work which a driver does on behalf of the Government is an unfair wage and castigate the Barbados Workers Union for not negotiating better wages for them?
2.55 p.m.

I want to go further than that. Is the Minister prepared to state categorically that Yellow Transport is only paying their drivers \$45 a week and that they are paying them whatever they are paying them, whether it is \$45 or any other sum, exclusively for the transportation of Government mail? I do not think he can state that and if he cannot, I would enjoin him to postpone consideration of this matter and come back and give us all of the facts.

Now I just want to go to one other aspect of the matter which bothers me. We have a bit of legislation in this Island called the Labour Clauses (Public Contracts) Act of 1952 Chapter 12, found in the Revised Laws of Barbados at Cap. 349. Now this Labour Clauses (Public Contracts) Act is a bit of legislation which we adopted here at the instigation of the International Labour Office. Now when the Tenders Committee puts out notices inviting people to tender even for the provision of services or the supply of goods to the Government, they always put in a provision that the persons who are tendering would have to subscribe to the provisions of the Labour Clauses (Public Contracts) Act of 1952 as

revised in 1959. What the provision purports to do but does not succeed in doing, I respectfully submit, Mr. Chairman, is to ensure that people who secure contracts from the Government pay fair wages - it is what the Americans call a Fair Wages Clause - and that these wages should be at least equivalent to those which are being paid in similar undertakings where there is Trade Union representation of the workers, even if the particular contractor does not have a union shop, and if there are no such representations as in the catering industry and among shop assistants, then the Labour Officer is supposed to furnish a schedule of reasonable rates and conditions to be observed in the execution of the contract.

Now there are two defects. The first defect is that the forms which are provided ask the contractor what wages he is accustomed to paying. If he has never tendered for something like this at all before and he may be perfect competent and able and willing to tender, it means that it is a false declaration that he is making, and then even if he says that he intends to pay such and such a rate whether provided to him by the Labour Officer or because he has gone around and got information as to the latest Union agreements there is no follow up procedure whereby the principal party, being the Government in this case, can maintain and secure that the contractor continues to pay those wages. Once he is awarded the contract he is allowed to go on paying what he feels like paying except the Union intervenes. If he is in a peculiar area, peculiar in the sense that there are no other operators in this particular field, you take the case like the Yellow Transport transporting mail or somebody taking people up to Seawell Airport - the Union may not be in on this particular field, so that the contractor can go on paying the wages that he originally undertook to pay when he signed the contract, although over a two or three year period wages all around at a general level increased as they invariably do. But what is more important is that the contractor might not pay the wages that he wrote down when he tendered at all, and therefore I think that the Labour Clauses (Public Contracts) Act needs some very drastic revision. And what is more important, I think that the Labour Office needs a more vigilant inspectorate and that they thke these things seriously.

So the general picture is that you have somebody coming back after three or four years saying that wages have gone up. They did not

make any provision when they submitted their tender whereby the employer or the Government is under an obligation to adjust the contract price, but they come back and tell you the cost of fuel and the cost of labour have gone up, so we want a little bit more. I think, Mr. Chairman, in the absence of this, and in particular with persons like Yellow Transport, if they have not had something safeguarding themselves in the original contract by making provision by way of an escalation cost whereby we can legitimately grant the increase which the Minister is asking for, we would not be doing justice to the general principles of contract or to other people who have had to deal with Government if we approve of this Resolution. Therefore I will be asking the Minister to give us the information which we are requesting.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I rise on behalf of the Minister because the former Minister of Finance is putting a case which a number of us agree that once a contract has been entered into with the Government for the provision of a service, in the absence of an escalation clause very generally there should be no increase in the contract price. This is a principle which I maintained in Cabinet and there have been other applications that have come before Cabinet for increases in contract prices which have been rejected. In the case of this particular matter, it will be found that in April, 1962, a similar application as the one now before the House was entertained, and there was in fact an increase in the contract price, but I am not familiar with the circumstances, and for that reason I am going to move that further consideration of this matter be postponed so that it can all be examined.

3.05 p.m.

I do not in any way want to usurp what the Minister responsible will do at the end, but in a general way I would like to indicate this: there are two aspects to the contract for the provision for carriage of goods or persons that merit special consideration. The first is that one of the expenses is the purchase of fuel, and the Government itself has within its power the means to increase the price of fuel, therefore one of the contracting parties can put the other in a very bad position by raising the price of gasoline. I just toss this out as a general matter. Certainly I know that my own consent was given to Cabinet in this matter. I heartily endorse what the Ministry of Finance says that we should not make any allowance for the increase in the price of gasoline. And this was a five year contract to

run from April 1, 1973, to March 31, 1978. A man who makes such a contract must make allowance in his price for the increase in the cost of goods that come from outside, and we were prepared, since some of the increase was caused by Government, to give some consideration to allowing a little extra on that account.

The question of the wages of the workers is more complicated because in the contract, as I believe in all contracts, is the standard ILO Clause by which a contractor agrees to pay rates of wages and observe hours and conditions of work no less favourable than those established in trade or industry or by the Government of this Island for similar work and from some points of view that might almost be held to be an escalation Clause. I certainly think that Cabinet would like to have another look at this and see whether the conditions imposed may not very well amount to conditions that make this particular Resolution tenable. I was not by any means in favour of making the adjustment without going to Cabinet, and it was indicated to me this was done before and on the grounds that it was done before I gave my consent to it. So I realise now having heard the speech of the hon. member that my thoughts were not as clear on this as they should have been at the time, and therefore I think it would be best for all concerned that this matter be re-examined by Cabinet. If it can be supported in the light of the criticisms which have been made by the hon. member for St. John, criticisms which were reflected earlier in debate in Cabinet, but which perhaps have been sharpened by the addition of an outside voice here in this House; if the criticisms are well founded, we will withdraw it. If they can be answered, we will bring it back with a full explanation by the Minister of the points that have been raised.

I therefore move, Sir, that further consideration of this matter be postponed.

Rt. Hon. E. W. BARROW: Mr. Speaker, I rise.....

Hon. DeL. BRADSHAW: Mr. Speaker.....

Rt. Hon. E. W. BARROW: I rise to second the motion. You are the Minister; you can reply after me, I can't reply after you. If you stay in here a little longer you will learn about procedure.

For the benefit of the Hon. Prime Minister and Minister of Finance, the Clause which I am particularly concerned about in the Labour Contract Act is Clause 3. I mentioned Clause 1 already and the Schedule whereby a contractor is under an obligation to pay rates and observe hours. My observation on this is there is need for a follow-up procedure whereby the Labour Office invigilates the wages and hours of work, and so on, during the subsistence of the contract. And on the point which he made about the Government itself being at fault, I think that contractors know that Government generally tends to look to things like gasoline, rum, beer and cigarettes every year when they are thinking about taxation; they tend to look at it, not that they necessarily put on increases on these items every time. And what I am saying is that a contractor should make provision by saying that if the price of gasoline goes up, diesel fuel goes up, or wages are increased, he should be able to come back like most building contractors do and ask for an increase in his prices. So they cannot say I didn't know, because this is not a *force majeure*, or an act of God or of the Queen's enemies; this is something that human ingenuity can foresee, and we don't have to be a genius to know that taxes can increase. Everybody in Barbados knew that gasoline would go up. We did not know about bus fares, that took us by surprise, but we must expect increases in wages when you have a militant trade union and Government having systematic increases for public officers, and on whose wage scales most public contracts are based. So contractors should take out insurance by writing in their contract "if you increase these things I will be entitled to come back for a pro rata increase in my contract." But here you have a contract that is a mixed contract. The people are not working exclusively for the Government; and your cost factor — wages, fuel costs, maintenance of vehicles, and then profit margins — do we have an allocation across the board of each of these items? The contractor is not bound to give you that. He can say I am going to pay the public workers scale of \$2.50 an hour or whatever it may be; but he is not going to tell you what his profit margin is. So when he comes and tells you that the contract has been in existence now for three years and everything has gone up, what I usually told them was that all that meant was that their profit had gone down a "tria" — to use a Barbadian

expression. I hope the Reporters know how to spell it, for I don't — I have only heard the expression I have never seen it written — your profit has gone down a "tria" or "pivvy" — I have never seen that spelt either — that is all you can say, but it does not mean that the position is untenable. And I wish to give the hon. Minister of Finance a little advice: When you are confronted with a situation like this, you tell the contractor "All right, you have found the situation hopeless; break the contract and we will advertise again. We will pay you for a month on a *quantum meruit* basis until we get new tenders." Then you will know whether the contractor has a good case, and everybody will have an opportunity in the light of the revised circumstances to know what is realistic. Just tell the contractor that if he cannot continue you are not going to sue him for breaking the contract, but will agree for a period of one month or six weeks to pay him on a *quantum meruit* basis and meanwhile go out to tender and he would be able to tender like anybody else.

3.15 p.m.

Now in so far as the Labour Clauses (Public Contract) Act is concerned, I drew this to the attention of the Hon. Attorney General in the lunch room, but clause 3 is nonsense, and I have written reams on this to the Crown Law Officers but as the Attorney General reminded me it is a question of work load, and whereas there is a good case for amending this, the volume of the legislation which has come forward to Parliament in the past years has really put a strain on the legal draughtsmen and therefore you cannot expect them to give a Schedule to the Labour Clause (Public Contracts) Act undivided attention, but that particular section would prevent you, Mr. Chairman, in law from tendering for any service which you as a Barbadian find yourself competent to perform but which, let us say, the foreign interests were in the habit of carrying out in this island.

Let me give you an example of what I mean. The Schedule says that before being placed on any list of Government contractors, or being allowed to tender, — you know what that means, Sir, you know what we mean by making first base — before being allowed to tender for Government contracts the contractor shall certify that to the best of his knowledge and belief the wages, hours of work and conditions of labour of all work people employed by him in the trade or industry in

which he has offered himself as a contractor are fair and reasonable.

Now, I understand clause 1. Clause 1 says that you shall pay rates which are fair rates, and wages, and observe conditions of work. Clause 3 says that before you are even allowed to tender for any Government contract you have to certify in writing that the wages, hours of work and conditions of labour of all work people employed — past participle — employed by you are fair and reasonable. This is the point which I make. Suppose, let us say — it is difficult for me to conjecture something — but let us take the Deep Water Harbour as an example. We only had two major dredging operations in Barbados in the 20th century. You can more or less take it for granted that nobody in Barbados alive today has ever dredged a deep water harbour, but there are young engineers in this island, there are young contractors, there are even old firms who have now during the past 20 years or so acquired the knowledge by putting together teams that can carry out certain types of work. They could never have done the work before.

Invariably when the foreign contractors came, the foreign contractors employed supervisory personnel and actual mechanical staff and the unskilled labour who actually did the work. According to that labour Clauses Contract you could not tender, I could not tender, no firm in Barbados that had not gone overseas and dredged a deep water harbour could tender for any harbour, because that Act says that you have to certify before you could go on the list that people employed by you on that type of work are being paid fairly, not that the people are being paid, that is clause 1. With clause 3 it is not a question of what you will pay. The result was, that as far as I recollect, the IADB presented a list on which there was not a single Barbadian contractor.

Now the Hon. Minister is saying why did we not do something about it. The ex-Ministers on this side will tell you that I am tired talking about that Labour Clauses Act. This is something which we adopted from the International Labour Office. We were one of the first countries in the West Indies to accept it, but we never looked at it critically, and for a developing society such as ours, I think it is necessary for us to scrutinise everything that we try to accept down here or to adopt, to make sure that it is compatible with our desire to develop people and in the best interest of the economy of this country. When you have

clauses like that and you continue to keep them on the Statute Book without changing them we will continue in this way, and you get from the Crown Law Officers that they are busy and that kind of thing, and we have to look at this very critically so that we do not find three, four, five, six or seven years from now we are still in the position of putting one Barbadian firm to work dredging on a harbour anywhere around the coastline of this island.

Hon. L. B. BRATHWAITE: Mr. Chairman, I agree with the postponement of this Resolution, and I want to thank the hon. member for St. John for a very valuable contribution to this debate. I would wish that he would come more often and be in as good a mood as he has been in today. (Rt. Hon. E. W. BARROW: I am always in a good mood).

Least we forget, I just want to mention this. In the course of his speech he asked if I could categorically say that the Yellow Transport is only paying its workers \$45 a week. On the basis of the information available I believe that is so.

There is another point I would like to mention that the Prime Minister did not mention and it was this question. The Prime Minister spoke in terms of the increase in the cost of gasoline, but I would also like to mention as well the question of labour. Although the Rt. Hon. member for St. John referred as well to the question of labour in any contract of a life as long as this one, with all the problems which it may have had by way of demands for wages, by way of increases in wages, it was certainly difficult in the drawing of a contract to deal with all these problems that it is possible to encounter in the course of the arrangement or deployment of this contract.

I agree entirely with a number of things which he has mentioned, but I should point out that I have not seen anywhere where the contractors have ever approached Government before. When the contract was increased from \$28,500 to \$30,000 this was done because of the Government's change in the system of a postal service from a six day week to a five day week, and this was done by Government rather than the contractors, but I have not detected on the files which I have seen any attitude on the part of the contractors to say that they were unreasonable or that they would try in any way to fleece the Government or up the prices in any way. However, the points made by the hon. member for St. John are so pertinent and indeed valuable and helpful that I welcome the

idea of postponing, and I feel very sure and confident that in a review of the situation we might certainly be able to come up with a number of answers to the points so ably raised by the hon. member.

3.25 p.m.

Hon. DeL. O. BRADSHAW: Mr. Chairman, as acting Minister of Labour (*Cheers*) I want to assure the hon. member for St. John and this Hon. Chamber that the comments which were made are well taken, and that my Ministry will do everything to look into these aspects of the labour clauses. I want to assure the hon. member that everything will be done in these particular labour clauses to see that public contracts will be negotiated in the proper way.

The question that further consideration of the Resolution be postponed was put and resolved in the affirmative without division.

SUPPLEMENTARY ESTIMATES 1977-78 NO. 3

Order No. 1(b) was called — a Resolution to grant the sum of \$3,266,000 out of the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates, 1977-78, Part II — Capital, as shown in the Supplementary Estimates 1977-78, No. 3 which form the Schedule to the Resolution.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I have to ask for an amendment to this supplementary. This supplementary comes out in the form that the Item, I believe, went into the Estimates under Item 2, Equity Contribution, where in fact it was really a new Item altogether because this is not in fact equity contribution. It is expenditure in the form set out in the Addendum.

Item 2 will in the fullness of time have to be supplemented and the two were operating on one file. They got compressed together in error which I very much regret to inform the House I compounded last week by not coming with a note for the amended form.

I beg to move that the words "Item 2, Equity Contribution" be deleted and the words "Item 8 (New) — Bath Plantation" be substituted therefor. I have gone over this matter on a number of occasions in Parliament. Suffice it to say that the Bath Development Scheme has failed. The Barbados Development Bank is somewhat embarrassed by the continued presence of that scheme on its books. The scheme shows a continuing liability.

This Resolution will enable us to repay the First National City Bank the approved expenditure and the acquisition will then be able to proceed with the Government appearing as the principal claimer when the acquisition is published in due course. We will have to pay the bank their money, but we will not again have to pay for the plantation whatever the value of it may be. We will not have to repay this amount because we can claim this sum out of any purchase price in connection with the acquisition. The point has been raised many times in the House in connection with the Government being authorised to pay City Bank and take over Bath; so I do not anticipate any lot of debate.

I move that the Head as amended stand part.

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

Mr. WARD: Mr. Chairman, as the Leader of the Opposition has said, he has very little to say on certain matters. What has interested me is that this is a loan of \$3,266,000; but no information is given as to the size of the plantation, the assets of the plantation or anything else. I tremble to think what the original price must have been if this is just the loan from the bank.

Rt. Hon. J. M. G. M. ADAMS: I do not know if any other hon. members wish to speak. There are so many files dealing with the matter.....

Rt. Hon. E. W. BARROW: An hon. member wishes to speak if the Prime Minister is not now going to make a second reading speech. I have no exception to anything that is said, but if he is going to make a second reading speech, that is a different matter because it would not be fair practise. If he had anything to say I would have expected him to say it in the introduction to the Resolution.

Rt. Hon. J. M. G. M. ADAMS: I think the hon. member need not be so careful. I am sure that if I opened matters which did not arise from the question of the hon. member for Christ Church North Central that you would allow a reply notwithstanding the fact that I rose and said that if no other hon. member wished to speak I would speak.

I believe that that is the practise in here. I have seen many a final reply given in Committee in the old days. In the last

Parliament it did not happen because of the wrong ruling given by the then Chairman. I am now trying to find how much the original price of Bath Plantation was. I think that the Leader of the Opposition suggests that I can let the hon. member know.... (Rt. Hon. E. W. BARROW: Four hundred and twenty-four acres.)

Rt. Hon. J. M. G. M. ADAMS: I seem to recall that the original amount was \$2½ million up to the 31st March with an interest of \$3.1 million. That was the original liability. There was a different appraisal. One appraisal was that the land cost \$700,000. I really cannot remember all the details. I will give the hon. member the details in due course.

3.35 p.m.

They seem to me to be the figures, but I will give the hon. member the details in due course. The substance, of course, really is that I believe the plantation's valuation, for taxation purposes, is something like \$1¾ million or something of that order, and it may very well be that the land acquisition price will be less than the amount which we are voting today. That is something of which I think I should warn hon. members. In the end, when the Government comes to acquire it, the price at which we acquire it rather than being more than this will be less than this because I think it perfectly possible that the guaranteed loan with the unpaid interest now exceeds the value of the land. In my view it is actually likely that the loan has now accumulated to more, with all the contingent liabilities, than the land is worth. That is another matter.

Sir, it has been canvassed at such length in here on earlier occasions; speeches have been made by so many hon. members — not the hon. member for St. John who I thought, perhaps, might have taken the opportunity to say something today — that I do not want to go over the matter again at this stage. I think that once hon. members take the point that we may very well be paying the Bank more than the land is worth, but that we have no alternative since the Barbados Development Bank has to pay off its contract, once hon. members see that point and understand all that is involved, I think that is all the explanation which is additional to any matter that has already been canvassed in here.

