
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION OF 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 31st May, 1977

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

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Mr. R. St.C. WEEKES, J.P.; Hon. C. L. BOLDEN, LL.B., (Minister of Agriculture, Food and Consumer Affairs); Hon. F. G. SMITH, Q.C., S.C., B.A., (Leader of the Opposition); Hon. H. deB. FORDE, S.C., M.A., LL.B., (Attorney-General and Minister of External Affairs); Hon. B. A. MILLER, (Minister of Health and National Insurance); Mr. M. C. C. WARD; Mr. V. L. JOHNSON, B.A., M.A.; Hon. L. R. TULL, M.A., (Minister of Education and Community Development); Hon. DeL. O. BRADSHAW, (Acting Minister of Labour and Community Services); Mr. L. L. SISNETT; and His Honour E. E. ALLEYNE, LL.B., LL.M., (Deputy Speaker).

Prayers were read by the Chaplain Fr. F. A. Cayless.

Hon. H. B. STJOHN, Mr. L. E. SANDIFORD and Rt. Hon. J. M. G. M. ADAMS entered the House and took their seats.

Mr. SPEAKER: The Minutes of the Meetings of Tuesday, May 17, 1977, and May 24, 1977, are before the House.

Hon. H. B. STJOHN: I beg to move that the Minutes of these two Meetings be confirmed.

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

Mr. SPEAKER: There being no objection, the Minutes have been confirmed.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I have to report that the Message to Her Majesty the Queen which was passed by this Honourable House has been confirmed by the Other Place, and acknowledgement of that confirmation has been received by this Honourable House. Consequently, on Friday last, the Honourable President of the Senate and I journeyed to Government House and presented the Address to His Excellency the Governor-General, praying that he transmit same to Her Majesty the Queen, according to the wishes of both Houses.

I have received from Government House the following acknowledgement:

The Private Secretary to the Governor-General of Barbados is directed to acknowledge the receipt of the Message of congratulations addressed To Her Majesty The Queen by the President and Members of the Senate and the Speaker and Members of the House of Assembly of Barbados on the occasion of the celebration of the twenty-fifth anniversary of The Queen's accession to the Throne, and to inform them that the Message will be forwarded for submission to Her Majesty forthwith.

PAPERS LAID

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to lay a Statement showing Net Customs and Excise Receipts for twelve months ended 31st March, 1977.

STATEMENT BY MINISTERS

Hon. H. deB. FORDE: Mr. Speaker, I have the honour to report to Parliament that Barbados' Permanent Representative at the United Nations and the Permanent Representative of the People's Republic of China yesterday signed a joint communique establishing

diplomatic relations between Barbados and the People's Republic of China. Even as I speak to you a similar announcement is being made in Peking.

The text of the joint communiqué which is being issued in Bridgetown and Peking is as follows:

"The Government of the People's Republic of China and the Government of Barbados in conformity with the interests of the two countries, have decided by common consent to establish diplomatic relations at the ambassadorial level.

"The Government of the People's Republic of China respects the policy of non-alignment pursued by the Government of Barbados.

"The Government of Barbados recognises the Government of the People's Republic of China as the sole legal Government of China.

"The two Governments have agreed to develop friendly relations and cooperation between the two countries on the basis of the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful co-existence.

"The two Governments have agreed mutually to provide all necessary assistance for the establishment and performance of the functions of diplomatic missions in their respective capitals on the basis of equality, mutual benefit and friendly consultations and in accordance with international practice."

Mr. Speaker, the discussions in connection with this announcement have been going on for some time between the Permanent Representatives of our two countries at the United Nations and have been conducted in an atmosphere of true appreciation for the independent and non-aligned foreign policy which Barbados is following, and will continue to follow under this Government.

In establishing diplomatic relations with the People's Republic of China, Barbados has joined over 100 other nations including Australia, Canada, the Federal Republic of Germany, France, Jamaica, Japan, Kenya, Mozambique, Surinam, Sweden, Trinidad and Tobago, the United Kingdom and Venezuela — all of which have already established diplomatic relations with the Government in Peking.

Since 1971 the People's Republic has been in the mainstream of world affairs. It has been active at the United Nations and elsewhere, exercising great influence on the conduct of international affairs. It is therefore eminently logical and desirable to put our relationship on a sounder footing.

Today's announcement is a significant step in the development of relations between our two countries and is in conformity with the new direction of this country's foreign policy.

As I have said before, the logic of our international relations position demands that Barbados should take a pragmatic approach to the conduct of foreign relations. In this matter there also seems no good reason why Barbados should remain out of step with international developments.

Today's decision is also evidence of this Administration's commitment to cope with global issues and difficulties within a framework that allows for accommodation and communication between countries with different social, economic and political systems.

We look forward to deepening our relations with the People's Republic of China to our mutual advantage, through increased trade, technical and economic cooperation, and through the development of cultural relations.

Finally, Mr. Speaker, Parliament may rest assured that this Government will continue to keep Honourable Members informed of major foreign policy developments such as this.
12.20 p.m.

ORAL REPLIES TO QUESTIONS

Hon. L. R. TULL: Mr. Speaker, I beg to give notice that the answer to Parliamentary Question No. 33 is now ready.

Hon. DeL. O. BRADSHAW: Mr. Speaker, I beg to give notice that the reply to Parliamentary Question No. 35 is now ready.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to give notice that the reply to

Parliamentary Question No. 36 asked by the hon. member for St. Michael South is ready.

GOVERNMENT BUSINESS

THE SEVERANCE PAYMENTS (AMENDMENT) ACT, 1977

Hon. DeL. O. BRADSHAW: Mr. Speaker, this Bill seeks to amend the Severance Payments Act, Cap. 355A. In 1971 the Severance Payments Act came into being and there have been several problems which arose from this bit of legislation. It has received various criticisms, among which is that it is very cumbersome and very difficult to understand. For this reason the Government has decided to review this particular bit of legislation with a view to simplifying some parts of it.

The amendment to paragraphs 1 and 8 is very simple. It seeks to empower the Minister and the Government to reduce the 50% which is now refundable to employers to 10%. This Severance Payments Act has been one which the Government in its Manifesto has promised the people of this country, the workers in particular, to review, because as I said before there have been several difficulties arising out of this particular bit of legislation, and by seeking to amend that section which will now put on the employers the onus of paying the displaced worker, the redundant worker, 40% more than what they were actually asked to pay out. In other words, when a worker became redundant the employer usually sought by this Act 50% from the Government, he was entitled to 50% refund, but now the funds which were available for the refunding of these employers is almost depleted. It is exhausted, and hon. members in this House would well be aware that some time last year supplementary provisions were sought for this Severance Payments Fund.

On this occasion we feel that it is time that the employer should honour his responsibility, and in view of the fact that we have been seeing and hearing of indiscretion and lay offs, and in view of the fact that our unemployment situation in Barbados needs some urgent measures taken by

this Government, this particular amendment is brought before this Hon. House. We do hope that with this particular amendment that those employers who have been in the act of laying off people would find it a bit more difficult to lay off people, and that the workers of this country would now be put in a position where they well know that they cannot be laid off for any flimsy or futile reason.

12.30 p.m.

Mr. Speaker, as I said this is a very simple and straightforward piece of legislation, and I do hope that with that explanation of this particular Bill, it receives the full support of all members of this House.

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

Hon. H. deB. FORDE: Mr. Speaker, in rising to second this Bill which has been so aptly moved by the hon. acting Minister for Labour and Community Services, I should like to congratulate him on moving up to the Front Bench and making his first shot on a measure which will redound to the benefit of workers in this country. I think that it is necessary for us to restate fully the Government's position in relation to the Severance Payments Act; and I do so particularly having regard to the comments which have appeared on Page 2 of the Advocate-News of today.

Mr. Speaker, in the Manifesto of the Barbados Labour Party we had this to say about the Severance Payments Act: "The Severance Payments Act will be simplified, and all provisions which work to the disadvantage of the worker removed. The categories of persons outside the scope of the Act such as casual employees of Government will in future be allowed to enjoy the full benefits. A specified minimum time within which an employer must pay severance to the worker will be included in the new Severance Payments Act."

Specifically as well we said that we would provide for a longer period of notice from employers in relation to dismissals and redundancy and an adequate period of notice of planned redundancy to be given by employers to workers and their trade union representatives, and genuine consultations with the trade unions concerned before redundancy can take place, and the retraining of redundant workers.

Mr. Speaker, I wish to re-state quite clearly that the Government intends to honour these commitments in its policy and in its Manifesto; because after all, they are no more than a re-statement of the principles which, when we were in Opposition, we urged very strongly on the then Government, and said should be adopted in relation to the operation of the Severance Payments Act. If hon. members will read the speeches made by each one of us who was then on the Opposition Benches in this Parliament, and indeed in the Other Place, you will find that in consonance with the Party's declared and often expressed policy, we said that the Severance Payments Act needed substantial amendment.

For one thing, its language was strange and bulky. For another thing, it carried a lot of difficulty for the worker who was declared redundant and for another thing, it gave great advantages to employers in relation to refunds from the Severance Payments Act. The Ministry of Labour and Community Services is at present carrying out, together with the Ministry responsible for National Insurance, a comprehensive review of the Severance Payment legislation to take into account these declared principles which Government would like to see forming part of the law governing severance, as well as to take into account other matters which have come to the attention of the Government.

The fact that a more comprehensive bit of legislation is not brought down at this time is due to the request of that committee, that Government should await the final review and report before hustling legislation into this Parliament. Mr. Speaker, I am aware of the fact that among the legislation looked at is not only similar legislation from other Commonwealth

Countries, but also from Cyprus which, I believe, has one of the clearest draft Acts dealing with the whole question of severance payments.

Hon. members may well be assured that the substantive Minister responsible for the subject hopes to bring such legislation before the House soon; and every one of the points raised in the article written in the Advocate News today, and which report a statement by the General Secretary of the Barbados Workers Union — every one of those points have been taken up by us when we were in Opposition, and we are conscious of them, and we will make sure that the Act is properly reviewed in this regard.

For instance, Mr. Speaker, we have pointed out repeatedly when we were in Opposition that the worker is required to give notice and if he slips up on a technicality he loses his right to severance in such instances. I myself pointed out to the hon. member for St. John defects in the legislation which had excepted casual workers in the Government from the scope of the Severance Payments Act. So that I find it a little bit strange in some respects that the Union, as soon as this Bill is here, reiterates statements that we have made, but which, unfortunately, the Union members seem to have been unable to press on the past Government, despite the fact that they were some of the leading lights, and still are some of the leading lights in the Democratic Labour Party.

Despite this, because of our commitment to the workers of Barbados, despite the efforts to say otherwise by political opponents, we will ensure that progressive legislation in this respect is on the Statute Book of Barbados.

Mr. Speaker, with regard to the particular provisions contained in the amending legislation, some time last year, or maybe the year before the then Government was forced to come to Parliament and request a subvention of \$750,000

out of the Consolidated Fund to be placed at the disposal of the National Insurance Board which has administrative responsibility for the operation of the Severance Payments Act. They were forced to do this because there was a short fall in funds available to the Severance Payments Board to pay for redundancies which had occurred; and indeed at the time I think that there were several persons waiting to obtain severance and who were not able to get their pay because the fund had been completely drawn down.

Since then the Board has used most of the \$750,000 — I think that they have \$250,000 out of that \$750,000 — and the fund has built back up to some extent. It is probably hovering around the line of about \$250,000; but it was obvious that the root cause for this was not only the low amount of weekly payments into the Severance Fund, but the fact that employers were allowed to get a 50 per cent rebate, and in several of the redundancy cases which have occurred, it has been shown that many employers have drawn out of the fund by way of redundancy rebate more than they put into the fund in relation to the worker for whom they are seeking a rebate; and obviously, the operation of the Act in this respect has encouraged some of the employers to move to create redundancies whereas, had it been less favourable, they would have continued keeping people on rather than just declaring them redundant.

In this regard let me say that the Garment Industry as well has been known to do this, including some people who are calling themselves Democratic Socialists, and posing as people calling for workers' participation in that industry. They have been known to do this. As a matter of fact it is well known that in the Garment Industry the temporary difficulties resulting from CARICOM are also being used as an excuse for cutting back on workers, while at the same time maintaining productivity at the same level. If they are genuinely interested in employment, although we concede that they are problems in looking for new export markets and keeping up the Caribbean Markets, they would be well advised to show a bit more Christian charity in their employment policies, rather than to use these temporary difficulties as some of them —

not all of them — do as an excuse for lay offs in such circumstances.

12.40 p.m.

I would hope that this amending Bill of the legislation will make it less attractive for lay-offs to occur in such circumstances. I would hope that this would happen. I would hope that this would occur because I think it is necessary for us to try to maintain the employment level in cases where there are genuine employment opportunities. I am not talking about crash programmes which are done for political reasons. I am not talking about that. I believe we have to move away from the concept of just creating a snap employment for a few weeks to answer a short-term political expediency situation. I am talking about where there are genuine developmental needs of the country and we are creating employment that can have some lasting effect on the economy.

The answer certainly in the case of the garment industry, as in some of the other industries which have gone in for lay-offs, is to try to create employment opportunities by pushing productivity and by pushing export facilities for the particular industry. In this regard the House may be well satisfied with the very vibrant and sensible measures being taken by the Minister of External Trade in order to promote opportunities for business men. We would hope that they would use these opportunities properly and do not believe that the Government's function is to do all in this regard. It is a great pity that there has gone abroad in the country that the climate of opinion is that the Government must do everything or must be seen to do everything by direct measures as though people have, all of a sudden, lost their initiative as though they wish restrictions on their fundamental rights, because the surest way for a country to maintain its fundamental rights is for individuals to show originality and initiative in enterprises of their own. At least it creates the sort of atmosphere in a country that a country can progress with all of the citizens participating to the best of their abilities. That is why when we speak on Bills such as these, we take the opportunity to try to show the purpose of the Bill within the total economy of the country. Whereas this is a proper social measure, yet it can have disadvantages unless the Government sets out to ensure that it does not work to the disadvantage of one sector and to the total advantage of another sector.

layings off. The question of laying off, the question of severance payment and the question of workers losing their jobs are becoming very acute in Bridgetown and in the City, and if taking off the 5% sales tax has caused so many thousands to be taken on, I would like to see the statistics showing me since the sales tax was removed how many firms and which firms took on additional employees. I can tell you, Mr. Speaker, that in the City of Bridgetown the question of laying off workers is a very serious problem. Employers in Bridgetown are finding the flimsiest excuses for getting rid of workers, and of course under the Act, and this is why it should be a priority piece of legislation for the Government, they are finding excuses. Even the Marketing Corporation is finding excuses for laying off people from time to time, and of course the Marketing Corporation is excluded as a Statutory Corporation from the need to pay severance payment.

Hon. H. deB. FORDE: If the hon. member would give way, perhaps the hon. member can inform the House under which section the Marketing Corporation is excluded. My understanding is that it is only such statutory boards that come under the Statutory Boards Pensions Act, and there are only two of them.

Hon. F. G. SMITH: As I was saying, Mr. Speaker, let me continue. What I am saying is that in Bridgetown at the moment 3,000 more jobs is a myth. You cannot find in Bridgetown since you got into power 3,000 jobs anywhere and I defy you to bring statistics to show which firm took on anybody else. That is just misleading people to suggest that you created 3,000 jobs since you got into power. You may have had 3,000 laid off. The garment industry as you will appreciate is in difficulty, and when the hon. member for Christ Church West suggests that the Minister who has just come in is trying to woo investments, I want to tell him that the foundation for all the industries they are now running and opening were started by the Democratic Labour Party. You cannot bring in any industry in six months; so when you open an industry at Wildey or anywhere the foundation was laid by the D.L.P. I am telling him now that he is able to bring in an industry to this country that we have found, and this is clear, that some of these industries from abroad are the worst offenders when it comes to severance payment.

1.00 p.m.

We have found that some of these industries from abroad are the worst offenders when it comes to severance payment; so that if it is an industry where they can pack up their machines

and go once their tax free period is out they do so; and I have known of instances where the employers have vanished and left the employees not knowing where to turn. So there should be some bond or form of security in order that this type of thing should not be repeated. Therefore, this is one piece of legislation which I shall watch carefully.

There is also something to be said against the amendment in that it is too generous with rebate. For instance, I know of a company that paid out \$17,000 in severance payment and got back \$16,500, which clearly shows that for the employer himself there was no hardship with the severance payment. We have to make it more difficult for employers in this respect and make them put their mouth where their money is. And it is true that employers have got back from the fund more money than they have put in. This is because contributions are not as large as they should be and consequently the fund was not rising fast enough; and therefore when some employers fold up they easily get back from the fund in rebates more than they put in.

Therefore, Mr. Speaker, I hope the Government will give amending the Severance Pay Act priority in order to remove the loop-holes. I hope they will consult the trade union which has influence in this area; and also consult the employers so that in the long run a more up to date Bill will be brought before the House.

Mr. SIMMONS: On a point of order, Sir. The Leader of the Opposition has been away from the law books for too long. He has just told the House there was no precedent in drafting the Severance Pay Act. On the contrary, this Act was taken lock, stock and barrel from the Redundancy Act in England.

Hon. F. G. SMITH: There is no conflict about what I have said. What I am saying is that there was no Severance Payment Act in the Barbados context or that of a developing country so you had to use the Redundancy Act. And even though we used that as the outline, what I am saying is that in the Commonwealth, even the Caribbean Commonwealth there was no Act you could really draw on as the Severance Payment Act; so we used the Redundancy Act from England, but in my view it was not the ideal precedent from which this Act should have been drawn.

The Government has been fortunate that they have been in a position to hear from the Director of National Insurance some of the difficulties of the Act. They say they have the

best legal brains in the House; so we do hope that with all these things going for the Government we will be able to get a good Bill.

As I said, Mr. Speaker, the workers right to employment and to security is of vital importance. I do not know why in Constitutions they never provided for the right of workers to a job. This fundamental right has been always omitted and I would like to say that any legislation which comes before this House and which gives the workers better security, better pensions, and opportunity to move up in society, enable them to live a decent life, will get the support of this Opposition, because whenever you look at the situation over the last fifteen years, you will find that the Democratic Labour Party has been responsible for the position the workers are in today. Today the workers can walk tall because of the Democratic Labour Party's fifteen years in power, and I would like to give my support to any legislation in the Severance Pay Act which will continue this progress.

Mr. WEEKES: Mr. Speaker, now that we are amending the Severance Pay Act I would like to draw to the attention of the Government the inconveniences and hardships which certain workers must face in claiming benefits from that fund. It is known, Sir, that the employers are in a position to employ eminent lawyers to represent their interests but that the poor workers, especially the agricultural labourers, have to make sacrifices and run here, there and everywhere to try to borrow a few cents to pay in many cases a second or a third rate lawyer to represent them.
1.10 p.m.

Now when the workers appear before the tribunal, as you would expect, Sir, there are certain questions which these eminent lawyers put to these poor workers and in many cases they are not in a position or not capable of answering these questions, and therefore the cases, in many instances, are dismissed. Consequently the workers do not get one cent. I can vouch for the statement that I am making, because I am in a position to let this Hon. House know that there are certain plantations in the constituency which I have the honour to represent which were subdivided, the greater portion of the plantation was sold off, the positions became redundant and consequently those workers up to today have not been paid one cent.

I am not here to blow my own trumpet, but one worker came to me and asked me to help him financially so that he could get some funds

to pay the lawyer. I assisted him, and up to today I have not received one cent, because the case has been dismissed, and therefore I think the time has come when the Government should check on all these loopholes and come down with some kind of legislation which will assist the average worker, the man on the street, whose job becomes redundant and who has to claim benefit from the Fund.

I can only hope that now that the employer will be called on to pay a greater portion of the amount that it would not encourage him to employ instead of one lawyer, two, so that the people will not get any money. While it is true that an hon. member appears to take this as a joke, I want to say that it is a very serious matter and it is one which has got me worried as a representative of the masses. Therefore I can only appeal to the Government to check on the Act and to introduce into this House in the very near future a comprehensive Act which will protect the worker who is unable to pay the exorbitant fees in some cases which some attorneys may charge.

Now, there is also a point that I would like to draw to the attention of this House. It is that I have come across a few cases in which people, workers, did receive payments from the Severance Payments Fund. But when the time came then for those people to claim money from the National Insurance Board, their claims were not accepted because on the form you have to state if you had received any money before.

I have only mentioned those points to draw to the attention of this Hon. House the weak links in the Bill. In many cases, as you will expect, the employers build up their cases, they planned them well, in some cases they may mislead the tribunal and then the poor worker suffers. The time has come when we as members of this House, and especially the Government, should go into all the ramifications of the Bill and to do their utmost to alleviate the hardship which many of these poor workers suffer, and in the end do not receive one cent Severance Pay.

Mr. JOHNSON: Mr. Speaker, severance payment legislation is designed to protect workers, and I can well understand the feelings of the hon. member for St. Philip South when he talks about plantation workers who have been severed in St. Philip without proper severance payments. I should however like to remind him that not only did they not receive severance payments but in those particular instances they lost their jobs because of the programme or policy adopted by the then Ministry of

Agriculture to take valuable plantation lands out of cultivation so that some members would be able to make quick profits on the backs of the workers, so to speak.

The Act in itself, I do not think the purpose of severance payments legislation is to protect the indolent or to act as a basis for tenure for persons who have no inclination to work. There is a dangerous assumption going around in Barbados among some workers — and I use that word “workers” advisedly — when once they have past six months in the employment of a company, or two years in the case of severance payments they can then proceed to sit down and enjoy the fruits of their labour for the rest of their days.

The hon. member for St. Michael South Central had particular reference to the Barbados Marketing Corporation but as usual suffers from a lack of information which does not stop at law, it goes beyond that limit to matters of general knowledge as well. We at the Marketing Corporation did not sever any worker, even though we could have ducked and dodged behind some loopholes, so to speak, in the law that he so proudly hails as his own.

1.20 p.m.

We gave severance payment to two workers at the Marketing Corporation who had to be laid off in January this year. The only persons who did not receive severance payment were those who more or less were ceremoniously asked to depart; and to my recollection it is only perhaps one person; but all the others who had to be severed were paid as long as they had passed the qualifying period of two years; but I think that it is time for us if we are serious about governing the country to start to let the workers know generally — and I use the word “workers” for lack of a better word — that they are workers who have to be protected. But I think that where we get the majority of our problems, especially in respect of Statutory Boards, is in respect of persons who believe that the Government is the hiding ground for the indolent, and they go around taunting you to do something about them so that they can collect these dollars that they expect that the Severance Payment Act entitles them to.

This is a myth, and I think that the sooner we debunk it, the better for all concerned. We have come to a point where a country is now finding its way to higher productivity at a level commensurate with the expectations of all of us, and we have a responsibility to the community to provide educational opportunities, health services

and so on, to let workers know that this can only be done when productivity reaches the level which we are all anticipating.

It is unfortunate indeed, and wicked in some instances for workers to go into certain government posts and proceed to do all kinds of mischief because they seem to have the impression that the Severance Payment Act will give them a huge lump sum of money which will keep them in the opulence to which they have become accustomed for a number of years.

Workers should recognise that the purpose of severance payment and all legislation relating to labour in general is there to protect them and their children — because it eventually comes down to them — to protect them from the unfair persecution of the unscrupulous employers, I know that we have an abundance of them. I believe that the time will come when where we are looking at the Severance Payment Act we must look at its enforcement to make sure that the workers who are laid off without the proper provisions being made for them. I can think of countless cases where people have been severed and where for many months they have not been able to raise the money to which they are entitled. I can think of the case of the Accra Beach Hotel. I do not know if that has been settled yet. I understand from learned counsel on my left that it has been settled, and that those who were represented have received their just due.

I can think in my own constituency of people who have been laid off from companies where they have been working for years and who got nothing more than their 1/26th part. I know that they have gone to lawyers, but I do not know what the problems are, if in some instances they have not been able to persuade the attorneys to plea their cases in court. Perhaps the cases were too insignificant.

I believe that some form of legal counsel should be available. There are a lot of lawyers on this side and some on the other side who I am sure would be willing to contribute time free of charge to workers who are not able to pay for proper representation at the Bar when they are dismissed by employers who do not have any respect for the Severance Payment legislation. I think that in other progressive societies there are legal aid societies that provide funds for people who are not able to look after their own needs in this respect. There are people working for \$50 or \$60 a week who are too timid to speak out during the tenure of their employment for fear of being fired, and who are too poor after they get fired to seek legal redress.

I will ask the Attorney General to make certain that these people who have given their blood, sweat and tears for all these years in a conscientious exercise should be protected in the event that they are dismissed; but I do not think that any member of this Chamber should come here, and as I have heard them so frequently doing, harp constantly on the fact that some people have had to be laid off from statutory boards; because it is a Government institution; and the Democratic Labour Party then overburdened these corporations with a lot of spurious labour and we had to take corrective action in order to right the ship.

There were some others who had to be severed for reasons that do not fall under severance payment. I am sure that in circumstances which are not private matters, but for political convenience, members of that side will still get up and try to create the impression that we have been wicked and vindictive in the exercise of our responsibilities as chairmen of the boards concerned. I think that in fairness to the public of Barbados that responsible members on that side should desist from making these spurious claims and from creating the impression that we are ugly ogres seeking people to fire.

Finally, Sir, I would like to urge on all members of this Chamber who I am sure are concerned with the future of Barbados, that all of us should collectively lend our voices in exhorting the workers that jobs are not sinecures for life. We do not inherit a job and have a right to it forever more. I have heard the hon. member for St. Lucy — who is not now in his place — talk about workers having a right to their jobs, and that it is theirs to have and to hold forever more. I think that that is absolute nonsense. A man has a job provided that he is going to work under the terms of his contract. If I employ a maid and she satisfactorily discharges her duties as I specify them, she can stay in my employment for the rest of her days; but if I have a maid who carries away half of the cutlery every night, am I, Mr. Speaker, to be expected to believe that the Severance Payment Act was set up to protect her in that sort of reckless conduct? I do not think that that was the purpose of the Severance Payment Act.

I do not think that it ought to be a means of swelling the coffers of those who are not prepared to work for their hire. I think that the time has come when we must put our cards on the table and tell people that as long as they are prepared to work accordingly to the terms of their agreement they can have their jobs forever more; but not when they violate the rules and

taunt me and tell me that you cannot do them anything because if you do I will get \$10,000 in severance payment because I have put in 18 years down here. I think that this myth has got to be exploded and tell people that if they work they will not be touched; but if they do not work, I will not be afraid to exercise administrative action.

Hon. C. L. BOLDEN: Mr. Speaker, I believe that one of the things that is wrong with the Severance Payment Act is that it was hurried through this House at a time when the Democratic Labour Party was seeking the favours of the Trade Union.

1.30 p.m.

People have never been told that you can still dismiss a worker for a cause and he would not be entitled to one cent under the Severance Payment Bill. When the Bill was first introduced into this Chamber I was a member of the Select Committee that supposed to sit and report back to the House on the Bill. My first impression on that Bill was that it was a very unconnected Bill; it had nothing in Barbadian law to which to refer, and it would cause problems and difficulties. In the Select Committee I expressed this opinion, but because the 1971 elections were near the Bill was taken out of Select Committee, brought to the House and put into operation.

Now, I sat on the other side of the House and hear the former Prime Minister telling Frank Walcott that he should be the last person to talk about the Severance Payment Bill because it was made for him. I worked for an employer who dismissed an employee, and the Leader of the House was brought in at the last moment as the client's Counsel to defend the employee. The Chief Justice had to look up British Industrial Regulations in order to determine how he should interpret our present Severance Payment Bill. The employee lost the case because even now the greatest lawyer in Barbados finds difficulty in interpreting the present Severance Payment Bill. There is no precedent, there is no case law, and it was passed simply because the Democratic Labour Party was at that time courting the favours of the trade union.

Mr. Speaker, the Bill which was supposed to be a Bill to accommodate the average worker turns out to be a Bill whereby persons other than those who should be provided for in the Bill make a lot of money. I was involved in another case where a group of plantations of this country paid a manager at the age of 64 severance payment in the sum of \$24,000 when he was entitled to a pension. He took the money and

went back to England because he was involved in a divorce case. He went back to live in England on \$24,000 severance payment even when in truth and in fact he should have been paid a pension by his employers. The people in Barbados who contribute and who should get the benefits are not so fortunate.

Mr. Speaker, when I hear the other side talking about injustice to the workers, I mentioned in the House that I did not approve the way in which they were handling the Bill. We will have to bring down a comprehensive Bill suitable to the conditions that exist in Barbados. The workers who should benefit from such a Bill should be clearly set out. For instance, the Bill does not tell you who is a foreman, who is on the managerial side, and who are the workers. Is the manager entitled to severance payment or what? At the moment almost anybody can come under the Severance Payment Bill. When members on the other side get up to talk they should remember the circumstances under which they passed this Bill.

Mr. Speaker, we are now trying to tidy up this Bill, but it does not mean that we will simply amend the Bill and allow it to rest there. You can rest assured, Mr. Speaker, that there will be a comprehensive Bill, it will have to be specially thought out, and those persons who will be involved in the Bill will be given the opportunity to contribute a meaningful input in the Bill. There is a certain hotel in Barbados that opens for five months in the year and closes for seven months. The Bill allows the hotel to do that year after year. When I pointed out the matter nobody listened to me. A man has a hotel in St. James, and the member for St. Michael South passes there every morning. This man shuts down the hotel in the summer season and he is allowed to get away with certain things. I feel that the Bill should have been drawn up much tighter. It should ensure that the worker once engaged should have a continued period of employment unless you have reasonable and justifiable cause for closing down the Business.

I hear a lot of members on the other side talking about the rights of workers. They have been in power for 15 years, and they are now getting up to criticise what we have done. The Leader of the Opposition was the Attorney General. He is the first black Attorney General in Barbados.

Hon. F. G. SMITH: Mr. Speaker, I did not refer to black, but I referred to the first Attorney General in an independent Barbados.

Hon. C. L. BOLDEN: Mr. Speaker, he is now seeing the true facts of life now that he is sitting on that side in that chair. I hope he will be sitting there for many years. My friend did not think he would be sitting there.

Mr. SPEAKER: Let us stick to the Severance Payment Bill.

Hon. C. L. BOLDEN: Mr. Speaker, he will not get severance pay when he leaves here in August.

Hon. F. G. SMITH: I will get a pension.

Hon. C. L. BOLDEN: He will be given a pension.

Hon. DeL. BRADSHAW: Mr. Speaker, when I introduced this particular amendment I made it quite clear that it was the Government's intention to introduce at a later stage a comprehensive piece of legislation in respect of severance payment. I have listened attentively to the Leader of the Opposition and his comments on this particular measure. He has endorsed exactly what I said in my opening remarks on this legislation. It is true that I said the Bill was very cumbersome and very difficult to understand and it had many loopholes. This is one of the reasons why this Government decided to carefully scrutinise this Bill, and it intends to come before this Honourable Chamber in the not too distant future with a proper piece of legislation for severance payment.

1.40 p.m.

Now if there are present loopholes, no one can blame this Government, because when this legislation was introduced in 1971 hon. members on that side with the exception of one member were in this Chamber, and they had ample opportunity to point out the faults and shortcomings of this legislation, and that is why I have said repeatedly that I am always concerned and want to know what hon. members were doing when this slipshod and piecemeal legislation was introduced by their administration. Six years have passed and we have got to be faced with these amendments. As I said, this is round one. In other words, we intend to examine the complete bit of legislation because we realise it has got lots of shortcomings, and even employers though they have benefited over the past years from this legislation are experiencing difficulty in interpreting it.

Now as I said, the Barbados Labour Party and this Government was and is and will be firmly committed to all the workers of this

country and we feel that if a Government is to be committed and be effective in that regard, it ought to concern itself with the weakness of the legislation, and that is why we intend to review it and place it on the Statute Book so that the ordinary worker will understand the Bill as it applies to him. Hon. members are also aware of the fact that many employers have been sheltering under this Act, because when employers realised that they were getting 50 percent from the Government as a refund, they would do anything to dismiss workers knowing fully well that they were only footing half of the severance payment, and this led to their dismissing workers at will sometimes without adequate justification, because they were going to be compensated quite handsomely to the tune of 50 per cent of the severance payment which they paid. We are tightening up these loopholes today and we want employers to understand that we are aware of this, and at the same time we are calling on all categories of workers to give of their very best and work to the best of their ability, because we feel that the time has come when employees as well as employers should work hand in hand, understand each other's problem, so that the employer would understand that the employee has got to make an honest living and has got a family to provide for, and that the employee understands that it is his bounden duty to give of his very best so that he can get the benefits from his particular employer.

Now as I said before, there is a Committee which this Government has set up on taking office to review this particular piece of legislation, but this is an interim measure. This is but one of the Bills that has got to be amended, and that is why we are asking today to have consideration of this particular amendment. In four to six weeks' time it is hoped that the Committee will have a report, and it is on this report that this Government will decide to amend further bits of this particular Bill. Now one of the main aims, as I said before, is to tackle the unemployment situation because there are some employers, as one hon. member observed in this House today, who are laying off people because they want to say that the Barbados Labour Party is responsible for this. I am saying without fear of contradiction that some of the persons who are involved in this exercise were members of the Opposition Party. We are today asking for the support of this House on this amendment to this difficult and cumbersome legislation, and I hope that it would be a step in the direction which this Government hopes to achieve, that is, for the benefit of the workers and for the good of this country as a whole.

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

APPOINTMENT OF ACTING CHAIRMAN OF COMMITTEES

Hon. H. deB. FORDE: Mr. Speaker, before a motion is made for the House to go into Committee on the Bill, I beg to move that the hon. member for St. Philip South who acted so well in the pass be appointed to act as Chairman of Committees for today's sitting.

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

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

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

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

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

Clause 1 was called and passed.

Clause 2 was called.

Hon. DeL. BRADSHAW: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. SIMMONS: Mr. Chairman, I have not had an opportunity to speak on the second reading of this Bill, but I would like to support what you said about legal representation for the employee who has been severed. It seems to me that it is important that the Government consider in the scheme of tribunal reorganisation in Barbados and in the scheme for the expansion of legal aid some facility whereby a severed employee would be given legal assistance to have his case put before the Severance Pay Tribunal, because as I believe you hinted it presses heavily on the employee who has lost a job, has no work and has no money to then employ a lawyer to go and represent his interest before a tribunal when on the other side the employer who possibly has funds to pay, as you would say, hires a first rate lawyer.

1.50 p.m.

the service to people of other parishes first there must be a careful assessment of the situation as it now stands in the parish of St. Michael. As soon as we have analysed the situation and smoothed out the problems in the St. Michael area we will proceed to expand the service to other parishes.

Mr. WEEKES: Will the Minister state if he is having any problems with the scheme in the parish of St. Michael?

Hon. DeL. BRADSHAW: There are several problems initiated by the last Government; and that is why we are looking into this problem area so that we can straighten them out.

Hon. F. G. SMITH: Mr. Speaker, will the Minister state what are the problems initiated by the last Government in trying to pay old age pensioners by cheque rather than by queueing up?

Hon. DeL. BRADSHAW: The scheme was such that old age pensioners could not even get their money on time, and there were other related problems. As I have said before, we are looking into these problems. It was just a flash in the pan idea which came about in August last year.

Mr. WEEKES: Is the Minister aware that this scheme was under consideration over 15 years ago?

Hon. DeL. BRADSHAW: This Government has been in power for eight months. If after 15 years during which the hon. member was in here and he knew that there were these problems, I believe that he would agree with me in eight months we could not achieve the results that they did not achieve in 15 years.

Hon. F. G. SMITH: Did the Minister read the article written by the hon. member for St. Michael South about this 15 years business?

Mr. SPEAKER: That is not a proper supplementary. Question No. 36 asked by the hon. member for St. Michael South.

Mr. SANDIFORD: Mr. Speaker, To ask the Minister of Finance and Planning: 1. What is the total number of income tax payers in Barbados? 2. What is the number of persons with taxable incomes in each of the following brackets: (i) \$1,000 or less; (ii) \$1,000 to \$1,999; (iii) \$2,000 to \$2,999; (iv) \$3,000 to \$3,999; (v) \$4,000 to \$5,999; (vi) \$6,000 to \$7,999; (vii) \$8,000 to \$9,999; (viii) \$10,000 to \$11,999; (ix) \$12,000 to \$15,999; (x) \$16,000 to \$29,999; (xi) \$30,000 or above? 3. What is the quantum of tax collected in each of those brackets?

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, the Reply is as follows:—

“In respect of the most recent income year, which is 1976, the classification of income taxpayers is still in the process of being determined, and it is therefore not possible at this time to provide the information which the Honourable Member seeks. However, such information will, as in previous years, be made available and published in due course in the Annual Report of the Commissioner of Inland Revenue”.

Mr. SANDIFORD: Is the Prime Minister aware that this is one of the usual evasive answers to questions?

Mr. SPEAKER: That is not a supplementary.

Rt. Hon. J. M. G. M. ADAMS: I would like to say that an evasive question cannot get other than an evasive answer.

Mr. SANDIFORD: Mr. Speaker, I am certain that you will not permit an evasive question. The question was very specific. However, I do appreciate the answer given by the Prime Minister as being serious and I look forward to the publication of the information when it comes to hand.

Mr. SPEAKER: That is not a supplementary at all.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I would like to draw your attention to the words “in the process of being determined.” The returns are now being dealt with to determine under which classification taxpayers will fall. We cannot give that information until the returns have been processed.

Mr. SPEAKER: This brings us to the end of Question Time. It is now time for Private Members' Business.

PRIVATE MEMBERS' BUSINESS

Hon. F. G. SMITH: Mr. Speaker, there is only one item under Private Members' Business, and the Opposition would prefer that the debate continue or be finished on that Private Member's Resolution.
3.10 p.m.

Hon. H. deB. FORDE: Mr. Speaker, I had completed my speech.

Mr. SPEAKER: Is there any other hon. member desirous of making a contribution to this debate?

Mr. SANDIFORD: Mr. Speaker, I am indeed pleased to see that the Government has basically accepted the Resolution proposed by me and that this Resolution has found favour for the good and sufficient reasons that it is in the interest of the people of this country and in the interest of improving the health services of Barbados. I would however like to appeal to the Government to reconsider the amendments that they have put forward. This Resolution speaks in terms of the provision of a community nursing service. I am well aware that it is the Government's proposal to institute something called a national health service, but I think we are aware that we have already a national health service. What is really proposed is that there would be certain amendments or developments in that particular service, and I certainly would have thought that this is an important matter in itself, not to be treated in terms of being tacked on to a Resolution relating to a community nursing service, a Resolution which should have been brought in its own right when the Government has finalised its plans for this free national health service.