I beg to move that the Head, as amended, stand part.

Rt. Hon. E. W. BARROW: Mr. Speaker, I do not understand the difficulty which the hon.

member has about the price and so on, because he has all the information that I have. (*Asides.*) I did not say on file. I said that he has it, and he and I would know what we are talking about. The original purchase price was \$1,970,297.87 including legal fees. The accrued interest which is what has sent up the amount to August, that is up to the time when I was in office, was \$1,550,174.75, making a total of \$3,520,472.62. The difference, I take it, between that figure and the \$3,600,000 which we are being asked for today must be the difference in interest.

With the indulgence of the hon. member, Sir, in so far as the actual value is concerned, the land valuation works out at about 8¢ a square foot, but 14 acres of the land is seaside land. The land has been valued at 40¢ a square foot by a firm of valuers, not appointed by me, and the figure which they gave for the present value of the land is something like approximately \$4,300,000, but valuing the 14 acres of beach land only at \$2 a square foot. That is the information which I have. The beach land is now put at a lower valuation of \$2 per square foot. The total investment was 18¢ a square foot, and the overall price with a \$2 a square foot assessment on the beach land bringing it to \$4.3 million is 40¢ a square foot overall.

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

SUPPLEMENTARY ESTIMATES, 1977-78, No. 4.

The Resolution to grant the sum of \$47,500 out of the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates, 1977-78, Part I — Current, as shown in the Supplementary Estimates, 1977-78, No. 4, which form the Schedule to the Resolution — was called.

HEAD 3(1) — JUDICIARY

Hon. H. deB. FORDE: Mr. Chairman, this Resolution arises out of the revision of the terms and conditions of the salaries of the Judiciary and the arrangements reached relate back to the 1st April, 1976, and it is necessary, therefore, to grant the sum of \$29,500 to meet the payment of arrears of allowances in respect of Housing, Entertainment and Travelling and to pay the new Court of Appeal Allowance for the financial year 1976-77. I believe that the Addendum to the Resolution gave sufficient notes for hon. members. If there are any other queries hon. members have to make, or to raise, I would be prepared to answer them.

I move that this Head stand part.

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

Hon. F. G. SMITH: Mr. Chairman, on this question of the Judiciary, I would just like to say that the Constitution of Barbados makes provision for a Court of Appeal to be considered in the light of other West Indian Courts. I know the Attorney General, who was then a member of the Bar, was very keen in this Honourable House on several occasions. In looking at the Judiciary he thought that something might be done since we could not support an independent Court of Appeal of our own and we might be able to consider it in the light of a Caribbean Association and working together.

I have no quarrel with the present and existing Court of Appeal. I have not appeared before them, but I still have always felt when that system existed in Jamaica that it was certainly not satisfactory. Even although we have the Privy Council as the final Court of Appeal for Barbados, I think if we could get away from the present existing system of the Court of Appeal by setting up some arrangement whereby the Chief Justices of other territories might be involved. I am not suggesting it would work, but when I was the Attorney General I attended several conferences on the possibility. I would like the Hon. Attorney General to give me the assurance that he would not abandon the matter and feel that it is working and, therefore, we need not explore the possibility of discussion with other friendly territories with the possibility of having a Court of Chief Justices or other persons who might be able to interpose between the Privy Council and the present High Court. I have not appeared before the Court and, therefore, I am not in a position to say anything against them and I am not castigating them. I am just saying that the very idea that you sit on me today and I sit on you tomorrow with whatever strong will there is, it is a Court which, fortunately for us, still inspires confidence but which I do not think is an ideal situation in the present circumstances.

Now, another thing that we should look at Mr. Chairman, is the whole question regarding the pensions of Judges. We know that in other territories Judges do get pensions. I think that Jamaica is now giving Judges the same salary in retirement as they get when they are working. 3.45 p.m.

If you want the best material on the bench, you certainly have got to make it very attractive for barristers to be induced even in their old age

to go on the High Court Bench, and I think the Attorney General from his experience and his association should look at the whole question of the pension of judges to induce wherever possible the best brains. I see Lord Denning in the back there. I am sure that in due course he will be a strong candidate, and I am sure by then his practice will be so lucrative that if the inducements are made for Lord Denning to condescend to go to the High Court, we may very well lose a legal brain on that side to the Supreme Court.

Another thing I would like to ask the Attorney General as Minister responsible for the judiciary to look at is the question of the magistracy and give it very serious thought. The present situation is a bit chaotic. It is unfortunate that since my short return to the Bar I have had to use that avenue for a quick cash flow, but it certainly is not a situation in which we can operate. In the present situation two magistrates are, one periodically, and senior members of the Bar have complained to me that it is extremely difficult to get people to sit. For instance there was no magistrate at Boarded Hall today. I rang there this morning and there was no magistrate there. The magistrate has got to hold on at District "E" because the magistrate at District "D" has gone on leave, so apart from District "A" where you have several courts, the other country courts are not functioning as efficiently and as often as we barristers who have to earn their living in this world would like, and it comes back to the question of challenge and the question of inducement to persuade people to accept the post of magistrate in Barbados. During the time I was Attorney General, of course I have never had a full complement of magistrate. It may be able to function without the eight or nine, but we have been operating on six and were always short because magistrates were commuting. Every time you took up the Gazette you saw that Mr. "A" was sitting at District "B" and District "C" in conjunction with District "E" so you had this juggling about of the magistracy which is inconvenient for barristers but more so for litigants, because the litigants go to District "D" and find that there is no magistrate there, and they may go to District "B". I should therefore like the Attorney General and the Prime Minister who have responsibility for the judiciary to look at the whole question of the magistracy, since you are not only appointing to the High Court....

Rt. Hon. J. M. G. M. ADAMS: On a point of order, I did not want to interrupt the hon. member before he closes, but I have entirely divested myself from all but my constitutional responsibilities in respect of the High Court.

Judiciary as a subject is not in the Prime Minister's Office, it is with the Attorney General.

Hon. F. G. SMITH: I accept the Prime Minister's assurances but I am glad I was not saying anything he could construe as casting aspersions on him. What I am saying is that I would like the Attorney General to look seriously at the question of remuneration of magistrates and of the terms and conditions, because it is not the barristers that I am worried so much about as the litigants who have got to make frequent trips, apart from the obvious adjournments that counsel would ask for from time to time to be properly briefed. Very often when you are there and your witnesses are there, you find it impossible to get off the ground because the magistrate himself is unable to do the work because he may have to go two days at District "D", two days at District "E" and two days at District "F". I think my colleagues at the Bar here other than those on the front bench who have to practice will appreciate that what I am saying is true, that there is a great deal of inconvenience to the litigants of this country at the present moment, perhaps through no fault of the Judicial or Legal Service Commission. It may be due to the fact that even the poorest paid barristers in the City outside of Government may be making more money even with his overheads than he would make if he became a magistrate, and just as you have an inducement for the Supreme Court Judges, and I am asking you in one breath to make the terms and conditions of judges both active and in retirement useful, I think we have got to look at the whole question of the remuneration of magistrates and their terms and conditions to induce persons to come so that the system of justice which we operate and for which I have the highest admiration will continue to function and flow in unpolluted and never-ending stream.

I would like the Hon. Minister to seriously consider this matter, not postponing it. As a matter of fact, I was surprised that even in the Court of appeal they have the same benches I sat on twenty-six years ago; but I think we have reached the stage in our development where judicial administration should be outside the realm of partisan politics, and I think that with so many barristers in Parliament, the time has come when we should give to the administration of justice both from the point of view of the Judges, the Barristers and Attorneys and from the point of view especially of the litigants a new face lift, and so we can create a situation in which we can attract the bright young people to the Bench of this country with a view for the future of getting the persons who can continue

this very good system of justice which we now possess.

Dr. CHELTENHAM: Mr. Chairman, I do not propose any long contribution on this subject. I am in agreement with the Resolution seeking the sum of \$47,500 to finance the increase in salaries and allowances for the Judges, except that I feel myself that the gap between the Chief Justice and the other Judges is too wide. I said that privately before and as far as I am concerned I have no hesitation in saying it publicly. I want to use this opportunity not to make any long speech about the administration of justice, because I think a lot of speeches were made about that in this House in this Session and the previous session, but I want to appeal to the Attorney General to do something about the secretarial assistance which the Judges have. Right now there is one lady typing for four Judges. If the Judge gives you a judgment today, you are supposed to appeal from it, but before you appeal you want to have an opportunity of studying that judgement, and you cannot get a copy of the judgment before the six weeks which is the time you have in which to appeal. There can be nothing worse than that, and it seems to me that there should be at least two Secretaries servicing the Judges. I do not think that a large sum of money is involved in that, and at the same time it would make a significant increase in the efficiency of the system. The problems in the administration of justice are continuing as before. There are no facilities at the out Courts, no canteen facilities for litigants, and even for officers of the Court. Sometimes you cannot get a drink of water. That has been my experience at St. Thomas on several occasions. There is no where for litigants to sit. There is no shelter at many Courts. The Registry continues to be overcrowded and confused; the magistracy continues to draw a lot of mediocre people and a lot of eccentrics continue to be attracted to the administration of justice at that level, and this adds to the problem.

I hope that the Attorney General will not like several Attorneys-General before just give the excuse that there is no money and we cannot get staff. From the days of Hilton Vaughan until now we have been hearing the same excuses about law reform.
3.55 p.m.

We cannot continue to hear excuses; for instance, that we cannot proceed with law reform any faster because we cannot get draughtsmen. The Government will have to make up its mind that if they consider this an area of priority, they will have to get

draughtsmen and get on with the job. I find the present Attorney General too defensive on this matter; he has spoken in the same way as other Attorneys General before him that Government has no money. But Government must make up its mind what are its priorities and then be prepared to finance its priorities. If the administration of justice is important, law reform is a priority, and we must put our pockets where our mouths are and see to it that the entire system is improved.

Mr. SIMMONS: Mr. Chairman, I beg to support the hon. member for Christ Church East, as well as the Hon. Leader of the Opposition, in respect of the comments they have made, although I am not saying that I give total support to everything said; but where their views coincide with mine I would like to be associated with their remarks.

As far as the instant Resolution is concerned, I would like to draw to Government's attention that, even though there have been increases in salary and various allowances for Judges, very often Judges are taken from their daily chores and invited by Government to sit on Commissions of Enquiry or do work that is not directly connected with their day to day duties in the High Court; and I am of the view that when a Judge is asked to do a special assignment he should be paid a proper fee. It is no part of any rational argument to allege that because you ask a Judge to do an Enquiry you should be cheese-paring with what remuneration he gets because he has a substantive post. What is not understood is that the Judge at the same time may be writing up judgments or doing various administrative duties; and at any rate, all of us who are lawyers know that today you can be handed a brief for \$3,000 while you have briefs going for \$4,000, \$5,000 or \$6,000 at the same time; so you are doing more than one job at the same time. So if you are going to ask a man to leave his substantive duty to do something special, his remuneration for the assignment should be reasonable, and the amount he gets as a monthly salary should not be considered an integral part of the total remuneration. That is my contribution, Sir, as far as the Judges are concerned.

In respect of the Court Appeal, I believe I have recently seen some draft rules floating around, and I would hope that the Bar Association would assume some responsibility. I have not been invited to a meeting of the Bar Association for months or any of its sub-Committees, and it seems to me that the

Bar Association is not functioning to its maximum capacity, and I believe that as lawyers we have a responsibility to assist in the initiation and preparation of legislation. I have already said that I have an independent attitude to a lot of things that are discussed in this Chamber and I am going to speak on this floor in accordance with what I think is right and what my conscience dictates.

I feel that the Bar Association as a group which purports to assist in the administration of social justice should also assume some primary function. I am not saying that we can draft legislation in any particular area as well as the experts who have had specialized training, but I am saying that we can establish some Committees within the Bar Association, which can decide the areas in which we need legislation and put forward drafts and send them to the Attorney General's department. They may not be in acceptable form, but some of the burden would be taken off the backs of the Crown Law Officers, inasmuch as the background work would have been done. This is an area in which I perhaps have a special interest — the area of legal research. I know that the demands of practice which impose constraints on me have impeded to some extent the research I can do. But I feel that as a unified group the Bar Association should be doing its own research and its own preparation of legislation to assist Government in the speedy enactment of legislation.

As far as the Magistrates are concerned, I am not going to discuss the question of magistrates' salaries at all, because last year when I ventured to speak in the Estimates as the then Opposition spokesman on these matters, the then members of the Government assisted my opponent in St. Philip North by photostating certain areas of the Gazette where I made a plea for better conditions for the magistrates, and it was put abroad in St. Philip North, and I believe every constituent got a photostat from the Official Gazette showing what I had said about better conditions for litigants, witnesses, everybody including magistrates; and the impression that was sought to be disseminated was that I was making a special plea because I happen to be married to a magistrate. But as far as conditions are concerned, we have debated this every year in the Estimates, and I believe that the general complaints especially coming from members of the Bar who are members of this House of Assembly are well known to the authority, but I would agree with the member for Christ Church East.

This Government has been in power for very nearly nine months, and even though we have inherited a lot that was on the drawing boards of the last Government and because of the fact of continuity of Government, we will have to continue some of their programmes.
4.05 p.m.

I would hope that by this time next year, if not sooner, we would see a significant shift in emphasis from the Ministry responsible for the Judiciary, the Attorney General's Department, so that at least this Attorney General can leave his stamp whenever he leaves politics on the Judiciary of this country, not in terms of the personnel but on the administration of justice in this country, and I would like to see some effort being made now.

For example, I would like to see the men from MCW, if they are going to do it, go around the courts and start surveying where they are going to set up sheds or whatever for the witnesses to sit. I would like to see some preparatory action taken now, I do not think that is asking too much, so that by the time the Estimates come around next year the spade work will have already been completed and the Attorney General can go and say that under his administration he has in the 1978-79 Estimates allocated so much for sheds, for this, that and the other, whatever is necessary.

It is, of course, somewhat bewildering to hear from the Leader of the Opposition, himself a former Attorney General, in his general complaints about the state of facilities that he still finds in the courts of Barbados items of furniture, but not necessarily personnel, with which he had been associated when he was first in practice many years ago. I do not think it does his cause as a former Attorney General and responsible for the administration of justice any good to be admitting today after so many years that conditions are today what they were when he began to practise.

Hon. F. G. SMITH: On a point of elucidation. If the hon. member would check he would see that at no time when I was Attorney General did I have the responsibility for the administration of justice.

Mr. SIMMONS: I accept the hon. member's point and I will refer to the point of elucidation. I accept that he had no responsibility for the administration of justice, but I must also say that he was a member of the Cabinet of which the then Prime Minister had responsibility for the administration of justice,

and if he were concerned, even as Attorney General, he should have been able during the years in which he sat and assumed collective responsibility to have persuaded, if he had any persuasive powers, the then person who was responsible for the administration of justice. I do not think that that explanation, even though I accept it, will have advanced his case.

Before I sit I would like to say this. I anticipate that the Attorney General will probably argue that it is a question of staff within the Ministry, but I would like the Government to consider liberalising, if it is necessary, the areas for the grant of work permits to allow graduates of the Norman Manley and the Wooding School, if they are desirous of joining the service in this island to assist in filling the gaps which may exist in the personnel of the Attorney General's Department and other Departments under his purview. I say this because on a recent trip to Jamaica I was asked by a few graduates of the Norman Manley School whether Barbados could do with their services and I said I would have to take it up with the Attorney General — I have not had the opportunity yet — but this is obviously a policy decision, but I have ventilated it here today.

Apart from that, I think those of us who read the Trinidad newspapers on a regular basis would have seen that there has been a dispute at the Bar in Trinidad because there were a number of applicants outside Trinidad who wanted to work in the Trinidad legal service and the Bar resisted the applications. I am not sure what the attitude of the local Bar would be, I am throwing out this as an idea. The ramifications would have to worked out as a matter of policy by members of the front bench when they meet on Thursdays, but I think this is an area we should look at, apart from going to overseas aid organisations and trying by diplomatic measures to attract personnel, for example, in the drafting area from metropolitan countries, let us look within the CARICOM area first and see if there are any suitable people who are willing to work within the service and to draw on the talents of these people.

I think ultimately, Sir, the time will come when the Government will have to look at the upgrading of certain areas of legal personnel, and I think particularly of the area of Parliamentary Counsel. We are very short of Parliamentary Counsel, the remuneration which is offered to several of them is not terribly attractive. The Minister of Finance is here and I

am sure he is listening. The salary levels that we offer are not terribly attractive and we have to hold people. If as a Government we intend to bring before this House several substantial pieces of legislation which we have pledged to the country, as I said, we will have to look at a re-organisation of the civil service structure, if necessary, and negotiations will have to take place with the various people, but in order to attract these people we would have to re-organise the salary level of the people who we desire in the interest of the country as a whole, Sir.

Rt. Hon. J. M. G. M. ADAMS: I want to be very short, Mr. Chairman, just on the work permits. There are no barriers to personnel from any country applying for a work permit in Barbados. A lawyer whether he is a graduate of Norman Manley, the Hugh Wooding or any other law school is free to applying and if there is a vacancy which cannot be filled by a Barbadian, as I understand it, he will receive consideration. If he comes from outside various fees applying to him. I am not even sure whether the Act insists that the Government has to pay work permit holders' fees or not, no doubt that is a matter which can be taken into consideration, but I do not think that there is any need to ask the Minister responsible for immigration to make sure that people who come from the Norman Manley Law School or the Hugh Wooding Law School shall receive consideration in applying for work permits.

We have more than one lawyer in Barbados who is not a Barbadian, some are in public practice, one or two in private practice, one or two in the Government Service, and I have never heard anybody complain of discrimination against non-national lawyers in Barbados.