I am serious about this point. I believe the proposals for the institution of a free national health service is important enough in itself to be brought as a special Resolution standing on its own two feet to this Chamber rather than being tacked on to a Resolution relating to the community nursing service. I say this because in terms of the proposals put forward in your manifesto, Mr. Speaker.....you are part of the manifesto of the Barbados Labour Party.....

Mr. SPEAKER: What are you insinuating that the Chair is part of?

Mr. SANDIFORD: I would not like to insinuate anything as far as the Chair is concerned, because the word "insinuate" suggests something underhand and so on, and there is nothing underhand about the Chair; so I am not insinuating that. I was simply making the point that you were part of the team, the Great Combination so called, which proposed the institution of a free national health service, and I was merely making the point that this is such an important matter in its own right that we believe that you should not seek the opportunity of an innocent Resolution to try to tack on this question of a free national health service to this particular Resolution.

We in the Opposition are particularly interested in not only in the reasons but the methods by which this free national service will be instituted, and we would have hoped that

the Government in due course, of course it is overdue now, would have told us what are the arrangements in respect of this particular free national health service, who are the members of the Committee working on the proposals and elaborating the procedures for this free national health service. We would have thought that by now this would be told to this Honourable Chamber, whether there is a Committee studying this matter, who are the members of this Committee, the spread of membership what are the national health organisations represented on this Committee and so on, and that is why we say we thought it would have been a matter in its own right, because as far as I can recall, this type of information has not been vouchsafed to this Chamber as yet.

That is the main point I wish to make about tacking on a national health service since, even in the terms when it is examined carefully, there is a national health service in Barbados for which the Minister of Health is responsible as far as the administration of that particular service is concerned. When we read the amendment to institute a national health service, this gives the impression or in fact implies that there is not a free national health service and one has to be instituted now. With all due respect, I do not think that is so. (*Asides*) The question of a free service by the general practitioners in this country does not in itself constitute a national health service. The point I am making is that there is a national health service in Barbados. If you are talking about further developments in that service or certain additional services to be rendered by the general practitioners in this country, may be, but I would like really to appeal to the Government. We are not contentious or truculent on this particular matter. We would like to appeal to reason, and I know that the Government would wish to give the impression and convey to the people of this country that it admits points of logic and points of reason. There is a national health service and there is no point about talking about instituting a national health service. I think the Minister can get her points across and can get whatever commendations for developments in the health service much better if she were to bring a substantive Resolution on this particular matter.

The other point that is being omitted from the Resolution relates to the omission of certain words relating to employment, and this really causes me some concern. The original Resolution indicated that one of the purposes for the institution of a comprehensive nursing service would be not only to achieve higher

levels of health care, but also to provide additional employment opportunities for nurses and nursing assistants, but as I understand it, unless the Minister can correct me on this particular matter, I was under the impression that these words were to be omitted. I see from a nod of the head that this is so, and it puzzles me why the Government which is interested in providing additional employment opportunities, which has gone on record as indicating that unemployment is one of the major problems facing this country, would wish to exclude from this Resolution that the institution of a comprehensive community nursing service would provide additional employment for nurses and nursing assistants.

3.20 p.m.

It puzzles me why the Government which is interested in providing full employment opportunities, which has gone on record in indicating that full employment is one of the major problems facing this country — it puzzles me why the Government should want to exclude from this Resolution that the institution of a comprehensive community nursing service would provide full employment for nurses and nursing assistants. I find it strange that these words would be omitted from this Resolution, because it is in keeping, as I understand it, with the announced words, expressions and intentions of the Government to provide full employment opportunities.

As I said, Sir, the fact that the question of a national health service includes Government declared policy to institute a service that is supposed to include those words in the Resolution, and the fact that the provision or the wording relating to full employment opportunity is proposed to be omitted, does not alter in any substantial way the provisions of a comprehensive nursing service; all that has happened is that the Government is looking for a little support from the Opposition to get its policy across, and this is somewhat surprising for a Government with that type of majority and firing power, as they call it. So if that is how they want to play it I have no objection, because the principle of a comprehensive nursing service would be accepted; the only trouble is that Government wishes this to be read within the context of further national development in the national health service, the inelegancies of the wording notwithstanding. So I think we can leave it at that.

There is not very much more to say. The principle of the Resolution is adopted, but the Government wishes it to be seen within the

context of the national health service which previous administrations — both the Barbados Labour Party administration and the Democratic Labour Party administration — have worked on over the past years in developing a national health service in this country; so obviously a community nursing service would be part of that national health service which is already in existence.

Mr. Speaker, I do not think, as I have already indicated, this is really a contentious matter, but we would hope that in due course the Minister would come either with a substantial Resolution or use some other means, perhaps a White Paper or a Green Paper, or some other type of acceptable Parliamentary procedure to deal with this question of the further development of the national health service of Barbados, and quite frankly, I am a bit surprised at the amendments put forward.

Hon. B. A. MILLER: Mr. Speaker, the first point I would like to deal with in reply is the point raised by the hon. member for St. Michael South. The whole business about the quality of medical education. Mr. Speaker, this Government is fully aware of the fact that the education afforded our nurses at the Tercentenary School of Nursing and the education afforded our young doctors at the University of the West Indies has been for some years, and still is, hospital oriented.

Last week I think I made it quite clear that the national health service now being planned by this administration is intended to be a community based service. With that knowledge in view, Mr. Speaker, I have already begun discussions with the Minister of Education about transferring the Tercentenary School of Nursing from the Ministry of Health to the Ministry of Education where I feel it rightly belongs. Also, this administration has already intimated to the University of the West Indies that in view of the fact that our national health service will be structured very largely on the service offered to us by our general practitioners, the field of general practice is now a matter of urgency for the University of the West Indies. These matters, I must say, have been met with a certain amount of lip service, and I intend to press them in a very urgent manner at the Caribbean Health Ministers Conference next month. I am satisfied, Mr. Speaker, that in the Caribbean we are still training our medical personnel in a way that does not, strictly speaking, take into account the kind of health care which we want and intend to deliver to our people. In this respect, Sir, I think it must

be said that the former administration was timid and inattentive. The hon. member for St. Michael North Central made a lot of comment when the hon. member for Christ Church West intimated to this House that the siting for a polyclinic would be within the precincts of the Mental Hospital. It is very easy for the hon. member to say that siting the polyclinic within the precincts of the Mental Hospital is not new; but what I would like to say in answer to that is it may not be new, but it was not done before and it is now going to be done before the end of this year of 1977; so that kind of loose comment is best not bandied about in a place like this where serious discussion is taking place.

Mr. Speaker, I really do feel that the advice now being offered by two former Ministers of Health is advice which should have been implemented years ago. During the 1950's when the Barbados Labour Party had the Government of this country there was a plan for a national health service, and we started it in the 1950's with a network of health centres. The health centres were to look after the preventive side of our health service, and this is still in a way the most important side of it, for to prevent is better and easier and cheaper than to cure. The next step was to build a decent, curative institution, the Queen Elizabeth Hospital. We left it at that in 1961 and have come back in 1976 to pick up where we left off in 1961.

3.30 p.m.

When the member for St. Michael South talks about a national health service, what is he talking about? The old age pensioners and the people who have to be screened in a means test by the Welfare Department to get a chit to go to a District Medical Officer to get free care, Mr. Speaker? Is that what the hon. member means when he talks about a free national health service? Is he talking about hospitalisation at the Queen Elizabeth Hospital in public wards? Is that what he means when he talks about a national health service? In the view of this administration, the most important aspect of a national health service would be that our people should have free and easy access to primary health care, the kind of care that family doctors and general practitioners offer. It is a known fact that the general practitioners in Barbados are among the highest earners, and they do not earn those huge salaries on account of a national health service in Barbados. The average person in Barbados who goes to a doctor has got to pull his pocket, and he has to pull it mightily hard

sometimes, in order to get medical care. We feel that this is a basic human right and that persons who practise medicine or who practise in one or other of the various areas of the medical profession and the professions allied to the medical profession, cannot expect to become millionaires out of those professions.

The health of our people, although it is not always recognised to be so, Mr. Speaker, is perhaps in a way more important than anything else that this Government can offer our people. Our one chief resource is people, and unless we are making it our business to look after our people's health from even before the moment of conception — because that is what family planning is supposed to be all about — that we learn to conceive our families so that they are properly spaced and so that we are careful about the health of our mothers, so that if we look after our people's health even from before conception until the very end of their lives, that is what in a way Barbados has to offer not only itself but the rest of this Caribbean region, and as you know, Mr. Speaker, the rest of the world. Barbados has the most excellent reputation when we talk about people resource.

Mr. Speaker, I am afraid that I simply cannot be persuaded by the hon. member for St. Michael South to perpetuate the fragmented planning exercises which the former administration practised in the Ministry of Health. I am sorry. I am sorry that I cannot agree with him that a comprehensive community nursing service can be isolated from the rest of health services in this country and given separate and special attention. Since the whole concept of the national health service is the development of the primary health care team, that is, the general practitioner and his community nurse and his health visitor and his clinic nurse, and since this is what we are embarked upon, this is what we are now in the process of planning, how can I be reasonably invited to separate the whole area of community nursing from a total concept? It does not make sense. Like I said last week, it is symptomatic of the short-sighted, limited, short term approach that the former administration took to the whole business of health care delivery.

The community nurse is not a highly specialised creature who does a job which is not necessarily related to all the other persons who work in the area of health, her work is very closely associated with what the general practitioner does. Her work is very closely associated with the work which now goes on at

the health centres and which will go on in the future at the polyclinics, so I find it very difficult to plan for her quite separate and apart from the whole concept of the health care team. She is going to be part and parcel of it and I cannot plan for it other than in a total manner. So, Mr. Speaker, I am afraid I cannot accede to the persuasions that the hon. member for St. Michael South would like to bring to bear upon me.

He made mention of the exclusion of the last words of his Resolution. The hon. member suggested that this administration might not be interested in the employment of nurses and nursing aides, that it might not be a priority.

Mr. SANDIFORD: Mr. Speaker, on a point of elucidation. I never made any such implication, that the Government is not interested in providing this additional employment for nurses and so on, that is a matter for the Government. I was merely expressing my own surprise that the Government would exclude those words when it is the declared policy of the Government to seek additional employment opportunities.

Hon. Miss B. A. MILLER: Mr. Speaker, those words are excluded because those words specify nursing aides and community nurses. The Government is making it its business to look out for employment for all unemployed citizens in Barbados, so there is no need for us to single out nursing aides. Nursing aides and community nurses are not the only people working in the health field for whom we have to look out as far as employment goes, and I think it is invidious to single them out. The hon. member knows what he is talking about in the particular context in which he framed this Resolution, because the hon. member as an ex-Minister of Health knows about training nurses without taking due care to look to see where you would place those nurses having trained them.

I came into the Ministry of Health and for my own purposes asked what I consider to be a simple question. How many nurses have we got on our books? How are they qualified? How many S.R.Ns have we got? How many S.E.Ns have we got? How many S.C.Ms have we got? How many R.Ns have we got? And nobody could answer that question. I really found it impossible to understand how the Ministry of Health could have carried out day to day work without knowing what the status of its nursing manpower was, and I immediately called upon the Barbados Registered Nurses Association to

supply me with these figures. They instructed me that they were not in a position to do that. I then called upon the General Nursing Council to supply me with these kind of figures. They said that they were not geared to do that. Mr. Speaker, I needed to have these figures, I could not think in terms of nursing and nursing qualifications, nursing requirements and redeployment of nurses especially within the reorganisation of the district hospitals without knowing what I had actually to work with, and I had to get the Personnel Division in the Ministry of Health to do this for me as an immediate priority. I do not know how the Ministry operated without it, I now know how many S.R.Ns I have. This is what the Nursing Manpower Survey was all about. We published in the newspaper asking people who were qualified as nurses to let us know what their qualifications were and to let us know if they were available for employment in Barbados. At the same time we had to point out to them that this was not an advertisement for work, we just wanted to know what we had available.

3.40 p.m.

How can you plan for any kind of service, including a Community Nursing Service, without knowing what material and the quality of the material that you have in hand? By dint of my own effort I now know how many S.R.Ns we have in Barbados. How many are working and how many are not working; and those who are working and where they are deployed. I now know how many S.E.Ns we have in Barbados. I now know how many R.Ns we have in Barbados.

So, when the hon. member talks about employment for Nursing Aides and people trained in Community Nursing, he did not probably know what he was talking about. He knew what he was groping towards. He was groping towards something that he was never properly able to hold within his grasp; but I am pleased to report to the hon. members of this House, Mr. Speaker, that I now know what I have before me. I now know what kind of qualifications we have lying unemployed. More important, Mr. Speaker, I now know what kind of qualifications we need; and I know what kind of qualifications we need to employ; and that is why I said that in the Resolution of the hon. member for St. Michael South East talking about employment for Nursing Aides and Community Nurses, that it was invidious; because I now know that there are S.R.Ns in Barbados unemployed. I now know that there are S.E.Ns in Barbados unemployed.

How can I be invited on the floor of this House to distinguish one qualification from

another? This is the same type of ad hoc, fragmented planning that the hon. member is persuading me to pursue. I cannot do it, because all of our women and those few men who are trained in the nursing field are people whose employment — and it is not a matter of just shoving them into one institution or into another — it is a matter of looking to see where special skills can be specially employed.

We now have hospitals for the handicapped. There are nurses who have had special training dealing with the handicapped. We now have a geriatric hospital. There are nurses who have had special training dealing with geriatrics. These nurses were deployed all over Barbados. There are two in a hospital housing 150 people. What could you hope to achieve? We now have them all put together in one hospital where their skills can be used more efficiently and in the best service of this country.

So, Mr. Speaker, I find it very difficult to follow the argument that the member for St. Michael South would persuade us to follow, that we should support this Resolution, and that we should in fact — because this is what he is asking us to do — make Community Nurses special people separate and distinct from other types of nurses. I cannot support it, and I am moving Mr. Speaker, that my amended Resolution do now pass.

Hon. H. deB. FORDE: Mr. Speaker, I beg to second that.

The question that the words proposed to be deleted stand part was put and resolved in the negative, the House dividing as follows:—

NOES — Rt.Hon. J. M. G. M. ADAMS, Hon. H. B. St. JOHN, Hon. H. deB. FORDE, Hon. DeL. BRADSHAW, Hon. C. L. BOLDEN, Hon. L. R. TULL, Hon. Miss B. A. MILLER; Mr. M. C. C. WARD, Mr. V. L. JOHNSON Mr. SIMMONS, Mr. ALLEYNE, and Mr. L. L. SISNETT — 12.

AYES — Hon. F. G. SMITH, Mr. SANDIFORD and Mr. WEEKES — 3.

Mr. SANDIFORD: On a point of order, Mr. Speaker, would it not be necessary at this stage to put the Resolution formally? I seek your guidance on this particular matter, but having dealt with the question of the omission of words and the insertion of words, I would have thought that it is necessary under the appropriate Standing Orders now to put the formal

Resolution. I think that the Resolution as amended would now have to be put.
3.50 p.m.

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

Mr. SPEAKER: This brings us to the end of Private Members' Business.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is now resumed.

PARKS AND BEACHES COMMISSION (AMENDMENT) ACT, 1977

Mr. SPEAKER: Order No. 2 stands in the name of the Hon. Minister of Caribbean Affairs, to move the second reading of a Bill to amend the Parks and Beaches Commission Act, Cap. 233A.

Hon. H. B. St. JOHN: Mr. Speaker, this is a short Bill and the object as set out in section 3 is to permit the Parks and Beaches Commission to undertake the cleaning and maintaining and development of lands of any person, not necessarily lands vested in a public body or in the Government, and in particular to permit it to carry out the same service to cemeteries and burial places of a church in Barbados.

It may be recalled that the Government has committed itself on repeated occasions to the idea that we would like to see more attention being paid in Barbados to keeping vacant lots, cemeteries, burial places and public areas in good condition. At the time of certain decisions of the Parks and Beaches Commission subsequent to the coming into power of this Government, very many accusations, some false and without justification, were made as to the attitude of the Government with respect to people who were brought on to work in the typical fashion of the previous administration, namely without any proper planning or concept of the optimum economic benefit and the greatest social benefit at the time. We stated then that it was the policy of this Government to try by means of the Parks and Beaches Commission to ensure that more permanent employment was created, not on an adhoc basis, but upon the basis of a long term employment of lasting benefit to the country, and we promised that we would amend the Parks and Beaches Commission Act so as to ensure that we have a corps of professional workers who would be available on the market in the event of

private people wanting to utilise these professional services, and this, Sir, is the object of the Bill.

I believe that it would add to employment opportunities of the kind described and not of the kind which we had previously. I believe that a great service will be provided in this community, and I believe that now that we have seen the response to the efforts of the Ministry of Health to carry out Government's policy in cleaning up Barbados that this is a piece of legislation that will commend itself to both sides of the House.

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

Hon. H. deB. FORDE: I beg to second that, and reserve my right to speak.

Hon. F. G. SMITH: Mr. Speaker, there is no controversy about a simple Bill like this. As a matter of fact, I think one of the few things that the then Opposition used to say to the Democratic Labour Party was that the Parks and Beaches Commission was doing a good job. I think Hansard is replete with praises on this particular commission. All I would advise the Minister is that in the amendment at paragraph 3 I would like him to lay down very sound guidelines for the Commission in the case of remission of money, because all it says is that upon application being made to it in writing, the Commissioner may, with the approval of the Minister, waive all or part of any fee payable to it under subsection (2). I would like the Minister himself to indicate to them the circumstances under which he will be prepared to waive this fee, and in the case of any organisation or any body that receives any money from any public or charge the public for any services rendered to it in any form, I am asking very seriously to consider not to waive any application from any organisation or group that is charging the public in any form for any of the services which this organisation or group is rendering to the public. Although I agree you must have a discretion in certain circumstances to waive it, I would like him not to use it or advise them that they must not use it for political favours or to curry-favour to gain adherents to the Barbados Labour Party, because it can be used that way. I am not saying that they have used it or intend to, but I want him to guard against the possibility of their using this subsection or recommending to him persons who charge the public of Barbados for services.

We support the Bill and we are glad to see that it tallies with the clean up campaign of the

Minister of Health. I heard myself on television which I very rarely listen to, because this is a big propaganda machine — I do not listen to the Prime Minister because they are using CBC worse than the D.L.P.; we have phoning in like President Carter — that people are experiencing difficulty in meeting the deadline set by the Minister of Health of having their premises debushed, and therefore I am very glad to see this may be one of the areas in which the Commission might be able to assist. If he wants to waive, I know quite a few old people who are pensioners who are unable to get any help to get their premises clean, and perhaps this is one area in which I think he may usefully waive it, and not use it in other areas where money is collected for any services rendered. The Opposition supports this Bill *in toto* and whilst the Parks and Beaches was the creation of the Democratic Labour Party, we have to pay tribute ourselves to the very stirring work which they have done in this country in keeping the amenities and God-given facilities in good and proper order.

Mr. WARD: Mr. Speaker, the concept of the Parks and Beaches as the hon. member who just spoke has said, originated with the former Government, and for this we can congratulate them. The whole idea of keeping our beaches and public places clean is something of national interest, because just as some countries in this world have many natural resources, we would have to regard the beaches of Barbados as one of our natural resources.

4.00 p.m.

It is the purpose for which thousands of people travel from North America, South America and Europe to come to Barbados to relax after a hard year's work, and therefore any cleaning of the beaches by which dirt, debris and waste will be removed will be of advantage to Barbados.