Hon. H. deB. FORDE: Mr. Chairman, I wish to thank hon. members for their contribution to this debate. I may say that since I have become Attorney General I have discovered that it is the one post in the Cabinet that people are not so anxious to get. I know there are several people who would not mind being Minister of Finance, Prime Minister, Minister of Industry, Minister of External Affairs — I suppose the glamour of the job gets into the eyes of a lot of the people, but it is the hard work and the task of the Attorney General that seem to deter people.

4.15 p.m.

Frankly, I do not think that it is a ministry that many people would be interested in taking over, for the simple reason that it is

the main service ministry of all the other ministries, and it is the sort of ministry that will no doubt attract criticism from other ministries. If you bring down the wrong thing in Parliament you will be criticised for it. If you give an opinion that may not be wrong you will be criticised for it. If you do not react the next day to a letter from an Attorney at Law, they want to know what is the Attorney General doing.

We are conscious of these things and we recognise that we will be criticised; but I would like to tell the hon. member for Christ Church East that I am not on the defensive at all. Because I am quiet does not mean that I am good at defending. I may be better at attacking. It may be that my style is a little different from those who are more aggressive in putting forward their points of view; but I maintain none the less that it may be what is usually called the soft glove with an iron fist in it; and I think that the leader of the Trade Unions have now come to recognise that instead of their concept of me as a coward, it is that I am firm on things like this, but I do not have an aggressive manner.

Now in relation to the Court of Appeal, I think that it is true to say that from my reading of the situation that there are no immediate prospects for an ultimate Court of Appeal based in the Commonwealth Caribbean as a whole. The Guyanese have unofficially told me that if there is such a Court of Appeal they will consider it; but they are quite happy about their circumstances. There is a feeling in some of the other territories that they would like to retain the Privy Council. In fact at the last Organisation of Commonwealth Caribbean Bar Associations meeting which I attended before I became a Minister I got the distinct feeling that some of the people from the L.D.Cs, and indeed at least one M.D.C., that the lawyers in those areas were more interested in the Privy Council, as though the Privy Council had a special sense of justice which would be lacking in Caribbean Commonwealth Courts.

I myself — and I am not here giving the Government's point of view — I myself am wedded to the concept of battling either in this House or when I leave the House and leave politics — of battling for an ultimate Caribbean Court of Appeal; because I think it would be more in tune aspirations and the feelings and more respective to the social economic and other conditions in this area. In so far as sharing a second Court of Appeal with the other territories is concerned, I have merely

informally spoken to some of the other Attorneys General in the region about the matter. I am hoping that when there is a meeting of the Caribbean Law Ministers or Attorneys General that some effort will be made to discuss this as one of the subjects on the agenda.

I am not in a position to give today any concrete answer to the hon. member about efforts being made to achieve a Court of Appeal in which Barbados would participate. As soon as I am able to feel out the other people concerned, and my ministry has had a chance to look at it, I will put up any concrete proposals that may result to the Cabinet for their approval and the House will be kept informed on that.

Now, the salaries of judges and magistrates has been a subject that has been debated very often in this Chamber and in other places. My personal view — I am not now speaking as a member of the Government — is that I believe that it is a mistake to lump magistrates in the old category of Civil Servants and that their classification be based on this. On the other hand, I am told as a Government Minister that if you do otherwise you would upset the whole equilibrium and structure of the Service and with resulting economic circumstances; but the Minister of Finance is here and I am sure that he has heard the comments.

Let us face it. We are not producing in Barbados, and for Barbados, enough lawyers to service the needs of the private and the public sector. This year there are only two Barbadians who are liable to graduate from the professional law schools and enter into the Profession. Next year there are only six; and by 1980 no other Barbadians will be allowed to train and come up through the ranks to be trained as articled clerks and graduate in this way. So we are facing a very bleak prospect so far as lawyers are concerned. The existing lawyers will get more work. I believe that at the moment most lawyers have more work than they can handle, although the way some of them sometimes act you would not believe so; and that includes the Leader of the Opposition; and since he has stopped being a Minister he should be grateful to us for knocking him out from being a Government member. He has never had it so good as since he was sitting on the Opposition Bench, and long may he remain there, politically, if I may put it that way.

But there is no doubt today. And I have said this unfortunately — when I have said it I am courting probably an adverse reaction from

some of my colleagues who believe that I am a traitor to the Profession and that I am suffering from pressures from the Civil Service. It is not that. It is that I am realistic enough to recognise that the salaries being paid to lawyers in the Government Service are so low that it is difficult to attract the best people to the Bench or indeed to the Government Legal Service. The best people that may be available at any time.

Fortunately, they have been able to attract into the Cabinet, despite the lack of salaries — myself excepted of course — some of the most outstanding legal brains in the country; and I am glad to make this point. Sir; because I get really hurt when I hear irresponsible statements being made about members of Cabinet like myself buying a new car since we have gone into Government.

I make no bones about it. There are members of this Government, the Prime Minister, the hon. member for Christ Church South Central, myself, the hon. member for St. George, who are financially losing by being Government members. Each one of us is capable of going back out and making money at the Bar.

I have told them already, and I am repeating it in here. I am not remaining in public life to receive insults from people who seem to be only bent on destroying you. I believe that I am making a sacrifice for the country, and they had better believe it. I am going to work as hard as I can whilst I am here in the public interest and try and get the department going well. I will acknowledge criticism that is constructive; but I am not going to take with any calm demeanour unfounded criticism; and I have said so before; because those of us who have made sacrifices, people should realise that we are making sacrifices and at least give us some proper consideration.

To get back to the point, Sir. The point is that at the moment we cannot attract people into the Public Legal Service as we would want to. The other point remains — and this is my answer to my friend, the hon. member for Christ Church East, that the establishment position of the Government is such that the money has not just been available.

I have put up proposals to the Minister in charge of Establishments and the Minister of Finance for an increase in staff in the legal drafting section, in order to carry on this great work of reform. I know one area which is in

great need of reform. The Government realises, and I think that all hon. members realise what it is; but it can only be done by staff; but it is a mistake to believe that law reform is done only by legal draftsmen; because what we do need in addition is a pool of researchers who research existing law, look at the economic, social and other conditions which justify a change in the law. Look at comparative precedents and then devise a scheme that is more in tune with your conditions.

So merely to give you some additional draftsmen is not the answer. I need some research staff as well. But the Minister has said that he has a system of trying to decide whether the money that is available can raise old age pensions next year to \$20 or whether I can give you, four or five legal draftsmen; and it is a choice which you have to make.

4.25 p.m.

I have to decide whether I am going to give you more people in order to reform laws, some of which could probably do with urgent reform, or whether I can provide more people in the Community Health Services. Obviously, I am only one Minister that comes into the wash, and I have to make do with less than what is ideal. It is in such conditions that we have to look at this matter. It is not a question of members telling me that if next year I come and I do not have any answers to their problems — I can give them the answers to their problems, but what I cannot promise them is that it is going to be done next year.

If you take the question, for instance, of physical buildings, you will find that the last Government has done nothing about physical buildings of the Magistrates' Courts. For 15 years nothing has been done in this respect. I have now asked the Permanent Secretary in the Ministry of the Attorney General to put up a 5-Year Development Plan to expand physical space for the people at the Registry and in the Magistracy. I am trying to tie in with the programme of other Ministries the expansion of Magistrates' Courts to tie in with the Oistins Development, the Speightstown re-development, and the developments that will go on in some towns in areas like St. Thomas or St. George, and St. Philip. It means that there is not going to be all courts brought up to being next year, and this will take time to do. I hope that the Capital Development Programme of the Government will reflect our concern in the area of the administration of justice, and that over the next five years we can start a programme which can be continued thereafter by succeeding

Governments in order to catch up on the lag which we have as a result of the failure of the past Government to treat it as an area of priority.

I believe the hon. member raised the question of obtaining other facilities at the Courts. I hope I have answered him on it. He spoke about Secretaries for the Judges. I am going to make another recommendation on this matter. The Prime Minister and myself discussed in January the question of giving an additional Secretary to the Judges. It is being looked at, and I hope that I can convince his Department not only that the Judges need an additional Secretary, but I would like to see Judges given a Legal Secretary who will do some of the basic research that is necessary to get out judgments more quickly and to assist them in writing up judgments. I would like to think that within a few days of a case being completed, particularly a criminal case, that the Court of Appeal record is present and is available, and that the life we have had in dealing with appeals that involve the liberty of the subject will not be continued as in the past.

I will try during the next year to get the money to effect these type of reforms. I will say this to hon. members that Barbados is putting up at the Commonwealth Law Ministers' Conference a paper on para-legal training. That is a Paper done by the Solicitor General and myself which we have worked on. If I may say so, I think it is a Paper that has a lot of merit in it. I have already managed to interest one foreign funding agency in considering whether it will fund a programme for para-legal training in Barbados, and I am hoping that if anything comes out of it, it will be carried out with the assistance and under the guidance of the University of the West Indies and the Council of Legal Education, and that we will get their guidance in the matter. But only if we train para-legal can we improve the quality of staff in the Registry and in other Government Departments and, as a result, improve the quality of justice in the Island.

I believe that the point on Special Inquiries and the remuneration for Judges is, probably, one better left to the Minister of Finance. I would like to thank the hon. member for St. Philip for his comments about the role which the Bar Association can play, and I am glad the hon. member for Christ Church is here. Sir, let me confess that one of my great disappointments has been the role of the Bar Association in Barbados, and I am not saying this to be critical of the Bar. The Bar must

recognise that the Bar is reasonably well paid as compared with many other sectors of the community, and that like doctors and businessmen they are some of the privileged people in the community. I believe that they should be prepared to give back much more to the community than they are at present giving.

In the area of legal aid, I have said the last time I spoke in here that the Bar was very tardy in coming forward with its proposals, and it looks as though we have lost the money we had lined up from the Overseas Funding Agency. I have now received their comments and the Solicitor General, who is attending the Overseas Conference, is trying to re-open the issue of money for Funding Legal Aid in Barbados. I only hope that something will come out of it, but whenever I read the publications of other countries, Canada for instance, in their newspaper, *The National*, you will see the Canadian Bar Association, or the Manitoba Bar Association, or Saskatchewan Bar Association, taking the bull by its horns and they start legislation, they contribute to reform, they look at areas of the law and put up concrete suggestions for the Government to act on. We never get this from the Bar Association here with the exception of one or two members. A man like Richard Nichols will help you in this regard, but the Bar Association as an Association does seem incapable of sitting down and putting its house in order.

The hon. member for St. Philip North was talking to me a few days ago about impending legislation for reform, and I think he was surprised when I mentioned to him that, since the establishment of the Faculty of Law in Barbados, the Bar Association had not even awarded one scholarship from the Bar Association. Jack Dear gave a scholarship in his personal capacity, but the Bar Association as a group has not even given one scholarship to a Barbadian or anyone else to show that it is making a contribution to the law. It is possible for them to do this by individual members giving something by way of covenant and getting it off from his income tax. These are points that one must make, and I am appealing to the Leader of the Opposition, the hon. member for St. Philip North, the hon. member for St. Michael North West, and the hon. member for Christ Church East to spur on their colleagues to recognise that the Bar has a role to play in assisting social justice in this Island.

I rather like to think that I have a different style in approaching the Bar Association than the hon. member for St. John

has. Part of the problem is that the hon. member for St. John lambasted all the lawyers in Barbados. He had given the community the idea what the lawyers are unconscionable people; the law is a profession he does not want to go to; he will keep away from the law courts and nowadays it is probably that they are smarting under these types of criticisms. I believe that law is a noble profession. I belong to the profession. I know that we have made a contribution as individuals to the political life of this country. I believe the association can make a corporate contribution to the legal life of the community, and I am appealing to them to do this. I am always open and available to the Bar Association at any time either to assist them or to get ideas from them, and I hope that the love which I have for the law will enable me to get on with them.

Mr. Chairman, you know there is nothing that I look forward to more passionately than when I return to be a private citizen away from the constraints of political office and all of that and to follow the profession that I love, and that is the law. I said so and I have made no boast about it. I have made no open speeches about this. I love the profession and I would like to get back to it one of these days. I realise that, because of my commitment to my political party, I must make a contribution, and I want to make the contribution.

4.35 p.m.

I want other people also to assist in this contribution, and that is why I am appealing to them to make their contribution. I trust that the Resolution will now therefore be passed unanimously.

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

HEAD 11 – MINISTRY OF THE ATTORNEY GENERAL (1) DIRECTION AND POLICY FORMULATION

Head 11 – Ministry of the Attorney General (1) Direction and Policy Formulation – was called.

Hon. H. deB. FORDE: Mr. Chairman, this supplementary is necessary because at the time of the consideration of the Estimates for this year it was felt in my Department that it may have been possible to have reorganised the division of the Chief Parliamentary Counsel's

Department which deals with the question of law revision and law reform, and that by now we would have had permanent employees rather than the part time assistance which we have had. It was also hoped that the law revision exercise which is being carried out by Mr. Wilfred Fergusson assisting Mr. Errol Chase would have been completed, and indeed in talking to Mr. Fergusson and Mr. Ward who is assisting on Subsidiary Laws, I gained the impression that by this month I would have had all the subsidiary legislation submitted to me. This has not happened and I have been advised by the legal people that it will be necessary to continue retaining Mr. Fergusson's services until such time as all of the proof reading has been done in connection with the revision of the laws. We have had at least the supplement of the 1971 edition of the revision of the laws completed.

Let me state by the way that I have an up-to-date report from the Deputy Chief Parliamentary Counsel, Mr. Chase, on the work which has been done in the Department on the law revision exercise, and that despite the fact that we have submitted the revised laws to the Printing Department, the Printery has been unable to return any proof to us between 1975 and today. As a matter of fact we have gone so far as submitting the laws up to 1976 in their revised state. So far as work in my Department is concerned, we are now virtually up to date. Apparently the former Government had decided to let the Government Printery do the supplement. They hesitated to order machinery and I believe that it is only about three months ago or may be less that machinery has been ordered. I am not sure that this will solve the problem, and I am thinking that in the Department unless the Printery shows signs of being able to do the revised laws shortly, I will have to make a submission to Cabinet for the Revised Laws to be printed overseas again.

Now I hesitate to do this since we want to provide work for Barbadians, but it seems as though the problem of providing work for Barbadians is being held up for all sorts of reasons. Now last week in this House, Mr. Chairman, you will recall that we had to accept amendments coming down from the Senate. This was caused principally by the fact that the Revised Laws are not even present. The revision of the laws are not even present in this House of Assembly. They are not kept up-to-date. Indeed the only place you can find a set of legislation quickly up-to-date in Barbados is not even in the Courts but in the Attorney General's Department if you go to Mr. Chase

who is Law Revision Commissioner and work from his revision notes. This is not a satisfactory condition in which we find ourselves, and I have said in the Department that unless by the end of August the Printery is in a position to give me a final cut off date at which the revision of the laws are ready, I am going to my Cabinet colleagues and ask for permission, despite whatever political statements may be made, to send the exercise up to England to be done. I am making no bones about it and I am prepared to talk about it on public platforms if necessary, because I cannot see how a country can function properly with its legislators not knowing the state of its laws, with the Judges finding difficulty to find out what amending legislation has been passed, with the administrators not knowing what subsidiary legislation has been passed, and I am talking about law revision not law reform. I cannot even begin to look at the area of law reform. I am sorry the hon. member for Christ Church East is not here, because if he thinks it is a law reform exercise, this is a law revision exercise.

I made the point that in this job of Attorney General, I am sure there are not too many people on the Opposition side or even on the Government side who would be willing to take this sort of job. It is that sort of job. It is a job that is soul-breaking sometimes to get things moving. There is so much left undone in it for instance. You will recall my asking in this House or you will have read of my asking for the Treaties to be published so that we could know what Treaties bind Barbados. Eleven years after Independence and I am now having, as I did when I was in London, to go to the British Government to use their facilities to get a list of the Treaties to see which ones we have acceded to, to ask for technical assistance from Britain and maybe Mexico to set up a Treaties section in my office as Attorney General.

I have in my hands here if any hon. member wants to see it, correspondence since I left London on June 14 which has come into my office on this matter. How can we advise properly on issues dealing with our bilateral relations when we do not know what commitments we have internationally? That is a job in which both the Legal Department and External Affairs should have collaborated. The past Government started something with Professor O'Connor, they paid through their noses and had O'Connor working in conjunction with Guyana, and the exercise has fallen flat and nothing has come of that exercise; there was no follow through. When I walk through

the doors, all I can see are problems after problems, of starting new things and getting things started to get them moving, and I want hon. members to recognise that although I have some little ability, I have not got the ability that would merely by walking through the office change the situation overnight. It is a job that I will have to devote myself to; I will start it, but I will leave some of it to those who come after me to undertake. So if there are any aspirants for the job, I will leave them some work to do when I leave. That is all I can say. I am certainly going to lay the foundation in keeping with the commitment which our Party gave for law reform and law revision, and I hope I can get the machinery functioning within the next two years so that the position is clear and that other Attorneys-General will not complain in the way that I have had to complain as I found the state of law in Barbados.

I am indebted to the officers in my Department, particularly the senior officers, for the assistance they are giving, and I know they are all taking home work to see in what way we can put right the situation. I know that the Committee of the House will grant me this vote because I know we need Mr. Fergusson's services for some time longer until the Department is given a reasonable establishment to deal with the matter itself.

Hon. F. G. SMITH: Mr. Chairman, I shall not be too long on this. I think that the Attorney General, now that he is Attorney General, is beginning to see the problems that Attorneys-General face. I am not boasting, but I was Attorney General at the time when Barbados moved from a state of colonialism to Independence.

4.45 p.m.

Every single law in Barbados more or less had to be altered to suit the status, and I had at that time a director of Public Prosecutions, a Solicitor General, one Senior Parliamentary Counsel, one Parliamentary Counsel, two Senior Crown Counsels, and one Crown Counsel — eight officers I had. Today in the Attorney General's office there are about 26 officers. And I was Attorney General at the time when the laws had to be changed from Colonial status almost overnight, or within a year, to bring them into conformity with the new status of Barbados. Today the Attorney General, even though he may not have as many officers as he perhaps would like, he now has a Chief Parliamentary, a Deputy Chief Parliamentary two Parliamentary, and other officers to help.