But I would have hoped, Mr. Speaker, that a more comprehensive Bill dealing with Parks and Beaches would have been laid before Parliament. And to explain briefly what I am getting at is this; every industry that comes into any country brings with it a certain amount of ills, and the tourist industry has brought a number of ills to this country which need immediate treatment. What I am going to say now is common knowledge, but I think it should be said.

People going on holiday, whether Barbadians going overseas or foreigners coming here, are inclined to relax themselves, and to a large extent moral standards drop. And this

happens in every tourist resort in the world; people are relaxed and they do things and indulge themselves to a greater extent than otherwise. This affects a number of young people in this country; they see these tourists come in and every time a plane load goes out another load comes in, and the incomers behave in the same manner as the ones who have just left; and our young people, both boys and girls, are inclined to believe this is a way of life, a way they should copy; and in truth and in fact many have developed the idea that they can live on immoral earnings. And this is why I was hoping.....

Mr. SPEAKER: Is this something for the Parks and Beaches to clean up?

Mr. WARD: Yes indeed, Sir, and I am going to get around to Parks and Beaches having wardens authorized to speak to people, correct people and even arrest people; I am just building up to show what I am arriving at.

On the west coast and south coast numerous complaints are coming in to the Tourist Board and to the Ministry about bad behaviour by youngsters of this country. Now we have established that the Parks and Beaches were set up basically for cleaning up the beaches by way of litter. But I believe there is need for some authority to deal with the imposters who go on the beaches. Now I want to make it clear that not every person who goes on the beach is an imposter. But as a result of what has been going on some Barbadians are afraid to be seen talking to tourists for fear of people saying they are beach boys or bums or other such vulgar terms.

Mr. SPEAKER: Are you dealing with litter on the beaches?

Mr. WARD: Sir, I am dealing with the idea of Parks and Beaches in a comprehensive way, such as having wardens on the beach. I am dealing with the whole idea of Parks and Beaches and its services being widened. I have already said that the concept is good but should be widened.

Mr. Speaker, what is happening is, women cannot walk the beaches in Barbados unless young persons of ten and twelve are propositioning them, asking them if they want certain services — male prostitutes, female prostitutes — and we are facing a very serious problem in Barbados. We get numerous letters from tourists saying they cannot come back to Barbados because as they are sun bathing on

the beach they are being propositioned time after time.

Mr. Speaker, I would have like the Minister who introduced this Bill to have brought before the House the proposal that wardens would be attached to Parks and Beaches. I can refer to my own experience. As a youngster, when I went into Queens Park, there were men there dressed in uniforms who could arrest you. They had the authority to take you to a Police Station or they could eject you from the Park. So there must have been legislation that these officers could have arrested people for misconduct. We need such wardens on the beaches and I believe that Parks and Beaches are the appropriate authority to deal with this matter. I can tell you Sir, I came here this morning, and a gentleman by the name of Mr. Brandford, Chairman of the Board of the condominiums at Sunset Crest, said to me: "I have written you a letter, I do not know if you have got it yet, but we are having problems with these young men who are soliciting on the beach, young women as well, who are annoying the tourists and making them feel uncomfortable on the beach." This is the major problem facing this country. But I would like to emphasise two things; every person who goes to the beach is not an impostor. There are only a few — not even one percent — who are nuisances on the beach; certain young people who have decided to make this a way of life; and I would like the Minister to draft legislation to bring into the Parks and Beaches Commission men who could be called wardens, who would have authority to clean up the beaches of this immorality. Pots and pans and other rubbish is one thing; but it is the immorality on the beaches that needs to be cleaned up.

And the other point; I said, Mr. Speaker, that the concept of the Parks and Beaches Commission is a good one but I would like this Honourable House to know that Parks and Beaches is a big household joke in this country as regards the work they produce. I can vouch that they give about two hours work a day; they start at eight and finish at ten. After that very little is done. I have been to Brandons Beach and seen them sitting down under trees after lunch, not working. I saw the same thing at Bats Rock. Recently I was at Bathsheba on holiday and I saw them sitting in the patio of a house called Capernaum, from 10 o'clock until 4; and I was amazed to see that the people who should have been in charge of them; men dressed in black suits and blue shirts, with caps on, they too sitting down among them and not speaking one word to them about the work to

be done. While I congratulate the former Government on the concept of Parks and Beaches, they have handed over to us a system that is not working properly, and unless this Government is prepared to do unpopular things, like changing the administrators and getting work done, the tax payers money will continue to go down the drain.

Mr. SANDIFORD: Mr. Speaker, I am not going to follow the last speaker down the line of his proposition as such; but I would say it is the duty of the Parks and Beaches to administer the Commission as efficiently as possible, and if they find areas in which the workers are enjoying the facilities which they are employed to maintain, then this is a matter for the Commission and for the Government to take whatever steps they consider necessary. I do not think that speaking in this particular forum is going to deal with that particular matter. I think that is something that is firmly within the confines of the administration of the Parks and Beaches Commission and the relevant Ministry which has responsibility for it.

4.10 p.m.

As far as the propositions, or the propositioning may be concerned, we know that this is a problem which occurs in many countries. That is not any reason why we should not take steps here to ensure that it is kept within bounds. I do not know whether any of the persons over there who have travelled recently have encountered any of this type of behaviour — and I include the member for Christ Church North Central — this behaviour to which he is referring. I see the member for Christ Church South Central is smiling, he had an extensive tour recently and I do not know if he can speak.....

Mr. SPEAKER: He toured our parks and our beaches.

Mr. SANDIFORD: He toured our parks and our beaches.

Hon. H. B. St. JOHN: I am very sorry to interrupt the hon. member, I was not smiling at anything he said, I was smiling at the latest issue of Penthouse.

Mr. SPEAKER: No point of order.

Mr. SANDIFORD: No point of order, but it is a point of elucidation. He has the literature in his hand and he is enjoying it.

Mr. SPEAKER: Kindly get on with the debate.

Mr. SANDIFORD: There are two points I wish to make on this matter, on this particular amending Bill that is before us. The first one relates to the maintaining and developing of lands of any person. There are two categories in here, one relating to any person and the second relating to, I believe, lands or property belonging to a church.

I hope within the scope of this that it would be possible for clubs and societies to have their premises kept clean, but I certainly hope that this is the intention. Whatever may be the problems involved, I do not know if there are any legal anxieties or penalties involved here, but I do hope that there would be some declaration of policy to the effect that this is meant to include any clubs or societies or voluntary bodies which may not have the legal corporate personality, or however it may be styled in the legal jargon, but I do hope that these clubs and societies or voluntary bodies would be able to have their premises cleaned if necessary, and I do hope that it would be in such cases that any fees and so on would be waived or would certainly call for only a very small fee.

The second point to which I wish to make reference, and again I do this with a great deal of diffidence, bearing in mind that we are always told about the legal firing power or whatever it is styled over there. This word "developed" speaks in terms of development of lands. I recall that the word "develop" was used in the original Act in Clause 4 of Cap. 233A, the Parks and Beaches Commission Act, and Clause 4 reads, "The functions of the Commission shall be to control, maintain and develop the public parks and beaches of Barbados," but the word "develop" was used in relation to public parks and beaches of Barbados. Now we come to this word "develop" here in this clause. I do not know in what sense "develop" must be construed, whether it is in its normal dictionary sense or whether it would carry the meaning in the Town and Country Planning Act, whether it relates or refers to engineering works, building and structures of that type, but maybe the Minister will inform us that it is carrying its ordinary dictionary meaning here and it is not meant to imply that the Parks and Beaches Commission would be setting up as construction engineers or construction technicians or anything of that sort.

I merely throw that out, but the two points I really wish to make in conclusion refer to (1) an assurance from the Government

benches to the effect that voluntary bodies, clubs and societies and so on — well, I am not certain whether they will be those on the square, or whether those on the square are not necessarily speaking to those — but you, Mr. Speaker, may be more knowledgeable of these matters than I am, I do not speak of these matters which are too high for me, not being a lawyer myself, but I do hope that the ordinary clubs and societies, whether they play cricket or netball or football and they may have premises and grounds, and if the situation or the necessity arises, I do hope that the Parks and Beaches Commission would come to the assistance of those clubs and societies and voluntary bodies and render them assistance at no cost or at minimal cost.

Secondly, we would like also an assurance that this word “develop” here does not refer to any new enterprise for the Parks and Beaches Commission in terms of construction work, but that the word is used in its ordinary dictionary meaning.

Hon. H. B. St. JOHN: Mr. Speaker, there are just a couple of points raised by hon. members that I think in view of the importance of this matter I should reply to. I will deal with points made by the last speaker first.

The object of putting into the section the power to waive or remit with the approval of the Minister was to cater to the situation mentioned by some hon. members. We have many other instances in legislation in which a charge or a power to charge was inserted in the legislation, and it has been found by experience that in the same Bill one should include the power to waive or remit, otherwise you would have a situation in which it would be interpreted that in the absence of such a power it is mandatory to charge every and any person irrespective of the circumstances.

It is the intention of the Government that anybody in Barbados, whether it is a legal company, an individual, an ecclesiastical corporation, a society, a club, a co-operative, can make use of the services of the Parks and Beaches Commission. It is precisely because we know that there is a need for a group of expert supervisors which the private sector does not provide at the present moment at an economic price, at a price which is within the means of the people who need the service, that we have decided to vest Parks and Beaches with this power. So I want to give the hon. member the assurance that it is not the intention of Government to discriminate in the provision of

this service against anybody at all, we feel that everybody who wants the service should be able to make use of it.

I think coincidentally I have answered one of the points raised by the Leader of the Opposition. It is not the intention of Government to discriminate in any way on the question of the remission of the charges. This power, as I said, can be found in a lot of the Statutes and it is precisely the same sort of criteria that one uses to exercise the power of remission in those Statutes that in this case will be the same used.

On the question of the use of the word “develop”, I think that this word has been inserted for a very good reason. Under the Act originally it was to control, maintain and develop the public parks and beaches of Barbados. That is in section 4(1).
4.20 p.m.

Now we have expanded the scope of our operation to include lands of a private person or a church, we find it necessary to include or rather to continue to include, the word “develop” for the very simple reason that if you have a situation in which the lands at the present moment are idle, so to speak, and you want to do a total landscaping job, a professional job in which you lay out the land for gardens or for some other use, the lawyers will say that the use of the word “clean” and “maintain” is not sufficiently large to empower you to do a complete landscaping job where you may have to bring in a tractor and reform, or you may have to dig for planting trees. So that has been introduced.

It is not used in the same sense as in the Town and Country Planning Act, because as the hon. member will recall, the Town and Country Planning Act has an expanding definition of “develop” to include a lot of other things which the normal use of the word “develop” in a dictionary sense would not embrace. Therefore you will see that there is a difference between this Act and the Town and Country Planning Act where “develop” has been given a specific extended definition whereas in this it is the normal use of the word.

So there is no question of doing civil engineering works or anything of that kind; but there is development in the sense that you will be able to reshape the land with the use of a bulldozer and things of that kind — landscaped architecture. It is what one would regard nowadays as coming within the function of a landscape architect.

Now on the question raised by the hon. member for Christ Church South Central, I want to state that like him we have been receiving a considerable number of complaints in respect to the behaviour at public beaches; but there is one thing I would like to state, this is a problem which in my opinion, cannot be dealt with overnight. A thorough analysis of the problem has got to be undertaken; and I can inform the hon. member that already in the Ministry of Tourism and Civil Aviation, together with the services of a social psychologist and an educational psychologist from Rhyston Institute in Canada who is now part and parcel of the Caribbean Tourist Research Centre, and an in-depth analysis has already started in relation to this problem; and the Parks and Beaches Commission and the Ministry of Lands and the Tourist Board and others will have the opportunity to give their input into the proposed Regulations.

It is definitely the policy of this Government that the public beaches and parks are there for the enjoyment of all sections of the community in Barbados and all of the people whom we invite to come here as our visitors. It must be remembered that we must be able to balance the activities of one section or one group against the activities of another group, and Regulations will come into force. We will deal with male prostitution and female prostitution, local and foreign.

Already the Parks and Beaches Commission, has, pursuant to its regulatory powers under the Act, experimented in two areas with the establishment of specific areas of craft markets on two beaches in Barbados; and I am happy to report that generally, as the result of an examination, everybody is happy with it; because they are designated areas, and the vendors are within that area. The area is well maintained. There is order, there is discipline; and those people who would like to buy know that they can go to that area where vendor and purchaser can meet. Now this was an experiment to see if it was an alternative to the unregulated and unrestricted peddling on the beach. Now that experiment and the results of other experiments may well be the guide for a future general policy.

We are also very concerned about the question of propositioning; and the lack of discrimination of the proposer; but it also must be remembered that it takes two to tango, and we must also remember that there are some people who come here to be propositioned. That is a fact of life that we must recognise, that from the time they come to the airport they start propositioning.

So that bearing all of these delicate matters in mind, we can say that we are carrying out an analysis and that at a very early date Regulations will be proposed. We do not need to amend the Parks and Beaches Act to pass these Regulations. The Parks and Beaches Regulations, pursuant to Section 4(2) has power to prescribe Regulations with the approval of the Minister, and those Regulations are subject to a negative Resolution.

The Commissioner of Police was present at the preliminary meetings, and I want to give the hon. member the assurance that the Government is well aware of the fact that he receives complaints every day from hoteliers about the activities of certain people in Barbados; but we will not be stampeded into a position which has been arrived at without a careful examination of all of the relevant factors and all of the implications of the Regulations. So he can tell the hoteliers that, and I have been trying to explain that to them.

This is not a problem that is confined to Barbados alone. It is a problem that you get in tourist destinations; and if hon. members were only to pick up a newspaper like the "News of the World", they will see that just a couple of weeks ago they published pictures of men who claimed that they were male prostitutes and that they were providing a service for the tourists and for the lonely widows and the unattached in the United Kingdom.

It is not a problem that we have here alone. It is a problem of what the former Leader of the House used to call the modern licence in this direction and the change of attitudes to the rights of both male and female to certain types of satisfaction. We have to judge this problem in the light of these new concepts.

So, I am very pleased to see that this Bill has received the general support of both sides of the House; and the other matter about productivity of the Parks and Beaches Commission — no doubt I can draw it to the attention of the administration of Parks and Beaches. Generally I think that both sides concur, subject to a little aberration on the part of the then Commission some time between February and September last year; but generally speaking the Parks and Beaches Commission has done a good job in Barbados.

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

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

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

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 Bill.

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

The question was put and resolved in the affirmative without division. Mr. SPEAKER left the Chair and the House went into Committee, Mr. WEEKES in the Chair.
4.30 p.m.

Clauses 1 to 4 inclusive were called and passed.

On motion of Hon. H. B. ST. JOHN seconded by Hon. H. deB. FORDE, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. B. ST. JOHN seconded by Hon. H. deB. FORDE, the Bill was read a third time and passed.

THE BARBADOS TERRITORIAL WATERS ACT, 1977

Mr. DEPUTY SPEAKER: Order No. 3 stands in the name of the Hon. Minister of External Affairs, and it is to move the second reading of a Bill to repeal the Territorial Waters Act, 1878, of the United Kingdom Parliament in so far as it forms part of the law of Barbados and to provide for the extension of the limits of the Territorial Waters of Barbados.

Hon. H. deB. FORDE: Mr. Deputy Speaker, in the Barbados Labour Party's manifesto, it was stated as follows:

"The Party will extend the country's territorial waters to twelve miles. It will seek to preserve the nation's sea resources. It will participate fully in the Law of the Sea Conference and work in unison with our Commonwealth Caribbean partners to achieve a just and reasonable international regime for the seas."

Mr. Deputy Speaker, this Party and this Government is honouring this commitment. Nowhere have I found stated, to answer the *sotto voce* on the other side, in their manifesto any commitment to the extension of the territorial waters of this country to twelve miles. A little earlier today in another debate the hon. member for St. Michael South Central, the Hon. Leader of the Opposition said that this Party's manifesto contained commitments and that he sits without witnessing from time to time any legislation to give teeth to these commitments. The hon. member may be well satisfied that this Bill now gives teeth to one of these commitments, and that as the Government has time to carry out its policies, legislation where appropriate and as comprehensively as possible will be brought before Parliament dealing with all aspects of our manifesto.

The purpose of this Bill is clearly to extend the territorial waters of Barbados to twelve nautical miles. Under existing law the distance is now recognised as being three miles, and this was the limit of the territorial waters which we inherited from the United Kingdom law at the time of Independence in 1966. Indeed from the time of Grotius and before international standards recognised the sea limit as only extending to three miles. It is a concept long since outdated in international practice, and I must confess in opening this debate that there has been no recognised practice by all of the States.

In 1958 at Geneva a Convention was negotiated by most of the major maritime and other countries and I think since that convention the majority of states have recognised the twelve mile territorial sea. Hon. members ought to know that there is a distinction between the territorial sea, the exclusive economic zone, the continental shelf and the high seas. Indeed there is often a great deal of confusion even among people who deal with this subject as to the distinction between the territorial sea and other waters comprising the sea area. The territorial sea as is defined in this Act and indeed for the purpose of most countries is the area of the sea adjacent to the coastline stretching seawards from the low water mark; it is usually demarcated by the low water mark line or sometimes by a combination of straight base lines as well as other characteristics including the low water mark line.

The intention of this Bill is to give the Minister responsible the power to demarcate, subject of course to the affirmative resolution of this House, the territorial limits of Barbados,

and it is within that territorial area which is deemed by this Act to form part of the territory of Barbados that Barbados has exclusive jurisdiction from the bottom of the sea, as they say, up to the skies, and so there is an exclusive jurisdiction excluding any other state and it is similar to the jurisdiction which we exercise over the land mass which now constitutes Barbados.

You will note, Mr. Deputy Speaker, that the Bill provides for the dock areas of course to be part of the land mass of Barbados. You will also note, Mr. Deputy Speaker, that by the method of demarcation around the territorial sea certain parts of the waters of Barbados will now be designated as internal waters. I think hon. members will understand that off the east coast of Barbados Culpepper will be towards the outward seaward limit of the line taken to demarcate the territorial sea, and therefore the water in between Culpepper and the east coast land mass will be designated as internal waters.
4.40 p.m.

Likewise, where the coast line has inundated these areas, because of the method of base line measurements used these will be internal waters as well. Now, within the territorial sea exclusive jurisdiction will be exercised. But this Bill takes account of Barbados' international position and particularly its international law stance on the Geneva Convention and both the first and second conferences on the Law of the Sea as well as at the third conference. And we have said it is but fair that innocent passage through the territorial waters should be permitted, subject to safeguards set out in the convention on the territorial seas as negotiated at Geneva in 1968. And therefore within territorial waters, although foreign ships will have innocent passage, if the innocent passage does certain acts which will breach the peace, good Government or security of Barbados, that passage ceases to be innocent passage and is prohibited under the Act. My submission to this House is that this is in keeping with the international Law Provisions of several states.