So I am glad he is now appreciating that when all these criticisms by uninformed people about amending legislation is said or written people will begin to understand what the function of the Attorney General is. I sympathise with him but sometimes we join with people in criticising past Attorneys General, but what is more important is that in Barbados today there is not a single lawyer in any government department as such functioning, so that Income Tax has to go to the Attorney General, Customs opinions, Labour opinions; every single opinion has to go to the Attorney General or one of his officers. I know it is not an easy job, but at least you have had ten years on which to go. I came in at a time when we moved from Colonialism to Independence and the laws had within a year to be brought into conformity with the new status. We had to draft a diplomatic immunities and privilege. We had to draft, even without instructions, in order to give Barbados some status in the new community in which we found ourselves. If you look through our files you will find that I as Attorney General without a single instruction called on officers to find something because a country cannot exist without certain legislation that is basic to its existence. So therefore when it comes to sacrifice, I don't think you have sacrificed more than I have, except in monetary terms. I gave up a job in Jamaica and came back here for \$300, giving up my pension rights. I was not a young man; I came in here and for ten years I was in the Government and working. I have made my contribution to the community, of which I am proud. And I know that quite a few of you on that side are making sacrifices for your country. But do not give the impression that for ten years as a Cabinet Minister I was not making sacrifices; because the mere reference to me that I can make a bread now would show that I was sacrificing over there. So let us get that straight. I gave up a promising career in Jamaica where I had a high reputation; gave up any pension claims, to come here for less salary; my wife came back for less money — all this so as to serve my people. I am not quarrelling with that phase of my life; it was a free and voluntary choice, and I feel that the time will come very soon when I can say with pride that I have served my country well. Perhaps if I had served my God as faithfully as I have served my country I would have nothing to regret. So let us all understand that politics for the sincere politician is a sacrifice. If you are dishonest you might be able to get something out of it, but politics for a man who is honest — and when I walk down Broad Street I can look anyone of the 258,000 people in the face and not one of them can

point a finger at me; and that to me is worth a million dollars.

The hon. member for St. Michael North Central made a sacrifice, the hon. member for St. Michael South. Politics for honest people involves sacrifices, and I have almost done my stint. But let us get on.

The job the Attorney General is doing is a challenging one. If he can bring the laws of Barbados up to date in the subsidiary legislation, that would have been an achievement which we started. The laws must be kept up to date, and I know lawyers used to ring the Attorney General's office to find out what was the latest position with some law which they had to interpret in the court. And I think the whole question of the Attorney General's department will have to be looked at in developing terms; that is, should we put lawyers in offices to deal with certain aspects so as to rid the Attorney General's department of the big volume of work which you have to do, especially when very often some of the Ministries do not help in any way and make the Attorney General's task as difficult as possible. Take a piece of legislation like the Severance Payments Act. You will find that an Attorney General has got to work very often in an area of developing legislation almost without any precedent; and when I read that somebody said I should not criticise an Act which I drafted as Attorney General because it is throwing water in my own face and spitting in the wind and it is coming back in my face, that is the height of ignorance and the person who writes such rubbish does not understand what legislation and amendment of legislation involves. An Act can be drafted today by an Attorney General of the highest calibre and there may be need for it to be amended next week. For one reason or another the Minister of Finance may come with a measure and then he finds that people are running loopholes in a piece of legislation and therefore he wants to stop this. And he may have brought the legislation only three months ago. Nobody can quarrel with an Attorney General who, on the instruction of the Minister of Finance, tries to block a hole in legislation. The Severance Payment Act was hurriedly put together. For seven years it has worked. For someone to write now that it is a slap on the former Attorney General because it needs amendment in seven years shows that that person does not understand what law is all about. In the field of labour education there is constant need for changes. You may have to change an Act every year. In the field of social education, it depends on how fast the

community is moving and how fast we can keep up with the changing style in the country's development. When you get amendments to legislation it does not necessarily show incompetence of an Attorney General; it does not even show incompetence of his draftsmen; it may very well be used as a fact that certain pieces of legislation, especially if they are experimental legislation, have got to be reviewed in the light of changing economic, social and political patterns. That is why the National Insurance Legislation makes provision that the legislation should be reviewed every three years. Perhaps it was a mistake on my part not to put in a similar section in the Severance Payments Act. But to write that it is incompetence or a sign of inability because an Act needs amendment and the very person who drafted it suggest that it has served its purpose and should be amended, for one to write and say that is incompetent or say so just to get a jubilee medal is something I cannot understand.

I have listened to the suggestion of the Attorney General and the Bar will be asked to make its contributions, because it is not a question of the Bar being unwilling. I did not get any extra assistance when I was Attorney General. It is only a question of the development of the Bar, and the Bar in Barbados has developed along a certain pattern and professional line. Now we have fusion, but it has not made any difference to the practice of law in Barbados; the solicitors firms have not taken in Barristers. All it means is that barristers can do solicitors' work and solicitors do barristers' work; but in terms of practice of the profession as one body it has made absolutely no difference; certain solicitors are doing the same thing they have done for forty years; so have certain barristers; So that what the Attorney General will understand that the impetus is going to come not from the same barristers and solicitors who have operated along certain lines for countless years; but if you can motivate people like the hon. member for St. Michael North West or the hon. member for St. Michael North, or the younger members of the profession who are not only academically and professionally able but who are new in this line of thinking then you are likely to get greater assistance if you rely on the Bar, because the Bar has grown up and settled along a pattern where you come to your office at such and such an hour, you leave at such an hour, what you hear does not matter to you and nothing else concerns you but your clients. So what the Hon. Attorney General has got to do by example and otherwise and by his involvement with the Bar is to try and create in the Bar an

awareness of the needs of the country for the type of legislation which will advance this socially.

4.55 p.m.

I can see his worry, but do not let him get worried since he has been Attorney General, let him understand that it is not due to any dislike or non-cooperation with him, but it is due entirely to the Bar Association of Barbados has developed over the last 30 years, and I have gone down into town after a long time and I will tell you this, I do not find any changes in the Bar anywhere. The same solicitors are there with the same sort of thinking, giving the briefs to the same sort of people and going merrily along. Therefore you have to stimulate people like the member for St. Philip North, involve him and the member for North West and other young bright academic persons, and especially a few persons who are coming down from the university, you should try and stimulate them to help. I can promise you that we will co-operate, but the talent for that sort of co-operation is not there, and I think you know better than I do what I am referring to. It is not there, therefore you are not going to get it, and if you depend on it you will wait a long, long time.

As I say, the Attorney General has given a very complete history of the problem. I can appreciate it from my personal experience, but as I say, I think he will find it will diminish if he stays in the office long. Most of the officers were there when I was there, I think he has a very good bunch of officers, at least those who were there when I was there, and I think from that point of view he will find a lot of consolation that in the Solicitor General and the Parliamentary Counsel he has a body of officers who are prepared to give co-operation with whoever is the Attorney General, and if like myself he has that facility of getting on with people, then I think he will find that they will give him maximum co-operation. I just did not have staff, you have 26, I had 8, and the problems with colonialism, with independence and a lot of little things to do, but you will notice too, and I think if he goes through the Statute Book from 1966 when I came here, from Independence 1966 to 1971 when I demitted office, he will find that during those years more Acts were put on the Statute Book than had been put on the Statute Book for years and years. He will find about seventy something or eighty something laws on the Statute Book.

He can check that, and if I am telling a lie he will see, but there are those like the Anglican Disestablishment, he will notice from 181 which had to bring all these laws in conformity, the Diplomatic Immunity, all these laws had to be done in those five years because of the changed status, so when I hear youngsters not accustomed to what an Attorney General has to do berating me, I really laugh, but I am glad to see the Attorney General is today supporting the difficulty of the staff, and I think he will agree that my task as the first Attorney General, of which I am extremely proud — when I hear the member for St. Joseph talking about the first Attorney General, let him understand that as a young boy I could never have dreamt that I would be Attorney General of Barbados. When I was going to Harrison College and I thought that the Headmaster would probably carry me into school and flog me for hanging my hat too high, so do not let him think that when he gets with his stupid talk about the first Attorney General that I am ashamed of it. In my short career, I look on my period as Attorney General of Barbados as one of my proudest records of which I have nothing to be ashamed. If they carried me six feet deep and I had to have something on my chest for that period they would have to put it on the coffin to go down with me, because I am proud, and when I pass through and I see Keith Walcott, and when I go into that room and I see Sir John Sealy and all these other names, F. G. Smith was there too. I am proud of it. Do not misunderstand me, there are other areas in which you can serve your country, I am not saying that being Attorney General is the Alpha and Omega, and I am saying it is a period of my life of which I am extremely proud and that I have done nothing of which I ought to be ashamed.

Dr. CADDLE: Mr. Chairman, I would like to advert to the remarks made by the Hon. Attorney General today when he deplored the scarcity of legal graduates in Barbados to fill the various posts that may become vacant and to do the work that is necessary, and listening to him during his discourse on this present Resolution before us, it is obvious that one of the problems confronting him and the Government — this one and the previous one — lies around that scarcity of legal graduates in Barbados, and I would invite him to address himself to the issue of the present setup of legal education in the West Indies.

It has been expressed in other areas a lot of concern about the difficulty which young

men and women would have in studying law in Barbados and in the West Indies. The length of the course, and then the problem in the case of Barbadian graduates having to go to another territory to complete two years of training at a law school. I have been made aware by people who had to go to Trinidad in the past about the financial difficulties and the type of problems which they encounter when they go there, and there has been a lot of concern expressed by people in that area.

Let us look at the first one, the length of the course. I am not a lawyer, but looking at other professional courses I get the impression that five years is a long time, and when you subject a young man or a young woman to undergo this type of training for five years, when he or she looks at other areas which may be considered just as noble, just as rewarding financially and of high esteem, he or she could find that he does not have to extend himself for such a long period, but when you look back at the previous history of law or the training of lawyers in the Commonwealth, you find that many of them who have reached very great heights of achievement in the legal field internationally and otherwise did not have to go through such a long period of training to graduate.

When you come down to the question of Barbadians having to leave Barbados and go either to Trinidad or Jamaica to do a course of two years, there may well have been very good reasons when this was first put forward, but I think nowadays it needs some revision, and I would like to invite the Hon. Attorney General to look carefully at this matter and see what adjustments could be made to alleviate the problems and the burdens which Barbadians would have to face in case they decide to take up the legal profession. I feel it should be approached not only with a view to alleviating these hardships, but with a view of making the profession a lot more attractive to young people, thereby producing an adequate supply of legal graduates to man some of the posts and to perform some of the roles about which we now see there is a difficulty.

I would like to stress that I am not a lawyer and I can only invite him to do so, but judging from the complaints which I have heard when I was Minister for Home Affairs and on other occasions, I feel that a case could well be made out for worthwhile adjustments to be made in the area of legal training.

5.05 p.m.

I know that there are many people who are attracted by the law and who would like to do it as a hobby; but the question having to go to Cave Hill, with all the difficulties that that entails, may not be attractive. Here again one may well put the question of adjusting the course so as to make it easy for people to pursue this hobby. These are just suggestions that I am throwing out to the Hon. Minister.

When you come now to the question of the drafting of the laws, whether new laws or amending existing laws, there has always been a problem in Barbados; and I am aware of it because I have been a Minister for some time; and there are a lot of reasons why this problem exists and will continue to exist. A lot depends on the attitude of the revising section.

I can well recall that in Ministries which I held responsibility for, when an attempt was made to put down some kind of initial drafting by people in the Attorney General's Office, we were told that they did not want anyone to draft anything for them. Just tell them what we want, and they would produce it; but experience has shown me that when you leave drafting of certain legislation entirely in the hands of people in the Attorney General's Office we find that what we get is entirely different and does not suit the problem as enunciated by the Ministry.

We find people who have a particular operation of the law which has been drafted by the Attorney General's chambers get to find out certain defects or problems surrounding the administration of that law, and very often it is better to get the views of those people very clearly so as to get a clear idea of what is really required, so that we do not get a repetition of the situation where laws are drafted, and soon after they are drafted you have to come back with amendments because the law does not suit the country as envisaged.

I feel, bearing this in mind, that it is necessary to have a complete restructuring of the service and a reorganisation of the Attorney General's Office, and to put legal people in the Ministries or under the direction of the Attorney General, people who will be in close contact on a day to day basis with the Ministries so that they will be *au fait* with the problems or peculiarities of the Ministries, and be in a position to draft legislation in a language so couched that there will be no doubt as to exactly what the Ministry set out to do. Otherwise, you will always get problems, where after a law had been brought into the House of Assembly and passed, it will have to be brought

back and amended. I think that we all know that there are cases in departments in which there was no one aware of the fact that this type of problem existed.

A lot has been said this evening about sacrifices; and it is very amazing to me, because for a long time people have been made to believe that when you elect a man to the House you have done him a favour. It is not, as some of the members have said this evening, that those who have been elected to the House of Assembly have made any sacrifice. That is the way how the electorate has been made repeatedly to believe, and still believe, that they are doing the successful candidate a favour, and therefore the successful candidate must fly out in aid of them.

People feel that politicians seek to be elected because there is something to be attained after the victory has been declared. I think it is high time that we set about to remove this type of image or impression left on the minds of the people by someone getting up and talking about the great sacrifice that he has made or you will get someone accusing them of getting something by being elected which is only imaginary.

Sir, I would like to assure the Attorney General that I will support the Resolution because we started this programme of the division of the laws of this country. Unfortunately, it has not been completed due to a variety of reasons that we heard this afternoon both under this Resolution and preceding one. I hope that now the Attorney General has been in position to get first hand knowledge of the problems and responsibilities that fall on his shoulder as Attorney General, and having to service the other Ministries of Government, that he will set about to urge his Prime Minister to give him the necessary implements by which he can do a very good job not only in the area of law revision, but I remind him that there is a lot needed to be done in Barbados to ensure that the poor man in this country will get justice quickly and without any undue cost placed on him. I say that because today in Barbados, in spite of the lot of developments which have taken place in the country, the ordinary man still finds that in the pursuit of justice for himself in his country he meets obstacles which are beyond him and very often finds these obstacles unsurmountable; and because of that he has to do without that justice which many politicians and many lawyers will tell him is his due; but in practice, ask many people of the country who have found themselves in the law courts of this country. Ask them their story, and the story they will tell you will give lie to to the claim that we are making.

I can only hope and pray that the Attorney General, who I know is enthusiastic in his work and diligent in it will be able to bear upon the Prime Minister and Minister of Finance the necessity of removing a lot of the obstacles, the hardships and the problems that now make the pursuit of justice in this country by everyone, and particularly the man at the bottom trying, at sometimes.

Mr. SANDIFORD: Mr. Chairman, whenever I speak on legal matters in this Chamber, there are certain members over there who like to indicate that I am not *au fait* on these matters. I think that the law is so important, that the administration of justice is so important that it cannot be left only to the legal practitioners and those who are involved in the administration of justice.

5.15 p.m.

That is what the cross-talk is about. The Attorney-General wants to reply to the debate because of some prior engagement, and I will accommodate him on this occasion.

Hon. H. deB. FORDE: Mr. Chairman, unfortunately I committed myself to addressing the United Nations Association at five o'clock, so I do not want the hon. member to feel that I am curtailing his debate. Perhaps all I wanted to say, Sir, is that, maybe if he had permitted me to reply to the points made - if there are any other points that he makes, I will discuss them with him and take them up in another debate which may come up. The question which the hon. member for St. Michael North Central raised of legal aid is a serious problem. I believe, as he does, that the denial of the quick right to a speedy trial, or to the courts to assist, happens to be a denial of fundamental justice and fundamental rights, and that is why we are trying to take measures to put in being a legal aid programme. I think I have already outlined the efforts we have made and are making and the problems that are in the way of progress.

Now so far as the course is concerned for training at Cave Hill and at Trinidad, I can tell the hon. member that a recent Conference in St. Kitts/Nevis and Anguilla was organised by the Council for Legal Education and the University of the West Indies to review the whole training programme for lawyers in the Caribbean. I have seen the minutes of that Conference, but I would expect that the Council for Legal Education and the Governments will, over the next two years, look at the programme to see whether it is answering the complete needs of the Caribbean.

Speaking for myself, I believe that a first degree in law is a necessity. You certainly do produce a much better end product than if you go without a degree and merely go to the professional training, but it may well be that we could review the long period of time for professional training. I do not think that Barbados should set up its own professional Law School. I think we have to accept that we have one in Trinidad, and what the Government would hope to work to is paying the fees for those of our people who go to the Law School as well as to the Faculty of Law. I have already asked the Solicitor General to look at the amount of money involved to see whether I can convince the Minister of Finance that there is a case for giving a greater priority to this course of action than has happened before.

Now so far as assistance to Ministries in drafting is concerned, we are trying at the beginning of any particular proposal to make one of the Legal Draftsmen, or one of the Legal Officers, available to the Ministries to assist them, despite the fact that we are under pressure. The other attack that I am making on this is along the line of getting a programme for training para-legals going so that the Department itself would have a para-legal in the Department, but this is a long-term strategy and it has to be carried out in close collaboration with the Ministry of Education, the Professional Law School and the Faculty of Law. It is a programme that we are developing in Barbados. We have, as I said, presented a Paper on it to the St. Kitts Conference; we have a Paper on it going to the Commonwealth Law Ministers Conference, and I have spoken to an Overseas Foundation to obtain funding for it, and I hope that this will bear fruit.

So far as the sacrifice is concerned, Sir, I was not making any special plea for myself. I do not really have, like the hon. member, to go into the Gallery to see Sir John Sealy, or Sir Laurie Pile, and say that I have been there, too. I believe that my family tradition, coming from a way back in Africa, and the other mixtures that are in the family are so strong that we are sure of ourselves and we do not bother about these things. We take it as a matter of course. That is why I make no fuss, Sir, about wearing shirt jacs because my own view is that shirt jacs is the ultimate sign, anyhow, of the Colonial masters in Africa, and I do not have to dress in a particular way to show that I am liberated. We have been liberated ever since. I was not stressing any point particularly about it in the sense that I and nobody else have made a sacrifice. I am conscious of the sacrifice made by people in this

community. What I am saying is that when one does make a sacrifice, to get untruth said about one can be a little bit harassing and it undermines your spirit of working in the public interest, Sir. That is the only point that I was trying to make in that part of the debate.

I am not asking you, Sir, to close the debate, but I am hoping to explain to the hon. member for St. Michael South that, if I slip out at this stage, it is not out of lack of respect for his points of view, but because of a prior commitment, and that is the only reason.

The question that Head 11(1) stand part was put and resolved in the affirmative without division.

Hon. H. B. ST. JOHN: Mr. Chairman, I beg to move that this Resolution do now pass.

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

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

Hon. H. B. ST. JOHN: Mr. Chairman, I beg to move that you do now report the passing of two Resolutions in Committee.

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

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.

On the separate motions of Hon. H. B. ST. JOHN seconded in each case by Hon. C. L. BOLDEN, the two Resolutions were read a first and second time and agreed to.
5.25 p.m.

RESOLUTION RE VESTING OF LAND IN NATIONAL HOUSING CORPORATION

Mr. SPEAKER: Order No. 4 stands in the name of the Hon. Minister of Caribbean Affairs to move the passing of a Resolution to approve the vesting of land at Silver Sands, Christ Church, in the National Housing Corporation.

Hon. H. B. St. JOHN: Mr. Speaker, the object of this Resolution is to vest 671,567 square feet of land as set out in the Addendum in the National Housing Corporation of Barbados to be developed by the Housing Corporation for the purpose of development by the Corporation for the purpose of housing. The land is situated at Silver Sands in the parish of Christ Church. I

have a plan available if hon. members would like to see the exact area of land, but it is that parcel of land abutting and bounding on the seashore in Silver Sands and it is an area of land which the public traditionally has been using for going to Silver Sands beach, and in the opinion of the previous administration it was worth while having it acquired. It now having been acquired, part of it, I understand, is suitable for housing and it is proposed to vest it in the Housing Corporation so that we can get on with the erection of houses thereon.

I beg to move that this Resolution do now pass.

Hon. C. L. BOLDEN: I beg to second that and reserve my right to speak.

Hon. F. G. SMITH: Mr. Speaker, I shall not be long. If the hon. member for St. Philip North is Chairman of the Housing Corporation, it is no sense giving him land to lie idle. It is true it cannot spoil, but I would like to know if plans were made. It is true he said that the Democratic Labour Party had thought it wise, so I would like to know what are the plans for this 671,000 square feet, what type of houses you are building. I would not like to think that we concurred in the vesting of land unless the Government has plans for it. Of course if the D.L.P. had plans they may vary or they may be carrying on those plans. Just briefly tell us what are the houses and what range you intend to put up on the area, and how soon you intend to use the land when it is vested in the Corporation.

Mr. SANDIFORD: Mr. Speaker, I have not been able to take a look at this plan which is available and I am not certain where in Silver Sands this land is. If this is an area which is open to the public now for access to the beach, or part of it, and for general public recreational facilities, we would certainly want to get an assurance that the public would continue to have free and easy access to the beach and to the sea in that particular area. We speak particularly on behalf of the residents of Silver Sands now temporarily represented by the hon. member for Christ Church East. We know this is a temporary situation there. (Hon. C. L. BOLDEN: A temporary situation for 25 years.) Mr. Speaker, will you protect me from Mr. Sea Eggs?

Mr. Speaker, I was just making the point that I do hope that the free access to the beach and to the recreational facilities would be preserved, and that in drawing up their plans for the development of this area the National Housing Corporation would consider this as of paramount importance.

Hon. DeL. BRADSHAW: Mr. Speaker, I had the opportunity of visiting this area, and members on the other side should be aware of this particular area as well because it was acquired during the time of the former administration, and there is access to the beach. There is also a driveway in the area which, if hon. members on the other side were well familiar with the area, they would realise that it is impossible to put any structure at all on the area leading to the beach where they have these various facilities. In other words, the road leading to the beach has a tendency to be flooded, and that would make it impossible for any houses to be erected on that particular area. So far as the fear of any houses being put up there which would block access to the beaches is concerned, that fear I hope will be eliminated after that explanation.

On the other hand there is a certain area which is ideally suited for building terrace houses or even single units. At the moment there are people occupying parts of the area, and it was rather surprising to learn that some people were occupying these spots and it seemed there was some doubt as to whether the people were independent owners or whether the spots belonged to the Government. As far as my knowledge permits me, these people will continue to rent the spots on which they live. They occupy the eastern end of the access road to the beach and you will not be able to build any houses on the eastern side of the road where there is a car park, but on the western side surely about 200 yards away from the road, it would be possible to erect single units as well as terrace houses. I hope that explanation to the hon. member for St. Michael South is taken. It is hoped that part of the area will be converted into proper playing fields, because that is the only thing that can be done with certain parts of the area which as I said before is liable to flooding. So the entire area will not be occupied or cannot be developed for housing purposes in as much as there is a tendency to flood. As I said, part of it will be developed for houses and the other part will provide for playing fields, and Parks and Beaches have already been notified that they will be expected to beautify part of the area.

With that I think hon. members of the House can be assured that we are doing everything in our power to see that the area which was acquired by the former administration is fully utilised, and that we will not only have a housing complex and single and terrace units, but there will also be development taking place and carried out by the Parks and Beaches Commission which will give the people in the area proper parking facilities and recreational facilities by way

of playing fields. I hope hon. members on that side will understand that we have got plans for the area for which it seems they were unable to find relevant plans.

5.35 p.m.

Dr. CHELTENHAM: Mr. Speaker, Silver Sands is an area of Christ Church which has one of the highest population densities, and this is reflected in the fact that it has the largest number of voters in a single box in all Barbados, I believe; and for a long time I have contended that there is need for an additional housing estate in Silver Sands. There is a large amount of substandard units in that part of Christ Church, and I am very pleased that the Government has seen the necessity to proceed with speed in vesting this land in the National Housing Corporation so that we can get the beginnings of some sort of action in Silver Sands.

The last time that public housing was built there was immediately after hurricane Janet in 1955-56, and the Sayes Court housing area is one of the smallest in Barbados, and ever since 1964 the former administration invited those persons occupying the houses in Sayes Court housing area to make payments with a view to owning the houses. And there are persons who have paid off for their houses and yet have never been able to get a conveyance from the Housing Authority now renamed the National Housing Corporation.

It was only a matter of weeks ago that I took the Minister of Housing to see the state of these houses and to find out what was the cause of the delay that many of these people who have paid for their houses have not been able to get conveyances. So I hope that the Government will correct this. I know that part of the problem was that there was no survey of the area and they were not able to get the plots. But I hope that those persons who are understandably anxious to get the title deeds to their homes very soon, because many who would like to do repairs cannot do so because of the lack of title deeds.

And now that we are talking about Silver Sands and housing, there are lots of other things that go to make places livable, and I hope that the Government — and I am addressing these remarks particularly to the Minister of Communications — will see to the repair of roads in Silver Sands, in particular the road going to Lands Downe, which is in said need of repair, or to put it differently, in an utter state of disrepair, and much inconvenience is caused to residents because of the state of the road. And I trust that in improving the area Government will make the

area livable in every respect, and that the roads that are in need of repair will be attended to. I refer to Lands Downe in particular, and also to the need for a road in Bournes Land. That particular area has been without a road from time immemorial; yet there are lots of people living in Bournes Land, and even a doctor as devoted as Dr. Louis Ward has said that he would not go into Bournes Land after a shower of rain unless a boat was sent for him; it is as bad as that. I trust the Minister of Communications and Works will see the urgency for putting a road in Bournes Land and also put the road in Lands Downe in a state of repair.

There is one other point I would like to make before I sit down. Many of the playing fields which have been provided across the country by the Government have become run down and have fallen into disrepair, with people tying sheep, goats and other animals on the playing field. This seems to show that Government must do more than just give neighbourhood playing fields; it seems that they must also supply groundsmen. It makes no sense to make a four acre lot a playing field unless you are going to fence it around and have a groundsman appointed who can prepare the field not only for cricket, football, athletic events, and so on, but who will see to it that the people in the neighbourhood do not carry their animals on the playing field. So if I can make a suggestion to the Government it is that in providing playing fields they go a step further and appoint groundsmen to see to the care and upkeep of these grounds.

Mr. SIMMONS: Mr. Speaker, my contribution on this Resolution will be short. At the moment, Sir, the Ministry of Housing and Lands has a number of properties which it has acquired over the years, and the acquisition of these properties was designed for use by the Corporation. In respect of several of these areas the National Housing Corporation constructed houses on the lands that have been originally acquired but there remains a substantial problem not only to administration but from a legal point of view, in that several of these tracts of land that have been acquired are still not vested in the Corporation; Pleasant Hall is not vested; the Farm Housing Estate; Wotton; Free Hill which is in Black Rock, Sion Hill in St. James. On some of these lands houses have been constructed, and on others there has been proposed development to the extent that even roads have been put in, as at Wotton and Sion Hill. In addition, there are other areas, like Dr. Gibbons Land in St. Michael, Dr. Hamlet's Land, Parish Land in Christ Church, Belaire in St. George, Windsor in St. George —

for which rents are collected on lands not vested in the Corporation. The attempt today is but the beginning of the process of vesting some of these outstanding tracts of land.

I have a complaint to make, Mr. Speaker. It was only yesterday that I became aware of this Resolution. I was not informed of the visit which was paid by the Ministry to the area at Silver Sands which is being debated today, and I am told — (*Asides*) — I don't want to hear anything about embarrassment, I have made my position clear already that when I have to talk I will talk — I am told that in this particular case the Ministry was on a visit to another site.

5.45 p.m.

I am told that in this particular case the Ministry had been on a visit to another site and happened, as they were close by this area, to have a look at it and to deal with it, so that the strictures which I may appear to be levelling against the Ministry in respect of any discourtesy or lack of communication are not intended to be as severe as perhaps they otherwise would be. It is a warning.

I have made checks since I have received my papers for today's sitting, yesterday, and my information is that the Parliamentary Secretary in the Ministry of Housing has said, a lot of this land would not be suitable for massive housing construction purposes, but I would like to assure the Opposition that I welcome this opportunity for the Barbados Labour Party Government to implement in a small way one of the promises which they made in 1961 to have some sea coast houses for the workers of this country, and if we would start at Silver Sands — and I envisage that the type of units which will be put up at Silver Sands would be the terraced houses like we have at St. Barnabas or Wildey.

Mr. SPEAKER: Is the hon. member talking about resort houses?

Mr. SIMMONS: I do not think I used the word "resort" but you may resort there but you will have to pay your rent. I think it will be a departure from previous policy in so far that this will become one of the first estates where housing development will take place close to the sea coast and the residents of these houses will, I have no doubt, imbibe the good qualities of the ozone which is in plentiful supply in the Silver Sands area.

In respect of the fears expressed or the warning issued by the hon. member for St. Michael South about public access, again I think I could assure him that the Ministry of Housing as well as the National Housing Corporation will ensure that after the final plans are settled that previously existing rights which the public may have had by way of free passage to the beach will be reserved, and he ought to be aware that this Government is very careful to ensure that the people who have for years and traditionally used a particular pathway under this Government will continue.

Only a few weeks ago we debated in here a Resolution or a Bill in respect of land near the Coast Guard Station where the rights of way of persons who had been customarily walking in a particular area to the sea had been denied under the last administration, and the matter was regularised in this House only a few weeks ago under this administration, so I wish him to be assured that the present Government and the subsidiary governmental bodies which have to execute policies will try as far as possible to assure the inhabitants of the area of their customary rights.

Dr. CADDLE: Mr. Speaker, I would just like comment on one remark made by the hon. member who just sat down. He stated that the present Government intends to carry out one of the promises made by the previous Government since 1961 to provide sea coast houses, but I would like to invite the hon. member to react to whether they have really looked into the matter of maintenance. Has he had a careful look into the cost of maintenance of the houses on the sea coast, knowing how corrosive the action of the sea air can be, and one only has to go to the east coast of Barbados, Bathsheba and other areas, to see the havoc that the salt air has wrought on buildings in that area, and while it would be desirable if it can be done at a reasonable cost, one has still to stop and think before going ahead with something like this.

When you look at the question of maintenance of buildings on the sea coast in other areas in Barbados, I do not think it is a statement one can take lightly, and one has to be more careful of making a statement like that, and when you go into the actual details you find it is something you really cannot afford to go into as quickly, and therefore you may only disappoint people who would be looking forward to having some of these sea coast houses, so I would just ask the hon. member to think about whether a detailed

study is needed. Do not just take it as a joke that the Democratic Labour Party promised to build sea coast houses for workers in 1961 and never did, because some valid points were put forward why the Democratic Labour Party might have been cautious in proceeding with this.

There are a few questions to be asked about these houses. Are you going to give these houses to a family permanently or will you have these houses as a sort of what the Barbadian would call a "bay house" facility where the worker on vacation can go and rent a house on the sea coast and spend a couple of weeks? This is what I would like to know. Is it going to be used as the ordinary type of house where they and they alone will remain because this is something that is needed for workers. Workers cannot afford to go to hotels and the traditional type of bay house which is now becoming more and more rare, and I would feel that some effort should be made to do something if not identical similar to that where people of lesser means can go and rent one of these houses on the sea coast and to get three weeks, depending on the availability of funds and the length of their vacation, and enjoy the ozone that my hon. friend is talking about.

Mr. SIMMONS: Since the hon. member asks, on a point of elucidation, Sir, the area of land is very close to the sea coast at Silver Sands. If houses are to be built on that land, I did not refer to them as bay houses, I intended to say that they will be used as holiday resorts for the workers as the member's party had promised in 1961, but since some of the land is useable for housing purposes, and since the member's party is the party which acquired the land for housing purposes, then we have on our hands idle land which we think should be put to some constructive use, and part of the land will be used for housing development and the maintenance obviously would be looked into, because the Minister is aware and the Deputy Prime Minister has discussed this with me, so I am sure all this will be looked into.

Hon. H. B. ST. JOHN: Mr. Speaker, I just want to point out that some members may not have appreciated that this area of land was actually vested since 1974, along with some six other areas, but the reason for the hold up was that it was only about three months ago that the Surveys Department finally produced the survey.

5.55 p.m.

The area is divided into two parts, one which is suitable for building and one which is

a sand dune, and obviously you cannot build there. The sand dune area is the area to which the public has access. This is the one which is subject to flooding. The intention is to give tenants an opportunity to live on the area which is suitable for building. Now that this area is to be vested in the National Housing Corporation, I trust that the Corporation will get on with the business a little faster as soon as the surveyors get on with theirs.

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

RESOLUTION TO APPROVE COMPULSORY ACQUISITION OF LAND AT TICHBOURNE

Hon. H. B. St. JOHN: Mr. Speaker, this Resolution is to approve the compulsory acquisition of a parcel of land at Second Avenue, Tichbourne, Saint Michael; and the object of the acquisition is to get the land for the purpose of road construction. I believe that this area of land is not far away from where the Community College is sited and it is necessary to improve the roads there. That is the object of the Resolution.

The decision was made for quite some period of time, but as usual there were some surveying difficulties. It was only on the 27th September, 1976, that the land was surveyed. There is nothing unusual in it, and I beg to move that the Resolution do now pass.

Hon. DeL. BRADSHAW: I beg to second that.

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

RESOLUTION TO APPROVE COMPULSORY ACQUISITION OF LAND AT PIE CORNER, SAINT LUCY

Hon. H. B. St. JOHN: Mr. Speaker, again this Resolution is to approve the compulsory acquisition of land as set out in the Schedule, and it is for the purpose of road improvement. It is a small area of land, and it is necessary to have it to complete the road leading to Cove Bay in St. Lucy. There is a plan available, if members want to look at it.

I beg to move that this Resolution do now pass.

Hon. DeL. BRADSHAW: I beg to second that.

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

**BILL TO AMEND THE BANKING
ACT, CAP. 322**

Item No. 2 was called – a Bill to amend the Banking Act, Cap. 322, to revise the fees payable by licensed banks.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this Bill seeks to amend the Banking Act to revise the fees payable by commercial banks for registration. Until now the fees have been very small – \$2,000 annually. We are raising this to \$25,000, and a further fee of \$1,000 in respect of each branch of a commercial bank.

We feel, Sir, that the banking system in Barbados has not been among the main supporters of economic life and conditions in Barbados within the last few years; and recent circumstances have convinced me that while banks are not doing as well as a few years ago, they are doing very well indeed. I have never regarded it as a matter for boasting that we are purely and simply the only Caribbean country with the world's leading commercial bank. What I would ask the commercial banks to do is to consider their interest rates in which interest paid to depositors is between 2½ and 3½%, and yet rates of interest are demanded from borrowers at between 10 and 11%. That is not one of the things that commends itself to public opinion in Barbados, or indeed, the public opinion anywhere.

When I have questioned this, I have been met by smiles and fair words that the banking system has a good deal of money to lend out at 8% but these things have to be worked out before these rates can be reduced. I have repeatedly said that commercial banks should be prepared to take losses as well as to make profits, but the commercial banks in Barbados do not take this attitude.

There are a lot of funds knocking about in banking systems for which a home is being sought. I observed that in the last treasury bill advertisement for tenders there were several million dollars over-subscribed and we had applications below some of the bidding amounts. It does not necessarily mean that the nation's economic health has recovered to such an extent that we do not need to exercise stringent control of expenditure; but it is an indication that although we have raised the limit of treasury bills these limits are imposing no

strain on the banks. It seems to me that banks around the world are acquiring a capacity that is independent of Government. I do not only mean Governments of a small and independent country such as ours, I mean Governments not only in Great Britain and the U.S.A., but in recent conversation with the Governor of the Central Bank, that conversation showed the extent to which Governments find it difficult to control even the operations of their own banks.

6.05 p.m.