Now there are several reasons, Mr. Deputy Speaker, why Barbados should be interested in setting out a regime for the sea. We are a developing country surrounded by vast expanses of sea. The sea and the sea bed around us are believed to contain natural resources of vital importance to our economic and other development. I speak not only of the fishing resources which are off our coastline but I speak as well of the alleged oil resources that

exist on the sea bed on the rather limited continental shelf which Barbados is alleged to possess. But equally important, Mr. Deputy Speaker, the maintenance of Barbados' territorial seas is an economic resource for this Island, because the danger of pollution to marine life poses a threat not only to the tourist industry of Barbados but also to the reef barrier lying around our coastline, which could destroy the whole fabric and structure of protection of the land mass called Barbados if we are not aware of the danger that can occur as result of the pollution. It is recognition of these factors then, which has inspired this Government to take measures for not only the expansion of the territorial sea, but also to preserve an economic fishing zone or exclusive zone, as well to look at the wider question of pollution. I am happy to report to hon. members that there has been set up a departmental committee which is at the moment reviewing the various conventions and which is also reviewing the whole discussion of the Law of the Sea Conferences in the hope that we will bring to Parliament in due course further legislation dealing with the extension of our fisheries limits, as well as the area which we hope to control for pollution and other purposes as set out in this Act. I am hopeful that this legislation will be available by the end of the year.

Honourable members ought to be aware too that the Government is being fully represented at the Law of the Sea Conference in New York which commenced a couple of days ago. Although I am nominally leading the delegation, I will state that I am only going to New York if it is necessary for political policy decisions to be taken. The negotiations and the monitoring of the conference will be in the competent hands of the Solicitor General, who will go there, if necessary; our Permanent representative to the United Nations, His Excellency Dr. Don Blackman; and of course other officers in the Ministry of External Affairs. Hon. members should be aware too that Cabinet has given these representatives a brief and has taken decision on matters of policy, so they are not there just listening to what is being said but we trust that they will be making some concrete suggestions on matters that are being discussed at the conference.

I want to deal with our approach to the question of the exclusive economic zone. Barbados is a disadvantaged State, disadvantaged in the sense that although we have an extensive sea mass around our coastline we are not fortunate in having an equally fertile fisheries catchment area, as other countries in Latin

America and elsewhere. We are disadvantaged too in that we have a very limited continental shelf, and available information seems to suggest that we are not blessed with an abundance of natural resources. Therefore our approach to the international policy question of the exclusive zone may not be as open, and indeed may not be as unrestricted as the approach of other countries which may not be as disadvantaged in that sense. We will be seeking to discuss with other developing countries in this region — the Caribbean Region — the concept of exclusive zones which will reserve the Caribbean sea as much as possible for the exploitation by Caribbean nations in particular, and therefore we will wish to negotiate with countries such as Guyana; French Guiana as part of France, Surinam, Brazil and Venezuela, the right to fish and shrimp within their exclusive zone of 200 miles. Likewise we will have to seek to preserve whatever fish we have within our area, and there is nothing to prevent us from accommodating within the exclusive zone some sort of regulations for countries who are within the developing area of which we speak; but there will have to be reciprocity of treatment and we will have to be chary of allowing more developed countries from several thousands of miles away to use their better financial and industrial expertise to make the Caribbean area a catchment area, so that they can maximize profits at the expense of the Caribbean people. I think the Government is fully aware of this position. Our policy on this is absolutely clear and we hope that together with the specific countries I have mentioned we can negotiate a proper arrangement. I am happy to say that the discussions with Brazil on this matter are proceeding at a good pace and with a very favourable and friendly relationship. Indeed, Brazil has understood our position, and I am very hopeful of concluding a very mutually beneficial agreement with Brazil on this matter.

Finally, Mr. Speaker, I ought to give members the benefit of an explanation of the clauses of the Bill. Clauses 1 and 2 are just a short title and interpretation. Clause 3 describes the twelve mile limit of the territorial sea, and it empowers the Minister by order to extend or restrict this limit. This Clause also makes the territorial waters a part of the territory of Barbados. Clause 4 sets out the procedure by which the boundaries and limits of the territorial sea are to be demarcated; the methods of demarcation are in keeping with the existing and draft international convention. The Clause also makes provision for charts and maps to be judicially noted for evidential purposes, and indeed an important drafting of this

provision will be to ensure that proof in court of the limits of places and locations within the territorial sea is made as simple as possible.

4.50 p.m.

Clause 5 defines the internal waters of Barbados and gives to these waters the status of a part of the territory of Barbados.

Clauses 6 and 7 embody the international law concept of innocent passage, and this is the concept which permits foreign ships to navigate as freely as possible through territorial waters for the purpose of facilitating international navigation and trade, while at the same time protecting the security of the coastal state.

Clause 9, Mr. Deputy Speaker, gives recognition to the concept in international law that certain states, ships and persons are entitled to certain state and diplomatic immunities, and the normal procedures of the courts cannot be followed in this instance because of the fact that they have immunity.

Clause 10 confers jurisdiction on the courts of Barbados over internal waters in the territorial sea, and it recognises a certain difficulty in the jurisdiction of Magistrates which is divided into several districts, and so it seeks to give Magistrates jurisdiction, regardless of where the magisterial district is located, in the case of criminal offences, and then it designates the area for quasi criminal and civil jurisdiction as well. It confers jurisdiction, in short, on all Magistrates in relation to internal and territorial waters.

Clause 11 makes provision for regulations by the Minister to regulate the use of the internal and territorial waters, and those regulations will be subject to debate in this House, since they are subject to an affirmative resolution of the House.

Clause 12 is a general penalty section.

Clause 13 makes the Act binding on the Crown to get around the general provision where in the absence of such a specific provision it is usually not implied that the Crown is bound by the Act.

Clause 14 ensures that references to the territorial waters of the island or similar expressions in existing legislation prior to the 12-mile extension as the reference to the 12-mile territorial waters in addition to any external waters which may come into existence as a result of demarcation of the boundaries of

the territorial sea by those lines other than the line of the coast at low water level.

Clause 15 makes provision for the repeal of the United Kingdom Territorial Waters Jurisdiction Act in so far as the same forms part of the law of Barbados.

Clause 16 of course makes provision for bringing into force the Act by proclamation.

The reason why it will be necessary to bring the Act into force by proclamation is because we must carry out a proper hydrographic survey of the area and to have prepared the proper maps and charts. I regret to say that owing to our system of development we have no hydrographic surveyors or indeed engineers in this island, and we have asked the United Kingdom for technical assistance in this field. The Chief Land Surveyor is now working on this matter, and as soon as that technical assistance is forthcoming and we have had the proper charts and maps made, it will be the intention of the Government to bring the legislation into effect.

Mr. Deputy Speaker, I said at the opening that we will be carrying out our policy fully. I will again repeat that in consultation with the other Ministries and other interested parties we are looking at the policy implications of and the legislation which will be needed for dealing with an extended fisheries jurisdiction zone for Barbados, an extended marine environment protection zone, as well as the question of the continental shelf.

In conjunction with the Government of Trinidad and Tobago and the other Caribbean countries we are also examining the concept of a regulatory body to deal with the whole question of oil spills and oil pollution in the Caribbean Sea area. Assistance has been offered to the Caribbean countries by the United Nations Environmental Programme and Inter Maritime Consultative Organisations (INCO), and this has been offered to us both on a bilateral basis and also as a part of the regional exercise.

You may well be satisfied, Mr. Deputy Speaker, as indeed I am sure the whole Opposition is, that within the short time in which we have formed the Government of Barbados we are doing as much as we possibly and humanly could have done within the time to ensure for the country that we preserve its natural resources, and that the country now and in the future will find itself properly protected and properly safeguarded in relation not only to

the territorial sea but to the whole land mass and the sea area around us.

I have much pleasure, therefore, in moving that this Bill be now read a second time.

Hon. C. L. BOLDEN: Mr. Deputy Speaker, I rise to second the motion. (ASIDE). Do you want to second it? You know, sometimes I really wonder whether the Leader of the Opposition should not be somewhere down in Black Rock at that place where the gates used to be painted in green, but he has a habit of disappearing when he makes stupid statements.

Mr. Deputy Speaker, one has got to take into consideration, particularly in the Caribbean area, that this area can do with every pound of fish which is taken out of the waters which are around us. We have to look around, and I believe those persons who frequent the beaches can look out and see strange looking vessels on our horizon day after day and night after night. We find ourselves in the position where ships from far off lands have been scraping the bottom of our waters and carrying away what should really be brought to the shores of the various Caribbean territories to feed our people.

I rise particularly to clarify an issue which the Leader of the Opposition, not knowing the true facts, spoke about the 200 mile fishing limit. He, above anybody else, surprises me. What surprises me about the statements coming from this gentleman is that he claims to be the first Attorney General of an independent Barbados, a man who is responsible for the development of law in this country, but somehow it seems that he forgets what happened before. The issue on a report in the daily newspaper in this country about extending our territorial waters to 200 miles would never have arisen if newspaper proprietors were prepared to spend some money and train their reporters. What I consider to be the error in this particular case was that rather than highlighting the exercise of the day through some misunderstanding on somebody's part the newspaper highlighted the issue of a territorial limit of 200 miles.

5.00 p.m.

I would like to put the record right and let the public of Barbados know what was happening on that occasion. We realise in the Ministry of Agriculture, Food and Consumer Affairs that nothing has happened in the Barbados Fishing Industry since the Barbados Labour Party went out of power in 1961. The Fishing Industry in Barbados of course operated

from sail boats. The Barbados Labour Party saw the need to improve the Fishing Industry in the country. We gave subsidies and the industry became a motorised industry. I am looking at a further development in the industry now; and in an effort to find out what is exactly the existing position with fish resources....

Mr. SANDIFORD: On a point of order, Mr. Deputy Speaker. I wish to draw to your attention that there is no quorum present in this Chamber and you may wish to regularise that.

Mr. WEEKES: Mr. Deputy Speaker, I am requesting that the bell be rung.

Mr. Simmons entered the House and took his seat.

Hon. C. L. BOLDEN: There is a quorum now, Mr. Deputy Speaker. In order to determine how you develop the Fishing Industry we had to carry out this exercise because what we are doing in Barbados now is regarded as in-shore fishing. The fish resources within such limits are now pretty small. The exercise involves two training vessels from Trinidad and we asked fishermen — I think there were six from Oistins and the others were drawn from the other fishing ports in the island — to join the exercise whereby they were taken well out to sea. They were set on a particular pattern by the training vessel; and incidentally there are ten Barbadian men in training in the Caribbean Fisheries Development and Training Institute in Trinidad. One trainee was placed on each fishing boat with instructions that he was not to take over the boat, but to lend assistance to the fishermen.

The object was to see how long fishermen could stay out to sea if the fishing was good, the suitability of the existing boats or the need for the development of a different type craft; and again the question of navigation was high on the list because our inshore fishermen, Mr. Deputy Speaker, go as far out as they can see two points from Barbados — a house top and a cabbage coconut tree; and they do not move beyond that point. As soon as they have lost one of the objects you hear of a fishing boat lost; and they then drift to St. Lucia, to St. Vincent or they may turn up in Venezuela.

We are now convinced that Barbados can provide a greater amount of fish provided that we up date the fishing vessels to a certain standard. This exercise was planned for three days. It was called off after the second day

because the training vessels which we called the mother ships were unable to get the full quota of ice necessary to ice the fish as was caught by the fishing vessels.

In the first day they caught some 9,000 flying fish, 26 dolphins and, I think, six sharks and other species with which we are not familiar. On the second day of the exercise they caught 18,000 flying fish, 46 dolphins, and I think, 12 sharks. It was called off after that exercise.

It is therefore necessary that Barbados looks carefully at its economic zones, especially in respect of its fishing resources. I go along heartily with the Bill; and I hope that persons involved in the Fishing Industry — I hope that the Opposition will observe how we are catering to the little men in the street and not the big businesses as has been said, and that they will compliment us for having the foresight to try and preserve for our fishermen a reasonable area of fishing so that we can further prevent other persons from coming too close to land.

As a result of the exercise I can disclose at this point that we are hoping to carry out another exercise in the next week. We will take another position off the island to investigate the fish resources. At this minute the Ministry has been inundated with applications to go on this fishing exercise because one fisherman worked for approximately \$900 in the two-day exercise. I think that the smallest amount to be paid out was in the vicinity of \$500 for the two-day exercise.

This will show, Mr. Deputy Speaker, that with proper boats, proper facilities that fishing can become a most worthwhile occupation in Barbados. The Government is hoping that we can get the Oistin Complex off the ground in the latter part of this year; and it is no use spending \$2 million or \$3 million to develop a fishing port if you do not have the fish to put through the port at the end of the exercise.

We will have to look carefully at how we develop the Fishing Industry. We will have to look carefully, as the Minister responsible for External Affairs, the Attorney General, has said, at the question of oil pollution and fishing in our waters by other countries; because I believe that Barbados has a beautiful future ahead of it for the Fishing Industry provided the Government takes the necessary action as soon as possible to preserve our coast line.

Mr. SANDIFORD: Mr. Deputy Speaker, my friend the hon. member for St. Joseph and

Minister of Agriculture, wants some congratulations. He said that he hoped the Opposition would congratulate. (*Aside: Compliment*). Oh, compliment. Compliment and congratulate are the same thing. I will congratulate the Minister who introduced this legislation on a very thoughtful and comprehensive introduction to this particular Bill. I think it is a model to the temporary person he has beside him — the member for St. Michael South East. It was an object lesson to him as to how he should deal with measures being introduced today. It is not only the suit you have on, and he has on a new suit — the member for St. Michael South East — but it is not only the suit. It is the whole question of approach; and I would like to compliment the Minister on a very thoughtful and comprehensive introduction of this Bill which is before us, which is of far reaching importance.

The Minister took us back to the early statements on International Law by the distinguished Dutch jurist, Hugo Grotius. I believe that the booklet he wrote was one of the earliest comprehensive treatises on International Law. The exact name escapes me, the exact title escapes me. In Latin I think it was "*De Jure Bellie et Pacis*" — concerning the law of war and peace. In this particular measure he is quite right.

The statements of Hugo Grotius came at a time when those maritime provinces were interested in setting out a type of regime which obviously was in their own economic interests. Countries which were then being colonised or had been colonised a little earlier had no interest and no say at all in the types of arrangements which were made for navigation on the high seas or the exploitation of the resources of the sea.

5.10 p.m.

Countries which were then being colonised or had been colonised a little earlier had no interest and no say at all in the types of arrangements which were made for navigation of the high seas or the exploitation of the resources of the sea. Those countries such as Barbados which have now become independent have acceded to some of these laws concerning the use of the high seas still without any say in the substance of these laws. With independence we are taking a different interest in these matters, and we are giving practical expression to the sovereignty of a territory like Barbados by now declaring that the territorial limits of Barbados shall be twelve miles.

On this side we are not opposing this measure. We are going to support it. Indeed these measures relating to the territorial waters, the high seas and the continental shelf and related matters all have a history. I believe the first conference in recent times on these matters go back to about 1958 when there was the first United Nations Conference on this matter. I believe that particular conference drew up a convention relating to the continental shelf, and there was another conference in about 1960 with a third one following in about 1968. I believe these are the developments of it. Barbados has been participating in these matters from either 1968 or 1970 or thereabout and taking a very keen interest because the Government of the day realised that being a maritime power, being a country surrounded by water ...and I would hope that we get some clarification from the appropriate Minister because I see some statements in the press that Barbados is not in the Caribbean, but that it is in the Atlantic and I see this being repeated from time to time, and I am wondering if not the appropriate Minister at least the Prime Minister with his encyclopaedic mind could give us some information on this particular matter. I see statements appearing in the press that we are not in the Caribbean and that we are in the Atlantic, and maybe this can be clarified or the matter adverted to during debate. But Barbados has an interest in expanding its territorial waters. A number of countries now have taken the initiative. Land starved as we are, we need to get as much of the resources surrounding Barbados as possible. This much we know but there is much we do not know.

The Attorney General referred to the fisheries surrounding Barbados in the coastal waters, but apart from the fisheries there may be other resources such as oil and natural gas. Indeed there may be other non-living resources, possibly manganese which may be in the waters outside the present territorial limits and whatever other mineral resources there may be, and I would like to make a call here now. We speak from time to time of Barbados having very few natural resources. I think the time has perhaps come when we should get a geological or some other type of survey of this country to see what resources there may be on the land as well as in the waters surrounding this country. I think it is time that a thorough and comprehensive review of these natural resources of Barbados, as I said, both on the land and in the surrounding waters be undertaken. This is a matter where we do not have the expertise here in the country, and certainly it is an area in which international assistance would be

necessary and might be forthcoming, but I would throw this out and I hope I would not hear the retort that "you have been in power for fifteen years why didn't you do that!" I just throw this out for the consideration of the Government.

As far as extending the territorial limits is concerned, I believe there are problems involved because I do not think that there is this identity of views among certain countries of the world, not necessarily to extending the territorial limit to twelve miles, because I think there is a pretty wide consensus on the extension of the territorial waters to twelve miles. Where the problems may come would relate to the so-called economic zone and extending to the further 200 miles beyond the territorial waters, and I do not think that in the international community a consensus has been reached on these particular matters, exactly what are the rights of the territories who would exercise the rights in these waters, and what would be the rights of other countries from afar in these waters. I think these matters are all there for further negotiation and discussion and I do hope some type of solution can come to these problems because even though man has now ventured or is proposing to venture into space and to set up some space stations from which exploration of the moon surface or other areas can be undertaken, including the scooping up of materials with solar resources to bring back for processing and to improve the energy resources of this country. I was listening to a programme on this matter recently, and the University of Princeton is in the forefront of research in this particular matter, and even although we are going to explore space, still right here on earth we have not yet established the type of regime where we can say that there is an international arrangement for peacefully settling disputes arising out of maritime problems, and this is what the whole exercise is about.

We do hope that whenever it is necessary the Attorney General who is the particular Government spokesman on these matters would be present at any international conference when it appears as though political decisions are likely to be taken relating to the matter of the economic zone. Now I am not even certain as far as the territorial waters are concerned and the extension to twelve miles whether there will be any problems arising out of this particular matter. There is a possibility that there can be some disputes arising in this area. Certainly there may be differences among the Caribbean and Latin American territories concerning the

exclusive zone for the Caribbean basin. I am certain about that because I know there are divergent views between some of the Caribbean territories and some of the Latin American countries, not necessarily in that way, because there may be a difference of views among the Caribbean territories themselves.

There is one particular matter which I would hope the Attorney General would clarify and that relates to Clause 3(1), not so much the definition of the limit of the territorial waters, but Clause 3(1) seems to give the Minister power albeit through affirmative resolution in the regulations to set and to vary the territorial limits from at least twelve nautical miles or such other distance from the nearest point of those baselines as the Minister by order prescribes.

5.20 p.m.

I take this to mean that the Minister can vary this upwards or downwards as well (*Aside*) Upwards? He can increase this and I am really wondering — this is a question which I am throwing out — whether the territorial limits of Barbados should not be laid down from the very beginning in the Act and not be subject to any variations by means of regulations. I am wondering — let me make the point very clearly — whether the variation of the limits of Barbados should be done by means of regulations, even though the regulations would be subject to an affirmative Resolution, which means that they cannot go into force unless, I believe, both Houses of Parliament so agree; and I am wondering whether this is not one of the fundamental things, because it relates to the limits of Barbados, to what is Barbados, and I approach this very cautiously and I am throwing out the suggestion that this matter should be considered very carefully. Let me say I am throwing it out for more mature consideration by the Government whether these matters should not be in the Act itself, and that any amendment to the territorial limits of Barbados should be by means of amendment to the parent Act. May be the Minister can tell us why this is worded in this particular way and why it is not in the parent Act itself. After all it is not by order; it is not like a variation of a fee for a licence or a traffic offence.