They would no more think of loaning money to countries like Guyana and Cuba than they would to the man on the moon. (*Asides.*) Somebody has suggested that Barbados should make an application for a loan and see how we stand with the Russian banking system, but this is only in passing, Mr. Speaker.

I believe that the banks have our best interest at heart. In a broad sense they really do have the interest of the public and the Government at heart. I think they do believe that they are operating in the interest of the people, but the way they operate in the interest of the people leaves a great deal to the imagination. We have met with nothing but co-operation and courtesy from the banks except from one or two of the Banks where Government institutions owed large sums of money, and I cannot really blame people if they raise their voice, not with the Prime Minister but with the Permanent Secretary in the Ministry of Finance, because they have waited for a very long time for their money and they wish to see that money paid under conditions that are favourable to the continued profit position of the Bank.

I can say that the banks have been extremely co-operative in submitting schemes regarding various projects in Barbados. Nonetheless, since, as I understand it, the Banks do not now lend out money for any project that is going to take longer than five years, clearly this means that the money will be reserved for certain potential enterprises. These are not simple matters. A man cannot easily go into a business with the expectation that in five years he can repay the bank all of his working capital, and that is why the Barbados Development Bank is holding itself ready to advance money, albeit, at a high rate of interest, to enable people to carry on their business.

The Banks also seem to me to be too attracted to the concept of a Government

guarantee and to the certainty that the Government is going to pay back the money at some stage in the end. Sir, one of Government's institutions had a very bad payment record, indeed, with a bank and it had a number of miscellaneous debts at the bank some of which were so obscure that even when the Cabinet called for a full analysis of all of the debts with a view to settling the matter, we found an amount of \$400,000 had been authorised by a Minister. This was in addition to the amount which the Government was quite ready and prepared to make available. This particular Bank was asked for an overdraft while the Cabinet considered these matters. I attempted to take the opportunity to emphasise to the Banks that the way of granting an overdraft to a statutory Corporation was not to ring up a Minister, who would say it is all right, and then send a letter to him to sign. We sent a letter from the Permanent Secretary and the bank ignored the letter and said that the Minister had to sign. In view of the urgency of the moment, the Minister had to sign, but the whole matter left a sour taste in my mouth. (*Asides.*) I regret that one of my Ministers was led to follow the bad practice of earlier Ministers, but it will not happen again. I did not blame the Minister in any way because the circumstances were unusual, but it left a sour taste in my mouth.

Sir, as soon as the Estimates had provided a sufficient sum of money to repay all the liabilities which were outstanding to this particular bank, I gave instructions that by April 30 that bank should be paid all of the money due to it. I have been tormented ever since that day by the bank to open an account again and to do business with it. They want to know why we have paid them all of the money. They want you to pay the money, and as soon as you pay them off they want to know why you have paid them and that is a new cause for complaint. (*Asides.*) I was referring to the loan for International Seafoods. The bank was insisting that they must loan us the money for us to pay them back, and we must pay them to find the money to loan us and that the whole transaction must be governed by the laws of New York and not the laws of Barbados.

Sir, I said that we would get the money from another bank that was prepared to do business under the laws of Barbados and pay off these people, and let them find a use for the \$7 million. In my opinion the money will remain in the bank earning no interest, because there are no investments of that size in Barbados available in Barbados at the present time. Some idea of the difficulties that are met

with the banks, even when they are relatively well meaning, can be derived from what I have been saying. In the sum, I am satisfied that the banks can make a greater contribution to the revenue than they are making at the present time. I am satisfied the effective turn, that is the difference between the cost of money to the banks and the rates of interest at which they lend it out, is now going well above the 4% which they say they need to make a profit and maintain existing staff levels that they can pay these imposts in the Act.

I would just say one word which relates to a problem that has been mentioned to me in respect of the likely reaction of the banks to the various measures in the Budget. This one and the immigration control. It is suggested that the banks will lay off staff in an amount sufficient to offset these new imposts.
6.15 p.m.

The Ministry of Defence and Security, Immigration Division, is quite prepared for that, because if ever and whenever we get applications for immigration permission in respect of Bank Managers or subsidiary Bank employees, we are going to ask for lists of the level of employment in the Bank at specific dates throughout the year, and if we find in these lists that there is any evidence at a time of general prosperity such as this that they are laying off staff in order to make economies to pay the Government its revenue, then they will find it that much more difficult to obtain immigration permission for foreign staff. Barclays Bank had given us some time ago an estimated staff level of just over 300 employees, and we will have to regard that in their existing staff structure as a norm and we are treating that as an employment norm, and any substantial deviation from it will be taken into consideration when we review applications for expatriate staff and managerial positions. I mention Barclays Bank by name only because it is the largest bank, not because we are singling them out, and I think in many ways they are less likely to carry on a staff lay off, but right down the line we will be insisting on these conditions.

Mr. Speaker, I do not know if there are any particular points that hon. members wish elucidated, but I can deal with them in reply.

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

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

Mr. SANDIFORD: Mr. Speaker, I think the journalists covering the Commonwealth Heads of Government Conference certainly were very discerning. I think I heard one of them commenting in his assessment of the conference out there that at that particular conference certainly the Prime Minister of Barbados is emerging as a good moderate leader. That was a comment made about our Prime Minister. I would join my colleague here in a comment to me, not for your ears, Mr. Speaker, but I am certain you would not mind hearing it, that the Prime Minister is in a very good mood today, and we are very pleased to see the way in which he has introduced this particular Resolution. He has been forthcoming and giving some information about the banking system which perhaps if he were in a different mood he might not have shared with this Honourable Chamber, but we are very glad that this information is given. Our only problem is that he still refuses to call the names of any of the Banks. The only bank I heard mentioned was actually Barclays and that in not openly uncomplimentary circumstances. But I think this is part of the problem of our country and particularly a small country, that certain areas of activity in the country including the banking system is kept as a private secret arrangement known only to those who are involved in the business generally speaking, as though it is one of those secret conclaves to which I understand the Prime Minister belongs. I am not a member of any of these secret organisations. I do not know about you, Mr. Speaker, but this type of secrecy about certain business and commercial activities in this country does nothing for the adequate understanding of what goes on in the country particularly in cases where this information is limited to only a small number of persons.

Now the banking system in this country as in any developing country has a very important role to play, and that role includes assisting in the transfer of resources so that there is a more equitable distribution of wealth in the country. This is fundamental. Sometimes the banking system does not see it as their function to assist in this regard, because one of the problems is that those persons who have are always able to get money in order to carry out their particular developmental, commercial or business operations, and those who do not find it very difficult to get from them, especially with all types of security and collateral which by definition the poor and ordinary people in this country do not have or do not have in abundance especially when these things are adhered to, and especially at this particular time

it is very important for the Government to realise that this particular function is an important one, and the banks must be aware of their social responsibility and indeed not only social, because it is not a business that you are in out of any necessity to be charitable. I am glad that the Prime Minister recognises that the banking sector in this country, all of whom are branches of overseas institutions with the exception of the incipient commercial bank, the Barbados Savings Bank, has access to funds in many cases far in excess of the funds available to the Government or any other source in this country, and this is a problem that a small country like Barbados faces when having to deal with these branches of multinationals and other types of similar institutions inside the country.

Now the Prime Minister did mention the fact that he has been having some problems in getting the banking system to realise that the cost of money in this country could be reduced, that there is too wide a gap between the interest rates payable on deposits and interest rates payable on those persons taking out loans, and I think that this is a very important factor. I believe that speaking in here like this the Minister responsible for Finance may be trying to use that favourite word of bankers "sausion" and trying to persuade, cajole, entice and try to get the banks to realise that there could be some modification in their proposals. I do hope that he will exercise the necessary vigilance in this particular area to ensure that the banking practices conform a little more closely to the requirements of the country. I cannot say to the policies of the Government because we are not certain — and this is a secrecy that I am referring to — what is the exact reaction of the banks to the Government's policies. Banks are not wont to coming out and saying openly that this particular policy is not in the interest of the banks; they prefer the secret conclave, and this is one of the reasons why the interested citizen in this community is not so able to analyse and assess their reaction.

The Prime Minister and Minister of Finance has asserted that the charges imposed in his Budgetary Proposals are now being given the sanction of law by this piece of amending legislation that is before us, and that it is his opinion that they could easily give this and maybe more.

6.25 p.m.

We have heard nothing in public; certainly not from the banking lobby. Will this encourage the extension of additional branches throughout

the country and so disperse bank services in the areas throughout the country? Or will it result in a contraction of the development of bank branches in this country?

As I said, the banks have not come out openly and spoken on this matter; maybe they believe it is some breach of etiquette to speak their minds openly on these matters. So I believe the Minister of Finance has to exercise his judgment from whatever information he may get from pipelines he may have in these institutions, or what may be gained from the controlling bank in this country — the Central Bank. And when he talks about banks we have to realize that even the Central Bank which is supposed to be controlling bank activities in this country in terms of structure and resources and length of time they have been dealing with these matters, they are hard put to pit their knowledge of banking and their interest against the offshoots that exist in this country of those banks which have headquarters in other places.

Those of us who read the overseas newspapers will notice that certain of the banks which operate here and which have headquarters in Canada, have had record years. I believe the last year was a record for at least two of the Canadian banks which operate in this country. I do not remember what was the percentage of profits gained from overseas operations, but it was a pretty substantial part of the overall profits of the banks.

We are not going to vote against this particular measure. It is the implementation of the Budgetary Proposals, but we would hope that the Minister of Finance would keep a very close eye on the banking system at all times. This is the time when the private commercial banking system in this country is a necessary part of the economic and financial system of the country. I am not certain what was the point of the excursion into merchant banks — maybe that was to revive memories of something else, or maybe to point out that even a country which is the leading socialist country, according to their terms; operate on capitalist lines to look after their interests outside the Soviet Union. but I certainly think that all efforts must be made to ensure that the intervention of the Barbados Savings Bank into the banking system of this country is made to succeed, because I believe that there is an area for the development of local commercial banking; I believe that there is an area in which there might be more localization of some of the foreign banks that operate in this country, and these are areas which I hope in the fullness of

time the Minister of Finance will give his attention to. These are areas very vital to the development of this country; areas perhaps which are not vote-catching, which will not ensure that the voters in this country on the face of it look more favourably on the Government — which I understand is at a very low ebb in terms of public opinion at this stage — but I think it is a vital area nevertheless. Maybe it will not necessarily lead to greater efficiency in the administration of Government departments or Statutory Boards. We did mention the case of one Minister giving his signature for supporting a loan — I don't know if it was mainly a telephone call — and we do not know who the Minister is, but the Prime Minister was not too satisfied with this particular area and the area of relationship with those in charge of Statutory Boards. The relation to the banking system or other institutions with which these Boards have to be in touch is a very important one and perhaps one which we have not been able as a House of Assembly to go into with the thoroughness which it deserves. Only recently we heard that there was a misunderstanding or noncommunication between the Chairman of a Statutory Board and a Minister — there are three Chairmen over there of Statutory Corporations. We do hope that with improved efficiency of administration there will be greater collaboration.

The general point I want to make is this, that the banking system is recognized by the Minister of Finance as very important for the transfer of wealth in this country and for ensuring that there is a greater spread of the wealth of the country. This is perhaps one of the areas not often recognized, and if that function is to be carried out effectively then the Minister of Finance, through the agencies at his disposal and through the powers vested in him, must ensure that the qualities which are conducive to economic and social development in this country are pursued at all times.

Now this is a very big problem because you are coming up against corporations which have massive resources at their disposal. But I think that the magnitude of the task must not daunt us in this country, and the Minister may use his moderation or conservatism or whatever word his particular style of leadership may be described by, but with the ultimate end in view that the economic end in Barbados is not slowed down as a result of banking practices not in the best interest of this country.

6.35 p.m.

Dr. CADDLE: Mr. Speaker, while it is refreshing to hear from the Hon. Minister of Finance some of the problems emanating from the operation of banking in this country, it would have been more refreshing to hear him spell out in no uncertain terms what he perceives is the role of the banks in Barbados in relation to the sensible implementation of the policies and programmes of the Government.

The small businessmen in this country experience difficulty in getting adequate capital and overdraft facilities from banks in this country. People who set about to borrow money from banks for housing can also tell you the difficulties which they encounter in getting money from certain banks. It is not, as he said, that the money is not available, but in the actual negotiations to get this money from the banks people encounter a lot of problems, and sometimes people are being told that part of the problem which the bank encounters now is due to the restrictions which have been imposed by the present Government, especially touching upon hire purchase facilities in this country. While the money is there — I have no doubt that the money is there, because the banks also say money is there, and judging from their advertisements on radio the money is there — but when people set about to get this money there are a lot of difficulties put in their way. You find, for example, the solicitors' fees which some banks, or a particular bank, in Barbados ask for are very high for a person who is going to borrow money from a bank, and they might not have the money available to pay \$1,000 into the bank before the bank processes an application for a loan. Sometimes the person is told that before the loan can be approved the plan must be stamped by a particular architect or town planner in this country, and then you have to go to that particular architect or town planner and pay \$1,000 which you do not have, because if you had it you might not have gone to the bank to borrow the money, and you might have had a friend draw the plan for you and then you have to pay this fellow \$1,000 to stamp it as approved, then you have to take it back to the bank to get a loan.

You find also that sometimes banks insist that people must have a fixed contract, knowing full well the practice in Barbados with regard to the building of houses by contract. The contractors give you a very big price, then you go to borrow money which you know very well you will find difficulty in paying back, or the other extreme is that you find you do not proceed any further because you realise you will not be able to meet the commitments, so you

do not worry to borrow the money, and these things do occur in Barbados when people set about to borrow money to build houses. I think the money is available because from the advertisements the banks encourage you to come to borrow the money but when you go there you run into a lot of difficulty.

Traditionally the banks in Barbados has serviced a particular section of the community, that is the big business, the people in Broad Street and certain plantations, and they have not yet geared themselves to serve the small businessmen, and the development of the small businessmen does a lot for this country not only in providing employment and also for extending their businesses but also it affords them an opportunity to train Barbadians in management skills which are rather restricted due to the lack of opportunities in the past given to Barbadians to train themselves or to operate as industrialists, and the small business area is an area which will help you to overcome the obstacles, but if you do not protect facilities for this kind of thing there will always be problems in this area.

This brings me now to another point. I was made to believe that the Central Bank in its operation would go a far way in controlling some of the activities of the commercial banks, and I would like to know from the Hon. Minister of Finance what success the Central Bank has got in controlling these undesirable activities of the commercial banks in this country. Some time ago I heard the Hon. Minister of Finance stressing that he had some difficulty in convincing the banks of this country that they should reduce their interest rates by the meagre amount of $\frac{1}{2}\%$. What is the Central Bank doing? Previously we were told by the banks that they had to bring in money and because they had to borrow money from overseas and bring it to this country to lend out, that is why the interest rates had to be so high. I hope the Hon. Minister in his reply would let us know whether this still obtains or not, because these are matters about which some information should be available so that we will be able to make some kind of judgement on the operations of the banks in this country, because as my colleague has stated, there seems to be some secrecy surrounding the operations of these commercial banks in this country.

Other countries have succeeded in localising the operations of their banks, and I wonder to what extent or how soon will we be able to achieve Barbadianisation in the banks of this country. We still find that the banks are

probably owned and operated by overseas interests and we cannot assume that the overseas operators will think of our interests first, and I think it is high time that something is done to Barbadianise the operation of banks in this country. Some countries in the Caribbean seem to have done that, and I look forward to seeing something done about this in the near future, and if it is the goodwill and the privilege of the Hon. Minister of Finance to achieve that, I will be one of the first persons to get up and congratulate him on that. It needs to be done.

I would also like the Hon. Minister when he is replying to comment on his plans for giving us a local commercial bank in this country. I have read remarks to that effect in a section of the Press and I hope on this occasion he could let us know how soon we can see the Barbadian Commercial Bank in operation, the lines it will take and how it will set about to introduce in its operation a favourable change in the foreign commercial banks operating here. Sir, I have no doubt whatsoever that the banks can pay the increased fees as prescribed here in this Bill, and like the Hon. Minister I do not expect that they will use that as an excuse for reducing their staff. I will go further. I feel that right now in Barbados there is very little need for the bringing in of any foreigners in this particular area of banking because we have had Barbadians trained overseas by some of the same banks. Some have gone overseas and trained on their own and still some of them are finding it difficult to return and get proper work in the banks of this country. After they come back in you find they have to operate at levels which are more or less unsuited to the training that they have received, and I feel that it is high time that stringent steps be taken to make it known that we are not going to allow people to come in here just like that because they have an attitude that the Barbadian is not or should not be trained to rise beyond a certain level of employment in their organisations.

6.45 p.m.

Concluding, I would like to know the policy, because if I know the policy and it is a good policy, I believe that my colleagues on this side will be able to support the policy which the Government has in relation to the operation of foreign banks in this country, and especially the successful implementation of the policies and programmes. I hope that the Hon. Minister will take more time off to give us some working knowledge of what he considers to be the role of commercial banks in this

country in connection with the implementation of Government's policy.

Hon. F. G. SMITH: Mr. Speaker, I would just like to say that I am particularly happy about the mood which seems to prevail in this Chamber today. I can only hope that this mood will be contagious. I hope that the person to recapture that mood will be the new Leader of the House.

I think that the Prime Minister has endeavoured to give this House comments on two things. One is the problem of running the country. From what has been reaching me, now that he holds the portfolio of Prime Minister and Minister of Finance, I believe that he has discovered that running a country like Barbados is not as easy as he thought it was from the Opposition Benches.

I am extremely glad to find that one of the instances that he has so frankly exposed is that in the operation of Government you can get a Statutory Board taking action that is more due to enthusiasm and a need to meet the needs of the Corporation than anything else. I would like to tell him that the same thing did happen in the old days and then you heard the accusation that it was the Corporation rather than the desire to meet the needs of the Board where a bank was willing to lend money, and the Chairman, in the knowledge or hope that the Prime Minister and Minister of Finance would give his approval, would say yes.

I think that the Prime Minister, quite early in his administration, has shown there is need for an overall look at the situation whereby the Chairman of any Board can commit the Government without reference to the Prime Minister or the Minister of Finance himself. I am glad that he is prepared to admit to this Hon. House that a member of his organisation was not very co-operative on the board of which he is manager.

I feel that as long as you are running a Government, it is your duty to run the country. I am very glad that the Prime Minister is so resilient as to understand that what his manifesto says is not necessarily what he must be guided by, but what his intellect tells him he must do.

He said that he would put all banks under one umbrella, but he has the courage to say that the Central Bank must be the focal point of the economy of Barbados. When we set up this bank, like the Federal Bank of the USA, it

was set up particularly to give directions to the Minister of Finance; because, as my colleagues have clearly indicated, banks in a country should be a stimulant to the financial development of the country.

The Prime Minister quite rightly is maintaining the Central Bank as a separate entity. If the Government is having difficulty with the commercial banks the Government must use the appropriate legislation in order to compel the commercial banks in our community to diversify their investments in the area in which the Prime Minister finds that the economy needs a stimulus to make it go.

The banks which operate in our community collect money from Barbadians overseas who are sending back money to these banks with a view to improving their economic position. About nine-tenths of the deposits in the banks have overseas connections of one kind or another. The Minister of Finance, knowing the economic needs of this community, must use the Central Bank to direct the commercial banks into areas in which he wants them to move from time to time in order to improve the economy of this country. Just as he can lay down to the banks how they must lend money for such and such a purpose, he must use the manipulative powers of the Central Bank to indicate to these institutions what they should do.

I like my colleague, the member for St. Michael North Central, feel very strongly that we should have a workers bank where the Government bank was turned into a central bank; but we need to develop some expertise in banking which we can give to our youngsters. I would not shed any tears, except from the point of view of any possible lost of revenue.

Because of this legislation, banks can be under an island wide establishment and it would give the local bank an opportunity to set up branches in Boscobelle, Belleplaine, at the airlines etc. to utilise the saving of people, to provide to the people the things that they sorely need. Since you are dealing with banking, I will ask the Minister of Finance to give us some idea as to how far his plans for the establishment of a commercial indigenous bank have got, and how soon the people of this country can look forward to this institution as an institution in which they can put their savings, and use the Savings Bank as a receiving institution for their salaries.

6.55 p.m.

I would like to see, apart from the point of view of receiving money, it in a position like any commercial institution and to be in a position based on proper banking lines. I do not want to hear that, because it is your bank, you go there and borrow money and do not pay it back. It must operate on the same commercial basis as Barclays or the Canadian Imperial. I would like to see a local bank that we can call our own. After all we have been independent for 10 years; banking has been established in this country for years and, I, personally, would give my support, and I do give my support, to any local banking institution operating on true commercial lines which would, at least, enable Barbadians to feel after all of these years that we have an institution into which we can put the few pennies we have for the development of our country. I can promise you the few pennies I have.

I do not know if you will give overdrafts, too. From my point of view the only thing that might stop my going to the local Commercial Bank, Mr. Speaker, is if overdrafts are limited. If overdrafts are considered part and parcel of our indigenous bank, and therefore, customers who are in good standing can get an overdraft, then I would consider seriously putting my money in any indigenous banking institution in Barbados which the Government is bent on establishing. It is long overdue. I think some of my colleagues have been arguing for it for years. We have been arguing for years to turn the Savings Bank not necessarily into a workers bank, but a bank of Barbados which would operate on proper Barbadian and banking lines, without success. If the Government achieves that, then that would be one area in which they would have succeeded.

Sir, I make no pretence to be a financier. I make no pretence to be an economist, but I support this measure. If the retraction or the withdrawal of branches in the country would enable the Government to mobilise the savings of the worker who is in the sugar industry and the workers in the country and to use the money for the development of the country that would be a good thing. I would like the Prime Minister to consider the Central Bank seriously and use the Central Bank. If it means bringing in expertise, if it means bringing in people from the International Monetary Fund or the World Bank to enable him to use it as an instrument of Government's policy, laying down of guidelines to the banks in Barbados it will be good.

There are a lot of things I could say on the Central Bank and its relationship with the Commercial Banks. I have friends among Commercial Bank Managers, too. I will not say it because I do not want to create any rift, but I would like to see the Central Bank like the Federal Reserve Bank, or the Bank of England, used by the Government as an instrument of their economic policy to guide and control the Commercial Banks in the areas in which the Government think that the main thrust of their commercial policy should be.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I want to be very short. The hon. member for St. Michael South has been waiting for the opportunity to congratulate me on being called one of the foremost moderate leaders. I thought at first it was sarcastic, but when I remember that he himself is being praised on all sides for his moderation and the moderating influences that he exercises in the Democratic Labour Party *vis-a-vis* the hon. member for St. Michael North Central, I realise that it may not be so sarcastic as I had at first thought it. The hon. member for St. Michael North Central also made a very moderate speech though he leaned somewhat on the conservative side when he called for a localisation of banks. Perhaps, he is still repeating the doctrines of 10 years ago that dictate merely saying to localise a bank is somehow to obtain control over it.

If he looked at the experience of Trinidad and Jamaica he will realise that there is nobody in these small countries with sufficient money to buy the assets of the local banks in any meaningful way, and that localisation of the banks has been achieved by the shares in the banks being bought on deferred terms by the banks' principal customers who are, usually, the great commercial houses of Port of Spain and Kingston. In Jamaica the localisation of Banks has not, in my opinion, proved a success. This is a matter which has often been before committees of the Barbados Labour Party. For years we have been considering it, for years we have been refraining, like the Democratic Labour Party, from putting it into our Manifestos because we are not convinced of its desirability.

As far as the local Commercial Bank is concerned, we hope that this bank will be active before the end of the financial year. I will return to that point, but I will just deal very briefly with the question of hire purchase facilities. The hon. member for St. Michael North Central seems somewhat wishful when he said that you can no longer enjoy the same hire

purchase facilities. The reasons for this have been canvassed at length in the House, Mr. Speaker, and we cannot afford to import consumer goods from abroad on the same scale as we have been doing in the past.

As far as I can judge, the banks have local funds available in sufficient quantities not to need to import capital from abroad, and this, indeed, in a roundabout way, even makes things worst for our balance of payment. Effectively our balance of payments used to be balanced by the bringing in of capital transfers from abroad. The combination of exchange control restrictions on sterling and the abundance of funds available locally have meant that we no longer have access to bank transfers as a substantial means of balancing our balance of payments although, of course, we obtain a considerable amount of credit from the consumer banks carrying our overseas bills for us. I hope we never have to go to the stage of Jamaica where Jamaica's entire capacity to import goods consists of the credit that it gets through the banks that have been so wrongly abused in some quarters, although not in responsible quarters, or at the top of the Government itself.

The Leader of the Opposition indicated that the Prime Minister recognises the problems of running a small country. I do, indeed, recognise the problems which defeated the Democratic Labour Party in its efforts to run a small country well, but I would like to say something on a side issue of one of these problems on which he commented. He referred to a Minister of this Cabinet having to sign for an overdraft at a bank. It should be made abundantly clear that the Cabinet agreed on the overdraft in advance, and agreed that we would enforce what we took to be the law that that agreement should be conveyed by a Permanent Secretary and not by a Minister's signature. The Bank rejected the Cabinet's view of the law and insisted on the Minister. The Minister did not on his own account decide that a corporation needed money, and it would be very unfair to the whole Cabinet to think that we were following these bad practices, or that any Minister would go and sign for several hundred thousand dollars of the Government's money in the hope that the Minister of Finance would then underwrite the commitment smiling and without a word.

The local Commercial Bank, Sir, to wind up on that, we will very soon, in a matter of weeks, be operating our branch at Grantley

Adams International Airport. Persons are being trained at present.
7.05 p.m.

We have also consulted with Lloyds Bank of England with a view to obtaining some experience and technical advice and some training as well for the appropriate staff, and indeed some of the local banks have promised to give assistance with training. I think one hon. member mentioned the levels of staff salaries. This of course was a very important point. You cannot expect people who are going to work in Government financial institutions to be trained alongside people who are going to work at Barclays Bank and then discover they are getting smaller salaries and perhaps pension provision not as ample, but this will be solved by the erection of what is being called the Apex Financial Institution.

The point about small businessmen being unable to get loans from banks is well taken and well accepted. The Barbados Development Bank exists for the purpose of helping small businessmen, and the Apex Financial Institution will work side by side with the National Commercial Bank itself in making sure that an enlightened and on-going lending policy can be enforced.

I would just sound one warning on overdrafts. I remember the former Minister of Finance, the hon. member for St. John, saying that one of the principal reasons why he was against a National Commercial Bank was because there is so much pressure on Ministers of Finance and he does not want to have added to it pressure from political supporters who cannot get an overdraft at the new bank. I would like hon. members to take note that this Minister of Finance will not even entertain an application, will not read a letter, will give instructions for the letters to be filed away where they can never be found from anybody who writes to me asking for assistance in getting a loan or overdraft from any Government Bank. If we believe that banking is to be run in such a way, the Bank will fail before it even starts and I sincerely hope that all concerned will bear that in mind.

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

SUSPENSION OF SITTING

Mr. SPEAKER: It now being 7.10 p.m. this sitting now stands suspended until 8 o'clock p.m.

On Resumption:

Mr. SPEAKER: This sitting is now resumed.

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on the Banking (Amendment) Act.

Hon. L. B. BRATHWAITE: 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 on the Bill, Mr. ODLE in the Chair.

Clauses 1, 2 and 3 were called and passed.

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

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

RESOLUTION RE VESTING OF LANDS IN NATURAL GAS CORPORATION

Mr. SPEAKER: Order No. 7 stands in the name of the Hon. Minister of Caribbean Affairs, to move the passing of a Resolution to approve the vesting of certain lands at Wildey, St. Michael in the Natural Gas Corporation.

Hon. H. B. St. JOHN: Mr. Speaker, the object of this Resolution is to seek the approval of this Chamber for the vesting of a parcel of land situated at Wildey owned by the Government of this Island in the Natural Gas Corporation, in order to permit the Natural Gas Corporation to build new headquarters for its operations. As hon. members are aware this land is part of the area which the Government acquired previously from Wildey Plantation. The Natural Gas Corporation is a statutory corporation and it is at present situated in Bay Street in conditions which can only be described as extremely cramped, inadequate and totally unsuitable for the operations of the

Corporation. It is also the policy of the Town Planning Department to encourage public utilities who have to make use of large vehicles not only for the conveyance of equipment and material but for the conveyance of workers to various sites to move out of the congested parts of Bridgetown.

8.05 p.m.

The Waterworks Department now situated in the Pine; the Telephone Company, and the Electric Company are now situated outside the congested areas of Bridgetown; and the Government feels that it would be conducive to the improvement of the efficiency of the Corporation if it was removed to a different place, and Wilkey is an area considered suitable for the purpose and it is the intention of the Corporation to establish its new headquarters there.

This occasion also gives me the opportunity to bring hon. members up to date on the Corporation. This Corporation has been established for a very long time and it has survived both of the Governments that have been in power since the 1950s. It has always been a statutory Corporation of which both sides can be proud. It is operated along commercial lines, and at present the Corporation is able, as a result of the drilling operations at Woodbourne, St. Philip, to supply the consumers of the Corporation with natural gas drilled and produced in Barbados. Unfortunately, the Corporation is not in a position at the present time to supply the large number of people who would like to be supplied, but this is a situation beyond the control of the Corporation in that, given the state of proven reserves in Barbados as a result of the drilling programmes which have been undertaken at Woodbourne, up to now the reserves at existing consumption will last for approximately five years. However, there is a strong opinion, backed by technical advice, that now that the drilling programme is revived and drilling will recommence towards the end of July or early August additional reserves will be found and the Corporation will be expanded. There is much more hope now than previously because, as will be remembered, at one stage the Corporation had to import LP gas from Trinidad and the economics of the importation did not justify any large scale expansion of the areas supplied by the Corporation. But now that the drilling has resumed, the existing wells tested and it has been proven that additional sales are economically justifiable, we hope that the reserves at the Corporation will be improved to the extent that further expansion of the

pipeline will be justified and the people of Barbados in other areas will be able to benefit from the relatively economic cost of fuel supplied by the Natural Gas Corporation. The Corporation will have ample scope for more commodious quarters when this Resolution is passed, and we hope they will get ahead with the business of removing from Bay Street which is totally inadequate.

I now beg to move the passing of the Resolution.

Hon. DeL. BRADSHAW: I beg to second that.

Mr. L. E. SANDIFORD: Mr. Speaker, the Minister has taken the opportunity to give us some details of the functions of the Natural Gas Corporation and I would say that this is a Resolution which we will support on this side of the House.

I believe that, inadvertently, the Minister forgot to say that arrangements for the resiting of the Corporation began during the life time of the Democratic Labour Party Government, and this would therefore find support of both sides of the House. I am not making a political point, but I believe it was inadvertence on the part of the Minister and not a deliberate omission because in at least one of the previous Resolutions he did acknowledge that the land acquisition was sought by the previous Government.

You will forgive me if I put in a ploy for the constituency I represent. I would like to mention that this Natural Gas Corporation has its headquarters in the Constituency of St. Michael South, and that constituency and the areas contiguous to the Natural Gas Corporation are perhaps among the most deprived areas as far as service from the Corporation is concerned. While the Corporation had its headquarters there, pipelines stretched into more distant areas and the poor people of St. Michael South who could least afford to pay for bottled gas had to see the gas piped into more wealthy areas and they had to purchase the more expensive bottled gas for cooking and domestic purposes. This was apparently corrected when the injustices of the particular situation to the residents of St. Michael South were brought to attention, but only partially so. There are still areas in close proximity to the Natural Gas Corporation which are not serviced by that Corporation; I think off hand of such areas like Chelston, Paddock Road, Kings Village etc., where the service of the Corporation does not

extend, and the residents of these areas would certainly welcome an extension of the service. I am glad to hear that the Minister has indicated that this move will bring greater efficiency and expansion in the service of the Corporation, and I as representative for St. Michael South look forward to expansion of the service in that area. 8.15 p.m.

I am not certain which particular part of Wildey this Corporation will be, I do not know if it is St. Michael South East. I see a broad smile from the member for St. Michael South East that he is getting one of the major corporations coming into that area — it is not going to St. Peter — I see a broad smile on his face, but I certainly do hope that the relocation of this Corporation, and this is a matter which was recognised as I indicated for quite some time, the Minister is quite right, the situation at Bay Street was that it was cramped and this restricted and hampered the activities of the Corporation.

Maybe the Minister would also tell us if those 2 acres will be taken up in parking for the heavy trucks and other types of equipment that is naturally part of the operations of a Corporation of this type, but 2 acres is a fair amount of land — 2 acres 2 roods and 1 perch — and I do not know if it is intended that there would be some recreational facilities or more recreational facilities for the employees. I know that more forward looking corporations, both public and certainly private do tend to look after their employees in this way, and now that we have a new time in Barbados — I have heard it called, TAT, some people call it daylight saving time — but TAT, I do not know if that is Tom Adams' Time, but I do hope that some type of facilities will be made available for the workers of this Corporation so that they can enjoy more recreation, and now that we have this saving of afternoon and early evening, I think some of this time could be utilised for recreational activities.

We heard that one the results of the phone-in talk-a-ton, I think one of the points made was that it would increase recreational facilities for the sportsmen particularly in this country, and yet I see certain Government facilities closed off very early, like the sporting facilities at Folkestone, and I do not know how the Government — which claims that it is providing these daylight hours..... (*Aside*). All this is covered in the Resolution, and what is more, you are not the Chairman of these proceedings, Mr. Speaker is in the Chair and I know he is quite capable of handling any situation. He may

be a little liberal after a good dinner, but I am sure he will allow me to stray a little to make my point.

However, we realise that the workers of these Corporations should have facilities for recreation. For instance, I know it is not a Corporation it is a Government Department, but the Queen Elizabeth Hospital team plays cricket in one of the competitions and they do reasonably well, so we certainly hope that in this area we can see, if the employees are so minded, some recreational facilities, and some of the land might be available for that particular purpose, but the Government will have to look at its own facilities to ensure that this daylight which is to be saved is actually used up and that the Government is setting an example, because our information is that that example is not really being set now. Thank you, Mr. Speaker.

Hon. F. G. SMITH: Mr. Speaker, I shall not be very long, I am only speaking as a former Minister of Communications and Works under whose portfolio the Natural Gas Corporation falls, or at that time for which I had responsibility.

As the Hon. Minister quite rightly acknowledges, the Democratic Labour Party did toy with the idea and did seriously consider the idea of moving this Corporation to Wildey, because you only have to pass down Bay Street in the morning to find how difficult it is for the vehicles of the Natural Gas Corporation to get out on a very busy street, and therefore if a new location can be found within reasonable distance of the Corporation, or of Bridgetown, to which the Corporation can move, nobody can quarrel with that, but there are only one or two points I would like the Minister to enlighten us on.

I hope that whether the Corporation moves to Wildey or not the Government, as in the case of Waterworks, will make some provision for the payment of rates in the City area, because although Wildey may be within a short distance I would like the Minister to maintain offices within the City itself to which people can go and pay. I think he agrees with that.

The other thing that worries me, and the Minister could probably enlighten me on this, as far as I know the Corporation at the moment has quite a few loans from banks for its development capital and otherwise. If this land is vested in the Corporation to set up a new office structure with display rooms and so on at

Wildey, it is going to cost some money. I am not even guessing the figures. Can the Minister say whether or not financial arrangements, apart from vesting the land in the Corporation, have been made for the capital structure for the removal of the Corporation? If that area is sold, it can be either an open window or may be used for hotel development, and I think it will take the Government some time to sell that building there in Bay Street which is on the seaside, so that for a considerable time — and I suspect this will happen as has happened in the case of the Ice Company where the Lyons people have their headquarters — they were trying to sell that, and you can find a building like the Natural Gas building tied up for years in terms of money because nobody will buy it for a hotel, or the Government may not be able to get rid of it. We could knock down the buildings and use it as an open window to the harbour or the sea. It is quite a bit of money tied up there which cannot be used for the construction of the new structure at Wildey, so if the Minister can tell me, pending the sale, if it is proposed to sell the building at Bay Street, which may take some time, from the experience of BICO, and the arrangements have been made by the Government now that the land is being vested in the Corporation for the construction of an appropriate site at Wildey, except maintaining offices in town.