Mr. Deputy Speaker, as I indicated, this is a matter which will get the support of the Opposition. It was strange to hear the Minister of Agriculture, the hon. member for St. Joseph say that nothing was done in relation to fisheries since the Barbados Labour Party left

the Government of this country in 1961. He has some type of leaning towards making this type of political point. But even while he was speaking he referred to some particular experiment that was carried out — something about two or three days they could not get ice or some such excuse for not being able to complete the research experiment — which sounded a bit cold, I must say. But even while speaking he made reference to the training of fishermen in Trinidad — I forget the name of the institute — the Caribbean Fisheries Institute, I believe, or some such designation, which is itself testimony to the fact that the last Government took the initiative and cooperative with our Caribbean neighbours for the development of the fisheries of the region. So I find it a bit strange that even while he was saying that nothing happened in relation to fisheries, he could use an example of an institute which was set up by the previous Government in relation to fisheries. Now we really don't expect that type of illogic to come from the front bench, especially from one of the senior Ministers and one of the legal luminaries over there; we would expect a little more accuracy in these matters.

Mr. Deputy Speaker, I think the antecedents and the genealogy to this particular decision here today are well known. A lot of preparatory and fundamental work has been done; and the fact that the Attorney General seems a bit amazed at my statements; I have not refreshed my memory in relation to the twelve mile limit and I would not make that point because I have not refreshed my memory, or my powers of recall are not that great as to remember the occasion on which we may have said that the twelve mile limit should be introduced in this country. I am not making that point; maybe a research of the records may indicate that at some time it may have been said. The point I am making is that a lot of preparatory work by means of attendance at international conferences on matters of the sea bed and matters of the territorial waters, and matters of the continental shelf, and matters of the high seas — whether it is the question of innocent passage or whatever it may be in relation to these matters, a lot of preparatory work has been done and the Minister will find quite a deal of documentation on these matters.

And I would like also to pay tribute here to the work done by one of his predecessors — a much maligned former Attorney General of this country, former Senator Moe; he attended many of these conferences and brought to bear on these matters his legal expertise and

knowledge of the subject. I am certain that this is well recognized. I would also like to pay tribute to the principal legal officer in that Ministry, the Solicitor General, Mr. Oliver Browne who brought his scholarship, knowledge and maturity as a public officer to bear on these matters to the extent that today the Minister is able to come to his Hon. Chamber and take the logical conclusion that the territorial waters off Barbados should be extended to twelve miles.

I do not wish to detain this Hon. Chamber any longer; I would merely wish to repeat that this particular matter is in the interest of Barbados and the development of its resources, both the living and the non-living resources of the sea.

5.30 p.m.

It is in the interest of Barbados particularly, because as the Attorney General has said, it is a disadvantaged country. I would like to repeat the call for an evaluation of the resources of this country, both on the land and in the sea, and I would also like to raise this question for some explanation from the Government as to why the territorial limits of Barbados are not set out clearly in the Act without the possibility of variation by means of Order or Regulation or any other means.

With those words, Mr. Deputy Speaker, and bearing in mind, as the Attorney General indicated in his comprehensive opening address that Barbados is open to many problems, including pollution from those ocean going oil tankers, from the drilling operations and from the marketing of the oil after it has been drilled and refined, he made reference to pollution of our beaches, and the effect that pollution can have on the resources, fishing, living and non-living in those waters; all of those things are important to us and I do hope that this measure will get, as it is getting from this side, the full support of all who speak on this measure.

Mr. WARD: Mr. Deputy Speaker, I believe the Hon. Attorney General must be very pleased this evening that he has caused the hon. member for St. Michael South to make the best contribution he has made to Parliament for the eight months I have been here. It only shows you that when a brilliant idea comes from a brilliant man, that even a lesser luminary can catch on quickly. I was not in here previously, but one has to wonder where all these ideas

that he is putting forward were before. He has never spoken like that, but he has caught on quickly on the Attorney General and also the Minister of Agriculture, and he has put forward some very good ideas this evening for which we congratulate him, but he should have brought all these things before.

However, just to deal with the Bill before Parliament, this is another first for the Barbados Labour Party. The Barbados Labour Party turned the fishing industry from sail boats and mechanised it and this brought tremendous advantages to people in Barbados, and more and more younger men got interested in fishing and they went to sea. I recently met a fisherman who had installed a Petter engine in his boat in 1958 and that engine is still running, so the Barbados Labour Party Government can be proud that we have again established that we are going to protect our fishing industry by extending the shore line.

The Minister of Agriculture made certain remarks before he left about certain research, and there is one thing I would like to voice this evening. As hon. members are well aware, the importation of lobsters into this country, what is commonly called sea food, runs into great sums of money. I do not know how much lobster we import but it turns into a very large sum, and I am told that lobsters breed in reefs that have tunnels and they multiply faster in the Grenadine Islands than they do off the shores of Barbados, and for this reason I would like to know if the Minister of Agriculture would consider experimenting in providing some pilot scheme. I understand they like to breed in tunnels, as I said, and he could create some tubular devices in concrete or in steel and have them put off the east coast of Barbados in a collective area and see, if it is so, that the habitation of lobsters would multiply in this country that we would not have to import them. I see no reason for Barbados to be importing as much sea food as it does, and some research should be started to see exactly what conditions suit lobsters and sea food that we may be able to improve that segment of the fishing industry.

Mr. SIMMONS: Just one point, Mr. Deputy Speaker, arising out of what the hon. member for Christ Church North Central has said. I know that during the bye-election in St. Philip last year and in the Party caucuses — I am not sure if the member was present — but the Deputy Prime Minister, the Minister of Agriculture and Fisheries, and myself and the Prime Minister have already discussed the

question of developing a shell fish industry off the east coast of Barbados. From the area of Bathsheba right down to Bottom Bay in St. Philip there are people who catch lobsters, not of the same size as you get in the Grenadines, but still they are a fair size. It is a good area for sea eggs also, and we have met with people from abroad who have given the expertise and have suggested on the east coast the dumping of old cars and that type of equipment because, similar to what the member has said about breeding in hollows and shelves it is apparently a fact that lobsters indeed breed equally well in old cars and machinery dumped off the east coast. This has been investigated and my friend may have forgotten, but it is in fact in the Manifesto of the Barbados Labour Party that we will consider the extension of the shell fishing industry, which brings me to the question of the sea eggs.

I believe that it is in California that a big trade is being done now with sea eggs, even the black ones, and the sea eggs are being sent abroad to Italy and Paris, and I think that these are areas to which the Minister of Agriculture and Fisheries could give his urgent attention. It is amazing that in Mauritius they have sea eggs in abundance — the Clerk is looking at me knowingly — and apart from the few Bajans there at the conference nobody seemed interested in the sea eggs that were in abundance off Mauritius, and very close to the water line. I would like to see the sea egg industry develop as an exotic item for export.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I am indebted to all hon. members who have spoken. If I may reply very briefly to the points which call for some answer, the hon. member for St. Michael South made reference to the need for geological studies and a comprehensive review of the resources, both inland and seaward, to Barbados. I may state that the Government is in possession of various geological and other surveys which have been undertaken. They may not be as comprehensive as Government at present wants. As the hon. member will appreciate, the difficulty which a developing Third World Country like ours has in this respect is that we do not possess our own expertise in this field and we do have to rely on technical assistance and technical experts from overseas.

5.40 p.m.

The Government therefore has to choose carefully those experts because they may be from countries which may not have an interest in disclosing the full resources which we possess,

either because of their own interest in the country by way of mining or other aspects in which they may have an interest.

The Minister of Caribbean Affairs and External Trade has been pursuing this matter in relation to the resources of Barbados, and he has been doing everything in his power to make sure of the facts which will be used not only in the national oil industry and energy as a whole, but for other purposes in relation to the territorial sea etc.

The hon. member raised the question of the provision in Section 3(1) of the Bill which prescribes the limit of the territorial sea to 12 miles or such other limits as the Minister may prescribe. Now, Section 3 must be read in conjunction with Section 4. The reason why it was necessary to frame it this way is because at the moment breadth of the territorial sea by most nations is 12 miles; but it is quite possible that the conclusion of the present Law of the Sea Conference, or any succeeding conference may move for a wider International Law expansion of these.

Normally such an Act is carried out in a way that it can be agreed on according to the constitutional position; but we thought it better in this case to allow Parliament to pass on such Acts instead of having regulations to be debated by affirmative legislation; and therefore no Cabinet or Minister can unilaterally agree under the terms of this Bill to alter the limit of the territorial waters of Barbados unless Parliament has affirmed such a decision.

The hon. member may well know that we have departed in considerable measure from the practice used by the last Government where the negative Resolution was the order of the day. Indeed, the hon. member who is so well known for his research and for his scholarly approach to these problems, will I am sure have read some of my speeches, and he will be aware of how often I have objected to the Henry VIII clause which was a sign of a lack of appreciation for democratic institutions. One of my criticisms about the last Government and the last Prime Minister was that he preferred the Henry VIII clause to full consultation with Parliament.

Indeed in this there will be full consultation with Parliament if we have at any stage to change the limit. Our section is no different from what obtains in places like Canada and Jamaica in this respect. I believe certainly that one could follow the Canadian practice as

it is an example of a country that has great respect for parliamentary traditions as well as looking for the best for the nation as a whole. This is one area in which we have followed their legislation completely.

I am indebted to the hon. member for his remarks about the Solicitor General. Indeed he is an example of a public officer who has devoted a large part of his time, experience and expertise to promoting Barbados' best interest. I am indebted to him for the amount of research which has gone into the problems that we have, and the time that he has taken outside normal governmental hours to make a contribution to his country. Such people work in the background and very often do not get the recognition they deserve.

I will claim a little credit, however, Mr. Deputy Speaker, although I do not like to blow my own trumpet, for having alerted Barbados prior to 1958 of the importance to the area and its surroundings of this country's economic and other betterment. The hon. member may well recall my speeches on Rediffusion and my lectures to the Extra Mural programmes of the U.W.I. on the Law of the Sea, and even prior to the time....

Mr. SANDIFORD: On a point of elucidation. I certainly recall those things. At that time he was a very good candidate for the Democratic Labour Party. It is a pity that something happened since then.

Mr. WEEKES: Mr. Deputy Speaker, I have observed that there is no quorum, and I am asking that the bell be rung.

The bell was rung and a quorum was obtained.

Hon. H. deB. FORDE: Now that we have a quorum, let me state that even at that time the Democratic Labour Party realised and recognised that people who were committed to the Barbados Labour Party had talent; and if the hon. member was seeking to make that point, I must confess that the hon. member like myself at that point belonged to a group of people who were so interested in the country that we were free enough to criticise, whoever was in power. That is not scoring a political point.

The other point was raised by the member for Christ Church North Central and the member for St. Philip North. I think that the Minister for Agriculture and Fisheries is very

cognisant of the need to take all measures to expand the fishing resources of Barbados. I may merely state that we are working on these matters now, and the Fisheries Act will in due course be put up not only to provide for the preservation of whales, turtles and sea eggs and other pelagic species off of our coast line.

With these remarks I again beg to move that this Bill be read a second time.

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on the Bill.

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

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

Clauses 1 to 7 of the Bill inclusive were called and agreed to.

Clause 8 was called.
5.50 p.m.

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that Clause 8 stand part.

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

Mr. SANDIFORD: Mr. Chairman, in Clause 8 I wonder if the Minister could tell us why this particular clause is worded this way. It is indicated both in Clause 8 and in the preceding Clause that the passage of any ship of war within the territorial waters shall be deemed to be prejudicial to the peace, good order or security of Barbados, and in clause 8 it is indicated that a member of the police force or a person authorised by the Minister in writing may, if such a person suspects that the foreign ship is engaging in activities which may be prejudicial to the peace, good order and security of Barbados, intervene on behalf of Barbados. I am just wondering about the capacity to enforce this particular clause, and I am

wondering why there is an exclusion of reference perhaps to that body which may have the capacity; I refer to the Coast Guard, and I wonder why no reference is made to that service under this particular clause and why it is the Police or other person. Maybe there is a good explanation for it.

Mr. SIMMONS: Mr. Chairman, last year I think during the debate on the Estimates, it was pointed out that the Coast Guard as presently constituted has no power of arrest, and until the Coast Guard system is brought in line with the Harbour Police or integrated in some form to vest powers of arrest in the Coast Guard, it would make a nonsense to specify them in clause 8. But it still does not exclude from its terms the operation of the Coast Guard, because suppose the Minister feels that the Coast Guard is a body competent to do the arrest or whatever, he has the power here in clause 8 to authorise the Coast Guard or anybody in writing to do the function, but you could not write in a specific clause or provision vesting these powers in the Coast Guard.

Hon. H. deB. FORDE: Mr. Chairman, the hon. member for St. Philip North has given the complete answer on my behalf and I am grateful to him.

The question that Clause 8 stand part, was put and resolved in the affirmative without division.

Clauses 9 to 16 inclusive were called and passed.

The Schedule was called and passed.

On motion of Hon. H. deB. FORDE seconded by Hon. DeL. BRADSHAW, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. deB. FORDE seconded by Hon. DeL. BRADSHAW, the Bill was read a third time and passed.

THE STAMP DUTY (AMENDMENT) ACT, 1977

Hon. H. deB. FORDE: Mr. Deputy Speaker, I beg to move that Order No. 5 be the next Order of the Day.

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

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

Mr. DEPUTY SPEAKER: Order No. 5 is the instant order of the day, and it stands in the name of the Hon. Prime Minister, to move the second reading of a Bill to amend the Stamp Duty Act, Cap. 91.

Rt. Hon. J. M. G. M. ADAMS: Mr. Deputy Speaker, one of the budgetary measures which has necessitated legislation of a more complicated sort than was at first envisaged is the amendment to the Stamp Duty Act which is now before the House.

6.00 p.m.

First of all it appears that there was an omission. The situation on travellers cheques has been the subject of some controversy, and it had been intended to clear up the position of the travellers cheques under the provision of the first Schedule of the Act. But this was not done at the time of the first draft. We have found, Mr. Speaker, that there were certain other areas where consequential amendments were necessary but had been overlooked by those responsible for preparing the legislation, and indeed to some extent by those responsible for giving instructions to prepare the legislation. It has therefore been necessary to carry out what has been on the face of it a much more substantial amendment of the Act. The necessary amendment has been circulated and will be adverted to in due course in Committee.

As far as the principle is concerned, Mr. Speaker, stamp duty has traditionally been a means of raising revenue. This is one of the oldest forms of revenue in any taxation system. I cannot say, like the Learned Attorney General or the hon. member for St. Michael South, which mediaeval taxer first thought of collecting revenue by what is in effect stamp duty, but it is certainly very old, and our Stamp Act goes back to 1916 and is antique in language and in form, and indeed we have found it falling behind somewhat in the service which it was rendering to the revenue in respect of the numerous taxes which it covers. The Stamp Act is to be found at Chapter 91 of the new edition of the Laws of Barbados. I do not know the entire legislative history of the Act, but many of the charges are really out of date.

Starting at Head No. 1 which is to be found in the first Schedule, the charge for an agreement not under seal — an ordinary agreement between two people — had a charge of a shilling since 1916. The Law Revision Commissioners made it 25 cents. No Minister of

Finance had evidently thought it necessary to make any further alterations. I believe that in 1977 ordinary agreements can carry a dollar tax.

Appraisements receive a lot of attention under the old Stamp Act and I have raised some of the fees, but I do not think it is an important area.

The matters which affect the public mostly, I would think, are cheques and receipts. Bankers cheques for I think sixteen years, had been paying four cents, and bills of exchange generally had been paying four cents under the old legislation. Substantial alterations have been made here — bankers cheques are now ten cents, and bills of exchange are 25 cents in one hundred.

As regards bills of lading, the old Stamp Act has this entry; "Every signed copy, except the master's, in West Indian trade, two cents." To tell the truth Sir, I believe it is hardly worthwhile nowadays to print two cent stamps and tear them apart. Stamps do in fact cost less than two cents to print, but there is no point carrying a charge in 1977 of two cents, and this has been raised to one dollar. I have no doubt that it will be possible for the members of the Opposition to be very vehement about this 500 or 5000% increase in bills of lading; but since bills of lading in this day and age deal with cargoes covering tens of thousands of dollars, we do not think that even the most carping Opposition critic will complain that we have raised the bill of lading by 98 cents. I think it will be more convenient for all concerned to pay the dollar and save the two cents stamp. This has been the sort of principle we have followed throughout the Act.

The part which will raise most revenue, I imagine, relates to conveyances. There were formerly three rates for conveyances and these were set as long ago as 1965. I have introduced one rate of conveyance which is at 1% of the value of the property conveyed; in other words, for the sale of your property basically you will pay one year's taxes.

Lease or agreement for lease — for some reason the Law Revision Commissioner thought he was doing a good thing when he decimalized the charges upon leases. This is one of the areas where you can be too clever by half. Stamps on leases should always be charged in amount of multiples of twelve, since people rent property by the month. I have therefore changed the "exceeding \$50 and not exceeding \$100" to "exceeding \$60 and not exceeding

\$300;" in other words, rents from \$5 to \$25 a month pay one rate, and so on. I hope this will be of great assistance to the legal profession, not having to multiply out and confuse themselves with these fractions for stamping purposes.

I hope that hon. members will not think the Government is against the institution of marriage because we have raised the cost of a marriage licence from \$1 to \$5. I have heard so much about the water rates, that I expect to hear how we have raised the marriage licence fees 500%. But the fact is that in this day and age \$5 hardly represent the work that has to be done by a number of civil servants making an investigation and preparing a document to be signed by the Attorney General for the purposes of a marriage licence. This is the way to look at some of these things, Mr. Deputy Speaker; the cost of providing services for a marriage licence, I think, far exceeds \$5.

Mr. Deputy Speaker, I have dealt with the principles which have been followed in the examination of the Stamp Act. In respect of travellers cheques I must just say this: we will be amending the Schedule to charge, I think, ten cents on travellers cheques up to a value of \$50 which are changed in Barbados and 25 cents for cheques above \$50. We think that a differential rate is appropriate — I believe 10 cents is what has been charged so far. I just want to say this — I very much hope that all those concerned will turn a blind eye to any travellers cheques that come before them which are stamped with only ten cents and not 25 cents, for the period between April 15, when this Bill comes into force to today's date when the 25 cents comes into force. This is one of these anomalies that we are aware of, but we think it is better just to leave it to good sense rather than attempt to make specific legislation exemption for it. Certainly the Minister of Finance would have no difficulty exempting anybody from the additional stamp duty of fifteen cents on each cheque that has been levied between 15th April and today.

Mr. Deputy Speaker, I do not think that I have to spend any more time outlining the principles of the Stamp Duty Act. Much of our work will be done in Committee, and I therefore beg to move that this Bill be now a second time.

6.10 p.m.

Hon. F. G. SMITH: Mr. Deputy Speaker, I shall not be very long. This is one of the measures introduced by the Rt. Hon. Prime

Minister and Minister of Finance to raise revenue, and about that he and the people will talk eventually, but be that as it may, there are just a few comments I would like to make.

I am sorry the Attorney General is not here, because, if the type of piecemeal, cut up, amended legislation had come from the other side, either from me or from my predecessor, you would have heard how incompetent we were, how ignorant we were, how bad the draughtsman was, even the Prime Minister himself has sometimes castigated the Attorney General's Office for legislation like this. Within the last three weeks since the Budget we have had a million amendments to the Stamp Duty Act. Even this very day, this very morning when I entered the House and the House began we were given another set of amendments which we hear will be passed, to which the Opposition is not objecting. But in order to bring home to the Government, now that they are in the Government, the problems of getting legislation at one point in time so well drafted at the first instance that criticisms that I am making and they used to make against us can be avoided.

They now see for themselves that it is not very often the incompetence of the Attorney General, or the lack of interest of the Attorney General, but that there are other problems apart from their own competence which causes legislation to come down in the form in which we have had this Stamp Duty Act. I am not blaming the Attorney General, I am only saying that now he is in a position to understand the problems of an Attorney General he will see that this is not going to be the first. We have had other amendments on the Gaming Act similar to this where amendments come in after the Bill has come down to the House, and while I can understand it, having been Attorney General — whether the member for St. Joseph likes it or not, it is a historical fact — I would like him to see that we are not castigating the Government, we are now glad to see that they do and must appreciate the problems of a draughtsman meeting the needs of a Government, whether it be Ministry of Health, Ministry of Finance or whatever Department it is. Even we who have been in Government can understand and appreciate the problems of the draughtsman and the Government, we are not castigating you, we are only now showing you that you used to accuse us of incompetence. We are not accusing you of incompetence, we are accusing you of now realising for the first time the problems that a Government in power faces with the officers at its disposal in coming down with water tight legislation from time to time.

This is the second occasion on which I have had the pleasure of listening to the Rt. Hon. Prime Minister on two subjects on which his knowledge is encyclopaedic, as the member for St. Michael South said, both the gaming law and now the stamp duty. I think it can fairly be said of the Prime Minister that perhaps in Barbados he has certainly a wonderful stamp collection. If there is one field in which he can hold his own with anybody in Barbados it is on the question of stamps. I do not know if his predilection for stamps led him to the Stamp Duty Act as one of the first sources of increase, since this question of collection of stamps is very dear to his mind and has occupied him as a hobby. This is known, I am not saying this facetiously or lightly, I know he is an authority in this particular area. I have offered to sell him my stamp collection, of which I am completely ignorant; but I do not know if the Prime Minister on his salary would be able to pay me for the different stamps that I possess, which probably if I do not get a good purchaser I will donate to the Museum or some other bureau.

That is the main point. I am not going, as he suggests, to argue about 500%, 600%, it would be foolish. The Government, then in Opposition, quite rightly did it with water, and I think the main person who adopted that attitude was the member for St. Joseph, the Hon. Minister of Agriculture. We shall not harp on that, because I myself have felt that there are certain areas in which the fees have been quite low and the charges have been almost ridiculous. Just like when they increased the rates from \$1.25 for 90 days' water to \$6.00 or 7 cents a day for all the water you can use, I did not think that was too high, I think it was a reasonable and a fair charge. The Government has now increased it to 10%. I am not anticipating, I am just using that, Mr. Deputy Speaker, to show that I am not talking in percentages. The same thing with marriage licences. I would not say that \$5.00 for a marriage licence is too much for the privilege of earning yourself a mother-in-law, therefore I would not quarrel with that, it is a reasonable charge. Of course when we lawyers have to undo the knot caused by this \$5.00 I do not think we will accept \$5.00 either for dissolving that marriage caused by the \$5.00, but I am not quarrelling with that, but I would not use that argument on any of these measures except to make one final comment.

In a sense it has been said that the Prime Minister's budget was a good budget. While the Stamp Duty Act is being increased, the charges are going to have an effect on the small man,

the man who is buying the land, for conveyancing; the man who has connections with one or other of the items involved in the increase, so it is not fair to say that this is not going to affect the small man, because it certainly is going to affect him in his dealings with his land or deeds or other mortgage bonds or one or other from time to time, especially in a country where the man in the street is aspiring to own his own plot, his own field, his own vineyard, and of course from time to time he will come up against increases in this area. I see the member for St. Philip North there sitting down, but I will assume that the National Housing Corporation will have mortgages and the National Housing Corporation will have sales to people, and I think in that case too, which I am not castigating them for, it is a revenue measure, but it will have an effect on the man in the street, but it cannot be said, even although it may seem innocent, that the Stamp Duty Act which from day to day does not affect the man as such, yet in any of the dealings, whether the man is going away, whether the man is getting traveller's cheques, we must look at the entire range of increases, and while I am not prepared to say that the increases are exorbitant as such, they will affect the man in the street, as indeed they must, if he falls on a transaction which he executes or carries out, falls under one of the categories in this Bill.

This Bill is nothing the Opposition can oppose, the Opposition cannot oppose a revenue measure in the sense that we can criticise it, but in this particular case the Opposition certainly is not opposing this measure since it is to carry out a decision which has been taken by the Minister of Finance and for which the people in the long run will be the judges of whether it was a good budget or not. It cannot be said that the DLP did not speak, it is not a DLP Budget, but anything that arises out of this budget is BLP. People in due course will have a chance to say, when the shoe pinches, whether it was a good budget or not.

6.20 p.m.

Mr. SIMMONS: Before the Prime Minister replies, since the Leader of the Opposition has mentioned the National Housing Corporation and anticipated additional burdens on the small man, I wish to make some contribution to this debate. Of course, the basic question is who is the small man, how do you define the small man? For example, the National Housing Corporation is still proceeding with low cost houses for rental; and in that way you can provide a service for the people at the lowest

rung of society who cannot afford to buy their own houses.

To that extent, those houses which are built for rental carry in the cost a figure representative of a subsidy. In other words, that rental unit is heavily subsidised, and to that extent you are still protecting rather than burdening the smallest man. Then you have the low income house owner — the 2 or 3-bedroom single unit in Wildey or Lodge Terrace which will sell for between \$22,000 and \$27,000. If someone can purchase a house for \$27,000, then surely the stamp duty will not be exceptionally burdensome.

In addition, the Barbados Mortgage Finance Company on a directive from the Prime Minister has raised the level of the loan. You can now get under this Government a loan of up to \$50,000, whereas under the last Government the limit was \$32,000; but in that area where you meet that kind of mortgage financing you are dealing with people living in areas like Oxnards where the houses are selling for between \$40,000 and \$42,000. These are people of the middle income group, Civil Servants and so on, and whose incomes are at a point which I do not believe the Leader of the Opposition envisages as that of the small man.

The Government's policy towards Housing would be a contribution by way of subsidising houses for rent and the provision of low income houses for low income owners, selling in the area of \$25,000. That is not part of this debate, but I mention it now because I do not expect to be in the house next Tuesday. I expect to be in Jamaica looking at their low cost housing development with a view to seeing its relevance to or possibilities for, Barbados.

Mr. SANDIFORD: Just one point, Mr. Deputy Speaker. I am sorry that the member for St. Philip North was so quick on his feet because he might have turned his attention to the point I am raising. It is just a small point, and it relates to the conveyancing of land. He mentioned persons purchasing properties in the region of \$27,000 which may be constructed by the National Housing Corporation; but I believe that there is an area in which the small man may be affected: because if the Housing Corporation is in fact offering to sell land in spots in the housing estates for which tenants may have already paid down money, I believe that they would have to pay stamp duty on any conveyance of land from the Corporation to them. To that extent small people would be affected.

I believe that that is an area which the member for St. Philip North is likely to forget — that the Corporation is engaged in the process of making land available to certain owners on the housing estates. I say this because I know of the problems involved, certainly in one housing estate — Bayville. I have asked certain questions on this, and I have every reason to believe that the Government will continue the policy of making this land available; but unless the Minister has already waived these new duties for the conveyance of land to the residents of Bayville or other housing estates where land is to be conveyed to owners who can fall into the category of the small man, they will be eligible for these new impositions in the Budget. Maybe the Prime Minister will clarify that.

Mr. SIMMONS: On a point of elucidation. While I do not propose to answer Question No. 37 at this stage, I would point out that it is the policy of the Government to encourage home ownership and to that extent, in these housing estates especially, once we believe that people desire to purchase spots, the National Housing Corporation is trying its best to see that the purchase goes through smoothly.

I put it like that because I have found numerous problems. Take for instance Bayville. It has cost the Corporation \$240,000 to pay the Surveyors Association to carry out a survey because you cannot provide individual lot plans for the people. This is an area that was never touched by the last administration. There are also problems in Silver Hill. I do not mind what appeared in the newspaper last Sunday. I am reciting what are facts.

It may be anathema for the hon. member for St. Michael South to hear me complaining about what they did under their regime; but it is a fact that we cannot provide the lot plans that are necessary in respect of Silver Hill, Bayville, Waterford and Six Roads areas. We have paid out vast sums to surveyors.

We have tried to reduce some of the burden on the Corporation by appointing recently an additional surveyor to the Corporation's structure; but we will need another surveyor if we are going to improve our efficiency. The trouble is that we cannot offer salaries attractive enough to the people in private practice to get them to come to the Corporation for two or three years; but I can give the hon. member the assurance that the point that he has raised and the point raised by the Leader of the Opposition did not escape my

attention. To that extent there will be a charge on the small person.

Rt. Hon. J. M. G. M. ADAMS: Mr. Deputy Speaker, the hon. member for St. Philip North has admirably elucidated the point raised by the member for St. Michael South, and I do not think that it needs any further reply. As far as the point of the Leader of the Opposition is concerned about draftsmen, I will say that he has not understood the sequence of events in the old days.

A bad Bill would be brought down. It would be criticised by the Opposition, taken away and part repaired, and then perhaps later in the session a second Bill would come in. On this occasion the Government itself has discovered flaws in the Bill and we have brought down amendments before the Bill is passed. There will not now be the situation where the Attorney General will make a correction to a Bill passed in the House and sign it after the Governor General has signed it. 6.30 p.m.

There won't be any of that. There will be no more of that. That has been done and we have already in this House had to correct two statutes which have been messed about by Attorneys-General after the Governor-General had applied his signature. I will not embarrass the Leader of the Opposition by saying that there may yet be other Bills which have had the hand of yet other Attorneys-General pass over them after the hand of Parliament thought that their work was complete; so we are not doing that. Therefore where we discover that "receipt" is defined in the Stamp Act in a number of unexpected places and that the definition of receipt is being a document given in exchange for the payment of a debt or whatever exceeding \$9.60, where for example you have found that in a penalty section which was discovered, I prefer to recall the Bill and have that dealt with here. It matters not at all if we did not amend it. We could have left it because elsewhere in the Bill it is made clear that you only have to stamp receipts of \$20 and over, therefore we could have left it alone. That was really a redundancy, but it is an untidy redundancy because on the face of it, it is a penalty section and somebody who did not look at the entire Bill would take a receipt for \$12 and say this receipt should attract a penalty.

Indeed I am not absolutely sure that might not have been the law pure and simple, although I believe most magistrates or judges

would construe it a little more reasonably. This is why we have had all these amendments. It is an old-fashioned Act cast in old-fashioned language and we have tried to tidy up some of this old-fashioned language. We could have done more indeed; but in the interest of getting the Act passed we have decided to limit ourselves to these amendments. After all even the Bill that came down to the House contained a proviso "Provided that if the separate and distinct 2 or more persons are insured by one policy for a voyage or for a time then the duty of 4 cents or the duty of 6 cents or 12 cents, as the case may require, shall be charged thereon in respect of every full sum of \$500 and every fractional part of \$500 thereby insured upon any separate or distinct interest."

The Attorney General and I each read that section over and over for forty minutes without really understanding it and we have decided in the long run that it is wise to cut down the language somewhat so as to make it slightly more comprehensible, therefore we have a lot of little fiddling amendments. The draughtsmen are taking some time to get out of the habit of work which we used to characterize as sloppy — I am not saying whether it is sloppy or not — but work which certainly did not have the same amount of thought and direction going into it. In other words, the Ministries themselves never used to give the sorts of instructions, never made the sorts of demands upon the draughtsmen that we are going to make, so the first Bills that come out are cast in the old pattern. The Attorney General and I however are trying to get the draughtsmen to think big and think that when they look at an Act they must not change the words, they must read every section. Indeed I have called some of the draughtsmen into my office and said in respect of this Stamp Act — I had three of them in there and the Attorney General — that they must read every section and advise us as to whether it should be changed, and the Attorney General himself is so precise that after he and the Chief Parliamentary draughtsman worked the greater part of yesterday Bank Holiday on perfecting this Act, knowing what the instructions were he still minuted to me this morning and invited me to give instructions on the matters on which they had advised me so that the file would be complete.

Every matter which is the subject of amendment will be supported by ministerial instruction that this should be included or should not be amended or should be amended or whatever in the Stamp Act. We are trying to

do things the right way and by that means bring out the potential in the legal draughtsmen which we are sure exists. We are absolutely sure and it is an exercise such as this that makes us realise the quality of whom we are dealing with. We are absolutely sure that given proper direction the drafting department will produce first class legislation, and therefore we can expect to get things like this from time to time where careful review by the Minister concerned after the initial draft will produce a better result than merely allowing the initial draft to come and at some future date hoping that the other oversights can be dealt with.

I do not want to remind the Leader of the Opposition at too much length of his sad days as Attorney General, but he might recall that a Select Committee of this House sat under the chairmanship of the late Mr. Garfield Sargeant, Mr. Elliott Mottley was in it, I was in it, Sir Theodore Brancker was in it and I cannot recall who else, and we offered some amendments to the Magistrates Jurisdiction and Procedure Act, the need for which had been seen in 1961. George Moe himself admitted that to me; he was then Crown Counsel and had been a draughtsman and he told me that the need had been seen in 1961, and although the Attorney General knew enough, the then Leader of the Opposition was then in the Senate, to come down here and stand outside the Committee room and make a fuss and say we were not to amend the law, he did not know enough to go back up to his Chambers and write the amendments himself and bring them down to the House — the Cabinet the next week and the House two weeks after — and they still have not been made, but not for long. This is the kind of direction that we are trying to bring in the matter of review of legislation.

Mr. Deputy Speaker, I beg to move that this Bill be now read a second time.

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

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

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

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

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

6.40 p.m.

Clause 1 was called and passed.

Clause 2 was called.

Rt. Hon. J. M. G. ADAMS: Mr. Chairman, I beg to move that Clauses 2 and 3 of the Bill be renumbered Clauses 16 and 18. In moving this, Mr. Chairman, I would respectfully suggest to the Committee that since the amendments have been circulated, the Committee had best take them one by one; in other words, I am moving that in the Bill Clauses 2 and 3 be renumbered as Clauses 16 and 18, and that the amended Clause 2 to 15 be Clauses 2 to 15 of the Bill, and of course, we will take them separately.

Hon. F. G. SMITH: I have listened to the Honourable Prime Minister and I feel we have got to admire him to see how he has made a defence sound like a virtue. I think as I listened to him that anybody who does not know must feel that the Opposition is wrong and that the Bill is the best Bill you can find. He spoke as if we drafted the Bill. I really have to admire him.

The question that Clauses 2 and 3 be renumbered Clauses 16 and 18 was put and resolved in the affirmative without division.

The new Clause 2 was called.

Rt. Hon. J. M. G. ADAMS: Mr. Chairman, this is the definition section. Modern drafting apparently demands a definition of a Bill of exchange, since we already have a Bill of Exchange Act, and we are seeking to insert the words "Bill of Exchange" and also in the definition of "receipt" ten dollars in words still appears and we are seeking to insert the words "twenty dollars" in figures. This is accordance with the Budgetary Proposals.

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

The new Clause 3 was called.

Rt. Hon. J. M. G. ADAMS: Mr. Chairman, the new Clause 3 seeks to insert the words "travellers cheques" along with "bankers cheques" and "bill of exchange" in what is

called the composition section. I do not want to delay the Committee, but hon. members may be aware that it is a matter of some inconvenience to banks to put a separate adhesive stamp on every cheque, the bill of exchange and now travellers cheques, which they have to stamp. I have recently approved regulations under which the Accountant General will be issuing machines to banks to cover bills of exchange, whereas before there were only machines for stamping cheques and to cover certain other documents. The change will speed up the process of dealing with these documents. The amendment seeks to add travellers cheques so that they will be able to impress the stamp at the back of the travellers cheques, rather than an adhesive stamp. The Committee may like to know that rigid safeguards, and regular inspections by the Accountant General, are being provided to make sure that the amount of duty recorded in a machine is regularly collected from the bank. Let me say that I have absolute confidence in commercial banks in this country; there is a tendency however, on the part of some people to try to evade the stamp duty they ought to pay on these documents when they come into their hands.

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

The new Clause 4 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, this has absolutely nothing to do with revenue, but with an amendment that should have been made long ago. With the Act as it now stands, barristers-at-law and solicitors are permitted to cancel stamps affixed to certain documents. We are seeking to delete these words and substitute the words "Attorney-at-Law". We think there are also amendments to improve the wording further down in Subsection 4 of Section 22 and we have to add to subsection 5 to define "attorney-at-law". This is the purpose of the amendment of this section.

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

The new Clause 5 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the new Clause 5 deals with the words "four cents" on a bill of exchange. Section 24(4) at present reads: "where any bill of exchange liable only to the duty of four cents is presented for payment..." We think this bad drafting, and the Attorney General and I have

decided it is much safer to amend this section in final form so that it will never have to be amended again and therefore we are changing the words "to the duty of four cents" to "the money rate of duty specified thereto in relation to the Schedule." This is a necessary amendment; it should always have been there Sir; the mistake was made in 1960 not to include some such form of words, and we are now seeking to correct this.

The question that the New Clause 5 stand part was put and resolved in the affirmative without division.

6.50 p.m.

New clause 6 was called.

Rt. Hon. J. M. G. M. ADAMS: New Clause 6, Sir, introduces a new section into the Act, section 25A, which directs that traveller's cheques shall be stamped by the person presenting the cheque for encashment or tendering it in payment for goods or services in Barbados at the time of such presentation or tender. This means that everybody who changes a traveller's cheque will have to stamp it. I imagine that persons who regularly receive traveller's cheques in the course of their business will keep 10 and 25 cent stamps on hand to put on the cheques and deduct that amount from the proceeds of the cheque in due course.

I will also point out to the Committee, Sir, that this is an imposition which will fall 99.9% or more on non-Barbadians. This may yield, I believe, more than \$100,000 a year, perhaps considerably more than that, and it is really a flea bite in the pocket of each individual tourist, but it may help the revenue of little Barbados more and more as the years go on. It will be noticed that if you do not get the traveller's cheque stamped at the time when you take it from the tourist you are at liberty to stamp it before passing it on elsewhere.

This is a permissive clause, and I think that those two clauses for whose ingenuity I would like to thank the Attorney General and Chief Parliamentary Counsel, will adequately meet the difficulties of stamping traveller's cheques.

I beg to move that New clause 6 stand part.

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

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

New clause 7 was called.

Rt. Hon. J. M. G. M. ADAMS: New clause 7, Sir, increases the penalty for not stamping a charter party. This penalty was five shillings back in 1906, \$1.20 in 1960, and we are raising it to \$500. We believe that if you charter a ship it is little enough in stamps to put on it — I think it is \$50 — but we really believe that to leave a penalty of \$1.20 on a tax of \$50 is to invite evasion, and as part of a general raising of penalties throughout the Act we have increased it to \$500.

That is the purpose of this, and I beg to move that the new clause 7 stand part.

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

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

New clause 8 was called.

Rt. Hon. J. M. G. M. ADAMS: New clause 8 is another penalty section. In pursuance of the Government's policy of open Government and free consultation with everybody who is affected, the Attorney General took the opinion of the President of the Bar Association on this particular section, which is to be found in section 33 of the Act.