I can see this difficulty that the Corporation already has loans, the building cannot be sold because the negotiations for that amount of land will take some time, and so you will have a building there, you need money to build a complex at Wildey, you have loans, which I know the Corporation had to get to expand their system throughout the length and breadth of the island, what plans have been made really apart from vesting the land in the Corporation for the construction of this new complex, with which no one can disagree, but I can see the financial problems in the absence of being able to sell the Bay Street complex, and I would like to hear apart from the vesting of the land if the Minister has gone beyond that, and whether the Corporation has gone further and has already got the finance earmarked for the construction of what I imagine might cost them nearly \$1 million with nice showroom, offices, etc.

8.25 p.m.

Nobody can disagree, even though Bay Street has become a very busy street which makes it difficult for the corporation to carry out its work. Another point is the question of the supply of natural gas in St. Andrew. I am

sure that the Hon. Minister and you, Mr. Speaker, will share this view that for too long we have had the tendency to bring this resource from St. Andrew and leaving out some parishes. We have brought it into Hastings and around the Garrison, but we have not brought it to people in the country areas who have to buy bottled gas while natural gas would be a cheaper method of cooking from the resources of its own parish.

I would like to see the Natural Gas Corporation so geared as to bring to the broad masses of the people one of the few benefits that this country possesses. I am not talking about the benefits which people in town have been getting for all these years, but of those which people in other parts of the country have been deprived of for years.

Dr. CADDLE: Mr. Speaker, I am glad that this particular phase of this development has been reached. It started when I was Minister of Communications and Works. I made a visit to the area with members of the Ministry and of the Natural Gas Corporation and we made some tests to see how deep the well was. As I recall, it was proposed to accommodate an office building, a showroom and some space for the storing of equipment.

We all know the problems surrounding the site; and I do not intend to go into that any further. I may tell the Minister that there is a very urgent problem. As I recall it, a survey has to be made of the existing mains which carry gas to the various locations because a large amount of gas is being lost. It was estimated as far back as 1975 that it would cost about \$45,000 to have a survey of the existing mains which were leaking and for which replacements should be made. I think that this is an urgent problem.

I think that other things have increased in cost since that survey was made; and it has been pointed out to me that before the Natural Gas Corporation can extend its service, a survey of the existing mains must be carried out.

Just to mention the area where I live, people in St. Stephens area have been complaining and asking when they will get Natural gas. That is just to mention a few. This stems from the fact that people have been encountering difficulties in not getting bottled gas in this country. People have also been expressing doubts about the quality and quantity that they are receiving. Some feel that the quality and quantity of the gas is very

poor, and that is something that must be looked into, and the Minister responsible for Consumer Affairs should take note about it.

When I was a Minister I was told that there was an abundant supply of natural gas in a particular area of St. Philip, and that gas was estimated to last for a very long time. There were proposals to use some of these millions of cubic feet of gas for the proposed cement plant. I do not know what has happened to the cement plant. I do not know if the proposal is still to use some of this natural gas to supply some of the heat to the cement plant, or what is happening to this reservoir which we were told existed.

I know that there are some people who expressed doubts about these figures which were given. I do not know if the Minister is in a position to confirm or deny these figures. I believe that if there is this reservoir of gas, something should be done so that the people of this country can get a better quality at a cheaper price. Unless something is done about it, people will continue to have doubts. I hope that the Minister will make an effort to clarify the position.

It is nice to know that his party is in tune with the people, and we hope that in the near future all the people of Barbados who use natural gas will be satisfied about what they are getting.

Hon. L. B. BRATHWAITE: Mr. Speaker, I would just like to make a brief intervention. The Hon. Leader of the Opposition made mention of the fact — and I want to thank him — of the position which exists in my own constituency and in certain of the country areas; and I am very concerned about that situation.

I want to go on record as making my position abundantly clear in that when I was seeking the suffrage of the people from that area I considered that it was wrong that St. Andrew all over the years should have been supplying natural gas to areas in St. Michael, Christ Church and St. James, while they themselves cannot get any. My understanding is that at the moment the wells are virtually dry, and it is not because the people of St. Andrew have made them dry, but because the resources were not properly distributed, but were used exclusively to the advantage of the people who are better off.

I have let my position be known in other quarters; but I think that I should place on the record my feelings on the floor of the highest court of the land, that I am not entirely happy that my constituency has been robbed over the years by the use of its resources, and nobody ever thought of utilising these resources within the area from which they came.

I would hope that you would permit me just briefly to say that even in the area of building, the resources of the parish of St. Andrew are largely used and were it not for these resources, the building industry would virtually come to a halt. Yet, when you look around the constituency, you will see that very little has been done by the way of improvements. I will not sit idly by and see such a situation continue. I will shout loud and clear that I will not allow a situation like this to go on forever, and I will not tolerate such a situation.

8.35 p.m.

The people in their wisdom, and I certainly believe in their wisdom, have sent me here as part of a team to represent them. While my loyalty is certainly to my team, my duty is much more to my constituency. I certainly have a very great duty to them and a great respect for their feelings. I hope that the future development of any expansion in the natural gas development that the area of St. Andrew and the outlying areas of the country will certainly not be forgotten. The resources of the earth are God's great gift to the whole human race and should be used with due consideration to the needs of the present and future generations and not only for a section of the present generation, but for all people in the society from which the resources come. I feel very strongly that the views of St. Andrew and the views of the whole country area should be taken into consideration whenever the expansion programme, or the development of the natural gas is taken into consideration. I think, Sir, that I can safely say even on your behalf, in the development of the natural gas we would not only want to see it coming down into Belleplaine and areas around there, but also going farther afield in areas of Boscobel and coming right back to Speightstown and the areas around. I will certainly not allow an opportunity to pass to deny the people of the far-out areas of the privileges which I think they are entitled to enjoy.

Mr. WEEKES: Mr. Speaker, I did not intend to speak on this Resolution, but having heard the various speakers who have spoken on behalf of their various constituencies in no

uncertain terms I, too, am saying that we are getting the gas now from the parish of St. Philip and the parish of Christ Church. On numerous occasions the people have asked me why is it that the gas is coming from that area and yet they cannot get the service. I do not know the ramifications of the whole issue, as I am no expert, but I still feel that the time has come when the Minister should consider all aspects of the matter and do everything possible to assist the people in the parish of St. Philip and in the parish of Christ Church owing to the fact that the gas is coming from those two parishes.

You would expect, Sir, that the residents or the parishioners would become very despondent and frustrated to see that the gas is taken from their land and land which adjoins their land from all around that area and yet they cannot get this service. It is a serious matter. Sir, while I am aware of the cost of extending the pipes in the various parishes which I have mentioned, it is still my opinion that the Minister should give careful consideration to doing something to assist these people who it is known that without their land the gas would not be available.

I hope that the Minister will assimilate all that I have said and will do everything possible to assist those parishes. I am aware that it will take some time, but I still feel that now he is dealing with the matter that this is the time to plan and to have a comprehensive plan in order to do something to assist the people. It can be heartrending to people to know that the gas is coming from those parishes and going to the parish of St. Michael and other parishes, maybe, and they are not given the opportunity to enjoy the cheaper method in dealing with the preparation of meals, etc.

8.45 p.m.

I do not know if this Honourable House is aware, and therefore I consider it my duty to draw to the attention of this House that we in this country have been paying \$37 for a large cylinder of gas, and now we are called on to pay \$45, which is approximately 24% more. I have not heard one word about this increase, and I consider the increase as exorbitant because we were not told why we should pay this 24% increase. Not for one moment am I saying that owing to the increase in the cost of oil we would not be called on to pay something more, but when it is considered that the price has gone from \$37 to \$45, you can understand the sacrifice that the poor people in this country who have to depend on gas are called

upon to make and no explanation has been given to the public. I am surprised that the Government has not called on the company to tell the public why they have increased from \$37 to \$45, and I do hope that the appropriate Minister will give careful consideration and call upon the company to prove the justification for this exorbitant increase.

Hon. DeL. BRADSHAW: Mr. Speaker, the hon. member who has just sat down has wondered why it is that the people of St. Philip have not been able to get natural gas despite the fact that the gas was being produced in that vicinity, but the hon. member was Parliamentary Secretary in the Ministry of the former administration.

Mr. WEEKES: On a point of elucidation, when I was Parliamentary Secretary in the Ministry of Communications and Works, gas was not found in large quantities and we were planning to have an extension to certain areas, but now that the task is on your shoulders, I regret to say that you at all times....

Mr. SPEAKER: Would the hon. member for St. Philip South please address the Chair?

Mr. WEEKES: Yes, Mr. Speaker. It is useless commenting on the past. Let us deal with the future. If we had done everything, you would not be in a position to do anything.

Hon. DeL. BRADSHAW: Mr. Speaker, all I was saying is that as Parliamentary Secretary in the Ministry of Trade and Industry and as representative of St. Michael East where the offices will be located, I will make every effort to see that my constituents get some of the gas. It is matter for the hon. member if when he was there he did not take the opportunity to see that his Ministry got some gas in his area.

I would also like to take up the hon. member for St. Michael South. He claims he does not know where this particular location is. It really baffles me somewhat to know that he was a member of the previous administration, he was also a Cabinet member, a decision was taken to acquire this piece of land, a decision was taken to site the Natural Gas Corporation on that particular area, yet he does not know where it is. I want to know what sort of Cabinet member he was then, but as I said, I cannot blame him if that is the way his party behaved with certain decisions. However, I would like him to know that as far as recreational facilities are concerned in the Wildey area, here again recreational facilities are

provided within a distance of 400 yards. At Banks you have recreational facilities and you also have recreational facilities in Wildey Terrace and strange enough the hon. member does not know this. He has spoken about two acres of land and wanted to know why it is that this amount of land was so adequate. Anyone who knows that particular area would realise that Wildey Road is a very busy road and it is necessary that this amount of land is taken full use of so that proper parking facilities and proper entrances and exits are built so as to alleviate the traffic flow. It is therefore necessary to have the full occupation of this area of two acres. As I said, the question of recreational facilities is well taken care of and the hon. member for St. Michael South need not worry about that.

What concerns me more about this debate is the fact that for years people in Barbados have not been able to benefit from the services of natural gas, and it was only after my coming into the Ministry that I realised the truth or the main reasons why a number of people were denied natural gas in their homes. The hon. member for St. Michael North Central like most other colleagues were concerned with this, but I realised too that the real impediment was in the fact that the Natural Gas Corporation was claiming and still claims that it is rather expensive, the expenses occurring from the fact that they have to pay labour for the actual relaying of the surface once it is dug up, and I realised too that if the Natural Gas Corporation had offered to tender for the repair or the laying back of the roads, that the exercise would have been relatively cheaper, because it is this criteria which the Natural Gas Corporation appeared to have been using over the years which prevented a number of people from having this service. In order to carry out this service, it seemed that they had to carry out a survey in the area as to how many people wanted the service and it was then on that basis that labour costs and material were taken into consideration and accordingly the amount of money for labour costs and other expenses determined whether the residents of that particular area would be able to benefit from this service.

8.55 p.m.

The time has come when the Natural Gas Corporation must seriously consider putting out their work to tender instead of employing their own work force which has proved very expensive. By doing this the Ministry of Communications and Works or some other firm would be able to offer a cheaper service. I do

hope that in future the Natural Gas Corporation would realize that in order to speed up service to people they should consider giving their work to outside contractors.

Hon. C. L. BOLDEN: Mr. Speaker, first of all I would like to sympathise with those people of St. Philip from whose land natural gas is being pumped but who are still being deprived of the use of this commodity. I will also like to inform one of the other speakers who spoke about bottled gas that we have been monitoring the complaints made about the quantity and quality of bottled gas which is being received in the country. I believe back in 1965-66 I took this question to the media by writing letters to the "Advocate" and the then publication of the Barbados Labour Party. I was worried that there was no possible checking of the volume of gas supplied and I have asked the Barbados National Standards Institute to make a check of what is being sold to consumers, and I have been in close contact with my counterpart in Trinidad. I have had complaints about leaking containers, etc., and the Ministry of Consumer Affairs is drawing up rules at the moment to deal with what I must call a very inefficient service. I have had a complaint about a 100 pound bottle that had been leaking from the time it was delivered and a week later it had not been changed.

Our Party Manifesto spoke of support to consumer groups, and if people would come from behind closed doors and join consumer groups, more action could be taken on complaints. There is the case of one company closing down in Barbados and reports that bottles handed over to another company were leaking and that supplies could not be guaranteed. We have considered testing the contents of bottles and are thinking seriously it may be necessary to bring in legislation to deal with this whole matter. I have been also told that there are different qualities of gas being supplied and that the gas may have been the cause of some of the fires which we have been having in Barbados.

Mr. SPEAKER: This is now the moment of interruption and unless I can get an indication from hon. members as to whether or not the Item under discussion is controversial I understand it is not controversial.

Hon. H. B. St. JOHN: Mr. Speaker, I just want to reply to some of the matters raised by hon. members. First, I want to make the position clear. This Government wishes to see every household in this Island supplied with

natural gas, for the simple reason that if we can do this it would help our balance of payments situation since the gas is produced in Barbados. However, it must be recognized that until we have proven reserves of natural gas to the extent that it can satisfy the normal capacity of all householders in Barbados it would be financial madness to embark on a scheme of wholesale expansion, because the capital cost of expansion would not be serviced unless the reserves are there to bring in the income to repay the capital cost.

As the hon. member for St. Michael North Central has said, there is considerable conflict within the Natural Gas Corporation and the Ministry of Energy with respect to resources in Barbados. I believe that now that the wells at Woodbourne have been evaluated, there is more optimism as to the life of the existing wells than before, and there is also more optimism arising from the fact that as new drilling continues - and as I said before, more drilling will commence in July - and more reserves found, it is for that reason the Government feels that steps can now be taken to make a final decision on the resiting of the Natural Gas Corporation. The file discloses that as long ago as 1970 the Natural Gas Corporation put in a request to the previous Government for a grant of land, but the more you read the file the more you see there was a hesitancy because there was an uncertainty as to whether the Natural Gas could continue for a long period of time because of the state of the reserves. I want to go further and say that obviously there is a lobby arising from the feeling that people in St. Andrew should have been supplied with gas long ago; and now the lobby is transferred to St. Philip and the certain parts of Christ Church because gas is being found within the geographic areas of these parishes. One can sympathise with this but one must also understand that decisions have to be taken on the basis of economic considerations. About 60% of the people in Barbados live in the St. James, St. Michael and Christ Church areas, and at the present time the Natural Gas Corporation only supplies about 20% of the households in Barbados.

9.05 p.m.

I hope that the drilling will confirm that there are resources of natural gas, so that we can have an expansion right through Barbados.

A number of other points were raised. The question of the leaking pipes. I have to report that the point adverted to by the hon. member for North Central has now been solved with one exception. We have received some aid from the

Boston Company and they sent a leak detection specialist who spent about eight months in Barbados starting, I think, from February last year, and he has completed his surveys and the gas loss in the pipelines has been reduced considerably. There have been a number of repairs to the areas which he detected, but unfortunately there is one area, one pipeline which has not been completed, and that is the pipeline running between St. Michael and St. Andrew.

As you will recall, when the line was opened from Woodbourne there was a lot more gas than can be used at the present moment and the intention was to store that gas in a well at St. Andrew, but the line to St. Michael is a faulty line and cannot take the pressure. Only two days ago I was informed that the decision was definitely taken that that line will be repaired, and it is something in the vicinity of 35,000 feet of the pipe that has to be replaced.

As to the question of money to provide for the building of the headquarters, the Natural Gas Corporation is one of those corporations, because of the way in which it is managed, as I said, from its inception both under this Government previously and under the last Government, it is one which can attract capital from banking institutions. As a matter of fact, there are a number of banking institutions which will be willing to lend the Natural Gas Corporation money because of its previous record of good repayment, so the question of capital for building the headquarters is not a matter of any concern. We believe the Natural Gas Corporation can borrow the money at prime lending rates because it is a utility of good record, not because of the demand for the service of gas even on existing reserves, the cash flow is sufficient to repay the difference, so there is no problem in respect of that. All we have to do is to wait and see whether the opinion of the scientists is confirmed that there will be additional drilling, and we hope to have six new wells in Barbados by the end of the year, and the current drilling programme calls for 20 wells in all, that there will be enough reserves of gas in Barbados that we can go on to the full expansion programme. The Natural Gas Corporation is committed to an expansion programme, but they are just waiting for this confirmation.

I think that answers effectively most of the questions that have been raised in respect of this matter, and I beg to move that the Resolution do now pass.

Mr. WEEKES: I would just like to ask the Minister if he is aware of the increase.....

Mr. SPEAKER: Are you on a point of order?

Hon. H. B. St. JOHN: That does not fall directly within my Ministry, because I am not the Minister for price control, but I am fully aware that natural gas is the cheaper gas we have, but we have been having problems with bottles for the other gas and we have investigated that. As a matter of fact, only two weeks ago I recall reading a paper from Guyana in which it is reported that Guyana has the same problem, and one of the problems with the distribution is that there is a monopoly in the bottle making, only one firm in the CARICOM area, in Trinidad, makes the bottles and that firm has a monopoly and they have raised the price of bottles. There is some question as to the quality and the standard of bottles and I saw in Guyana that a firm in Guyana as a result of the Government's pressure had undertaken this job because they produce things for the bauxite and so on, but they had undertaken to set up machinery to manufacture the bottles.

The other problem which was raised by the Minister of Consumer Affairs was whether what is in the bottle is the right quality or whether it was full or not, but we are aware of these problems and our investigations are going along with respect to dealing with them.

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

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, that concludes Government Business, and I beg to move that this House do now adjourn until Tuesday, 12th July at 12.00 noon.

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

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