The President of the Bar Association indicated that there are many situations where a conveyance or other document is stamped in good faith by an attorney at law for one amount, but perhaps for property transfer reasons or for whatever reason, upon adjudication by the Registrar and perhaps on a valuation by the Commissioner of Valuations it is indicated that the value of the consideration for the transfer or whatever the document was, is greater than it was thought at first. The present custom is that the attorney at law now pays \$25 plus the unpaid duty, and if he has left the unpaid stamp duty for too long he pays 6% per year.

We had intended to raise this amount also to the area of \$500, but we appreciate that the penalty under this section can arise as a matter of misjudgement and it should not be penalised at the same level as a deliberate unstamping of a document. I mean, there is definitely a difference of degree where you do not stamp a

document at all and where you stamp it with a mistaken amount, even if you stamp it with a mistaken amount trying to get away with something, Sir, we think that the penalty should not be as high as \$500, and therefore we are asking only for a penalty of \$100, and where the unpaid duty exceeds \$100 we are asking for interest at the rate of 8% on the unpaid duty.

I beg to move that new clause 8 stand part.

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

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

New clause 9 was called.

Rt. Hon. J. M. G. M. ADAMS: New clause 9, Sir, is a penalty section. At present when you are going into the courts with unstamped receipts, if the lawyer on the objects you pay \$5.00, you go to the Registrar and get it adjudicated, you pay the penalty of \$5.00 and you put on the 4 cent stamp or whatever the case may be.

Experience has proved that this is too easily done, especially with agreements. Agreements come before the court, a point is taken that the agreement should have, at present, a 25 cent stamp, in future it will be \$1.00 so the case is adjourned, you go away, you pay \$5.00 and you come back. It will now be \$100, and attorneys who take the risk of presenting unstamped documents to the courts will have to persuade their clients to find \$100 to make up for their default or whatever other arrangements they are able to make.

I beg to move that the new clause 9 stand part.

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

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

New clause 10 was called.

Rt. Hon. J. M. G. M. ADAMS: This is a penalty section, Sir. The penalty used to be \$50 but this relates to fraud and I think \$1,000 is more suitable.

I beg to move that new clause 10 stand part.

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

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

New clause 11 was called.

Rt. Hon. J. M. G. M. ADAMS: This is a similar situation, Sir, somebody who refuses to stamp a document. You have to have proper penalties, Sir. Clause 37 as it now stands says that a person required to stamp an instrument or to cancel a stamp thereon shall be liable on summary conviction to a fine of \$50, so if you sell a hotel for \$10 million and you may be required to put on the stamps of \$100,000 the fine you will have to pay would be \$50, well \$1,000 is not even very much for that, but nonetheless we think that the upper limit should be raised from \$50 to \$1,000.

I beg to move that new clause 11 stand part.

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

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

The new Clause 12 was called.

Rt. Hon. J. M. G. M. ADAMS: This is an amendment to Section 38 relating to receipts. At present if you give a receipt that is not stamped you have to pay \$50 and we are raising it to \$500; and we have taken the opportunity to change \$9.60 to \$20.00. It is an exemption clause, but it reflects the new upper limits.

I beg to move that the new Clause 12 stand part.

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

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

The new Clause 13 was called.

Rt. Hon. J. M. G. M. ADAMS: This again deals with fraud, and we want to change the penalty from \$250 to \$1,000. This might be thought even to be generous, Sir, because it relates to people who soak stamps off deeds and then use them again on new deeds. It had

occurred to me that this should be made a criminal offence which would make the person liable to imprisonment; but if you manage to get a \$1,000 stamp and soak it off a deed, you do not mind paying a fine of \$1,000; but at the moment the practice is not widespread and therefore I think that the penalty that we are suggesting is suitable. Certainly, I do not think that anyone here will argue that now that revenue stamps are available up to \$1,000, that \$1,000 is too much a fine for trying to reuse one of them.

Mr. SANDIFORD: I wonder if the Prime Minister and Minister of Finance will tell us if there are many instances of this soaking off of the stamps on documents of this kind.

Rt. Hon. J. M. G. M. ADAMS: Memory recalls a few instances. The collective memories and wisdom of some of the former practitioners of the art of barristering at law and solicitoring recall a few instances; but as I said, it is not widespread, otherwise I believe that we would have put on a more severe penalty.

Hon. C. L. BOLDEN: Mr. Chairman, I remember at one time that when you had to produce certain documents in court each had to be stamped at a certain time, and if they were not stamped at that time, what we would do is to call the present Prime Minister and ask him what stamp was issued at that date. You would then look around and get the appropriate stamp to put on.

I remember from personal experience somebody who used to remove stamps from one deed and put them on another deed. It has happened in the Profession. It would not be appropriate to call the name of the gentleman or of the firm; but it has happened. I have dealt with some of the higher purchase forms in Barbados, and I can say that many of them are not stamped until the day they have to be produced in court. As a practising lawyer, you tell your client that you must stamp the deed at the time of its creation; but they will say that the only time we will have to use it is if we go to court. If it is presented to you, you say you must pay a penalty.

We know from experience that people do shop around for the appropriate stamps, and especially at that time if you had the member for St. Thomas on the other side you had to be very careful what stamps you put on.

Rt. Hon. J. M. G. M. ADAMS: Just a reply. It is a long time that I have been a

stamp collector. I have seen documents produced in court which clearly had been stamped out of date because they did not carry the correct stamps. As the hon. member for St. Joseph has said, I believe that there used to be a time when they used to get an old stamp and put on a receipt to make it look old. There have been practitioners of the art of forged receipts who have done exactly this.

If you are trying to find old stamps the easiest place to get them from is old receipts. The object of this was not to defraud the revenue because it did not matter if you had a cancelled stamp. All you wanted was a stamp of the correct period. So you would go and get an old receipt which perhaps had genuinely written on it 3/9/35 and you put it on to a receipt that you were seeking to persuade people was a 1935 receipt. I have seen it in my own practice and the hon. member for St. Joseph will bear this out.

The question that new Clause 13 stand part was put and resolved in the affirmative without division.

New Clause 14 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that new Clause 14 stand part. This is a more serious matter. This deals with forgeries. It amends Section 42. This is a searching section. It deals with searching for forged stamps and dyes. It is an old fashioned and somewhat severe section. This goes back practically to the medieval forgery law, that if one refused to assist in a search for forged dyes he was liable to a penalty. We do not think that the penalty is too severe especially since its alteration will require a general change in the whole lot of legislation dealing with forgery and searching for moulds and coinage equipment etc.

I beg to move that the new Clause 14 stand part.

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

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

New Clause 15 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that the new Clause 15 stand part.

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

Hon. F. G. SMITH: Mr. Chairman, if it is Section 44, I was of the impression that it was the Minister of Communications and Works who was responsible for the distribution and sale and the granting of licences to sell stamps etc. I see now that it is the Minister of Finance who is responsible.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, there is really no contradiction. These are stamps for the purpose of raising revenue. The Stamp Act embraces not only postage stamps, but revenue stamps. I must confess that I believe it would be impossible to give a licence for the sale of adhesive stamps for revenue purposes only. Obviously people would buy them for the purpose of postage as well; but this allows a licence to be given for the sale of blue revenue stamps. I do not know — and I am confirmed from a quick reference — that anybody is authorised to sell revenue stamps except the Postmaster General; but since revenue stamps go up to a value of \$1,000, it may be well not to encourage people to hold \$1,000 stamps under shop counters no matter how well guarded, and for that purpose this has not been done.

I believe that it is reasonable to give a licence to people who would want to have revenue stamps, that is attorneys at law who may be prepared to keep a few \$1,000 stamps in their safes. I believe that they do, and I suppose that if they apply for permission to sell them we will give them that permission; but normally when you are dealing with this high value the modern trend is towards stamp machines. You apply to the Accountant General for your licence to keep a machine.

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

7.10 p.m.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the time being what it is, I beg to move that Your Honour do now report progress and ask for leave to sit again.

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

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

SUSPENSION OF SITTING

Mr. DEPUTY SPEAKER: The time being 7.15 p.m., this sitting now stands suspended until 8.00 p.m.

On Resumption:

Mr. DEPUTY SPEAKER: The sitting is now resumed.

When the House was suspended it was in Committee, to which it now reverts.

Mr. DEPUTY SPEAKER left the Chair and the House resumed Committee, Mr. WEEKES in the Chair.

Clause 16 as re-numbered was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, in moving that Clause 16 as re-numbered stand part, I would beg to amend it by inserting after the word "the" in the second line the word "First" so that it reads "the First Schedule to this Act is substituted therefor." We are putting in a second Schedule of amendments later on, and I just want to amend this to move first.

I beg to move that Clause 16 as re-numbered and amended stand part.

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

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

The new Clause 17 was called.

Rt. Hon. J. M. G. M. ADAMS: The new Clause 17 deals with a separate Act, the Registration of Judgments Act. This is a very important Act. We are asking to move a second Schedule to amend the Registration of Judgments Act. This is a very important Act that gives creditors very significant preference in Barbados and it is a great assistance to the transactions of business in the country because it means you cannot sell land while there is an unsatisfied judgment standing against your name. You have to pay off all the unsatisfied judgments because all of them are a charge on your land, and many a creditor thinks that he has got judgment, no money and some years after he is telephoned by a solicitor saying somebody owes you \$11.19 for shop goods in such and such a year, he is selling the land, I want to pay off the money as the case may be; so it is a significant

Act and at the present time you get a lot of benefits from it, and the Registrar has to record this, keep a Judgments Book, accept the registration of Judgment and give a certificate of clearance if required, all I believe for an initial fee still of 24 cents, and I should just like to give notice that very soon it will not be possible to register any more judgments for 25 cents. We are amending it to take account of the different types of judgments that have to be registered Magisterially and Supreme Court, and a greater amount than a quarter will have to be paid for that. A quarter will be for the one-armed bandits, not for registration of judgments. So we are seeking to anticipate the regularisation of certain procedural aspects of the Registration of Judgments Act by amending it to make it specifically subject to the Stamp Act. In other words, you will have to stamp the judgments before they can be registered. That is one measure and the Act itself will be amended to provide special fees for the registration, and Clause 17 provides the authority for the amendment.

I beg to move that the new Clause 17 stand part.

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

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

Clause 18 as re-numbered was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 18 as renumbered stand part.

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

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

The Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that the word "First" be inserted before the word "Schedule".

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

Mr. SANDIFORD: Mr. Chairman, before you put the question, I am a bit confused I must confess. Is this relating to the section on page 6 and the top of page 7 of these

amendments here, or have we passed that? I am not certain where we are.

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

The First Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, in the First Schedule there are a number of amendments which we are seeking. First of all under "Banker's Cheque" it does not now appear that there are any officers in the service of the Inter or Interim Commissioner for Local Government who are not public officers and we are therefore seeking to delete the words "or officer in the service of the Inter Commissioner for Local Government" so that the exemption will read "cheques drawn by any public officer in the execution of his duty". That is the first amendment.

The next amendment which we are moving is under "Bill of Lading". There is a reference here to "In West Indian Trade". We are asking that the words "In trade between member countries of the Caribbean Community as defined in the Caribbean Community Act, 1974" be inserted. We are charging less for Caricom trade than we are charging for other trade.

There is a second amendment in that section which has not been circulated. There is an error in the printed copy of the Bill "2.80"; it should be "2.50". That is a mere misprint. I am telling hon. members in fact that that "8" is a misprint for "5". I do not think hon. members will mind that. That is something that passed even the Attorney General and the Chief Parliamentary Counsel at one stage.
8.10 p.m.

Under "lease or agreement for lease" two sums are omitted. There should be \$2.50 and \$5; that is, opposite the words "60 not exceeding \$300" should be \$2.50 and opposite "\$300 not exceeding \$600" should be \$5.

Under "Sea Insurance", the words in the proviso "duty of 4 cents or the duty of 6 or 12 cents as the case may require" we ask to delete those words and substitute therefor the words "appropriate duty."

Under "Survey of Land", the amendment reads "Survey of Land, warrant for.....\$10." It is not intended to charge \$10 for cases where two poor people have a land dispute because

they have no survey and the court orders a survey and sends out a warrant and we charge \$10 for it. It is not a frequent fee and we can give a break and leave it at \$5. So the Bill is right on that; there is no amendment meant there. But we want to insert the word "Travellers Cheques — For each cheque not exceeding \$50.....10 cents; for each cheque exceeding \$50.....25 cents;" that is a new Head — Travellers Cheques.

I beg to move that this be the first Schedule as amended.

Mr. SANDIFORD: Mr. Chairman, just a question here. One of the amendments purports to substitute for the words "in the service of the Interim Commissioner for Local Government" the words "any public officer". So what does deleting the words "officer in the service of the Interim Commissioner for Local Government" mean? I am merely asking, I am not certain whether this will be a problem. But the true successors as I understand it, to the Local Government Commissioner are in certain respects the public officers and in other respects officers working with certain Statutory Boards. I am just drawing to the attention of the Minister of Finance whether this is meant to exempt any person who may be working for certain of these Statutory Boards or if it was meant that this should be restricted only to the public officers. I draw this to the attention of the Minister of Finance for what it is worth.

The other comment I wish to make relates to certain references to the Caribbean Community, and I do hope that this Government is not party to any statements, suggestions or implications that this community is dead — I did hear the Prime Minister and Minister of Finance trying to clarify this particular matter and as it were to set the position of the Government in a different light from that given by the outgoing President of the Chamber of Commerce; but it would be good if from the floor of this Chamber we could get some reassurance in the concept of the principles of the Caribbean community, very briefly at this moment, since I realize that it is late.

Hon. H. B. St. JOHN: Mr. Chairman, it is true that we are dealing with the Stamp Act and with the differential in the new taxes which the Government is introducing. And I think the very nature of the differences in the tax rate which the Minister of Finance outlined is indicative of this Government's unswerving commitment to Caribbean integration. And

nothing that anyone says can persuade this Government to disassociate ourselves from this relationship. Only today I was doing a little examination of our trading partners and found that in 1976, excluding rum, Barbados exported \$23,022,812 to Caricom and imported \$23,520,000. So it will be seen that our trading relationship with Caricom is with mutual benefit of us and others.

Now there are some people who do not accept that countries with differing ideas and differing political expressions should exist; they feel that their concept should always be satisfied. We live in a world in which we know everybody cannot force their opinions down another person's throat; and the fact that they may have different opinions should not blind us to the fact that it is in our economic interest to continue this relationship.

The question that this be the first Schedule as amended was put and resolved in the affirmative without division.

The Second Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the second Schedule has already been referred to, and with the leave of the Committee I would just mention as far as the Interim Commissioner for Local Government is concerned, that we are aware that there may be some functions not discharged by public officers but we do not intend to take them into account. Functions which are discharged by public officers will be treated as public officers' functions. Those which fall into the hands of other bodies receipts will have to be issued in the ordinary course. There is in fact, and known perhaps to many people, a very small residuum of money at one or two banks in odd funds which belong to the Interim Commissioner of Local Government and which have never been collected. I was made aware of this by the very kind assistance of a lady at one of the banks, who said that she had some funds there that, as she put it, belong to the Government and she wanted to know what to do with it. It turned out there are the Interim Commissioner's funds. I suppose that in due course whoever gets these funds will have to give a receipt for them; perhaps it will be a public officer, perhaps not. But I do not think the ten cents in each case will break the Statutory corporation or whoever will receive the funds eventually.

I now beg to move that this be the second Schedule of the Bill.

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

The question that this be the Second Schedule to the Bill was put and resolved in the affirmative without division.

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. H. B. St. JOHN, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.
8.20 p.m.

On the separate motions of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. H. deB. FORDE, the Bill was read a third time and passed.

Mr. SANDIFORD: I hope we are doing everything in order, Mr. Deputy Speaker, and I am certain we would not want to hear about any tampering or anything like that with any legislation which we might pass. We have heard references to that already, but I see on page 8 of these amendments some reference to the Stamp Act, and I am wondering which Act that is. I see a reference to stamp duty, but on page 8 here I see some reference to Stamp Act, the very last words on page 8 of these circulated amendments refer to "Stamp Act, Cap. 91." I know these are small matters, but I think that this House should see that everything is done correctly and appropriately, and I see a reference to Stamp Act. I believe this is a reference to Stamp Duty Act, or is it styled Stamp Act? I am not certain. I will point out that I just noticed this particular matter, when we were in Committee I did not notice it, but I do hope in terms of regularising everything.....

Rt. Hon. J. M. G. M. ADAMS: What has happened, Sir, is that in 1974 the Act was the Stamp Act. The title "Stamp Duty Act" was only created by the Law Revision Commissioners, and some of us, including the typists, are such traditionalists that they have not recognised the Law Revision Commissioners' nomenclature, but I think that we at this stage, subject to what the Clerk says, can amend it, and I beg to withdraw the motion for the passing of the Bill, and I beg to move that the Second Schedule be amended to add the word "Duty" between the words "Stamp" and "Act" in the final line thereof.

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

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

Rt. Hon. J. M. G. M. ADAMS: I am very obliged to the hon. member for St. Michael

South. He is acting in the best traditions of the Opposition, Sir, and I beg to move that this Bill as amended do now pass and be cited as the Stamp Duty (Amendment) Act, 1977.

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

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

THE WATERWORKS DEPARTMENT (AMENDMENT) ACT, 1977

Rt. Hon. J. M. G. M. ADAMS: This is a very simple Act, Sir, full of political controversy, but fortunately practically empty of drafting or legislative controversy. This particular Act deals with increasing the contribution made by private developers in respect of works which the Waterworks do to facilitate their activities.

I have no doubt that the Leader of the Opposition will find a number of small private developers who will be hampered and injured by this Bill, that we will discover that there is a small developer, Mr. David Cozier or a small developer, Barbados Resorts Limited, or a small developer, Mr. Carlton Brathwaite, similar small developers, and that these small developers are going to suffer when they have to pay this extra amount of money. However, these developers should remember that they get the benefit of duty free equipment. The Waterworks allocates its duty free costs when it estimates the cost which it is going to charge the developers for installing water mains at these developments. The Waterworks also very often has to lay a larger main for quite a considerable distance than would otherwise be required for the sake of these developments to provide for future expansion. It has the maintenance of these larger mains to carry on, and when it was pointed out to me that the initial 20% surcharge was added to materials, freight and labour but that there was a continuing service being carried on in the future, I decided that developers could no longer expect to have a subsidised service brought to their developments in order to enable them to make large capital profits at the very cheap rates which formerly prevailed.

8.30 p.m.

Private developers are not entitled to ask the Ministry of Communications and Works to put in roads for them. If they want roads they have to pay the full economic price to Mr. Williams, Mr. Rayside, or whomever is in a position to make the roads. Sometimes the Ministry of Communications and Works goes and does barber-greening and they charge a particular amount to private developers.

As far as we know, the services for telephones and electricity are also charged for at those utility companies' standard rates. We do not see, Mr. Speaker — bearing in mind our experience since 1974 when the surcharge was introduced — we do not see why the Waterworks Department should give both a capital subsidy and a current subsidy by way of water supplied to the extent which it has been so far doing.

The charges which the Chief Engineer of the Waterworks has drawn to my attention — duty free concessions on the materials, installation of storage facilities — sometimes new reservoirs are needed to service these new areas because when people move from one area to another they do not take out the mains from the place where they are moving from. You have to duplicate the service all over again and put in new reservoirs. Improvement of mains laid, protection by way of additional valves and hydrants and contingencies; and we feel that 40 per cent is by no means excessive in the circumstances.

The additional surcharge is estimated at bringing in, in 1977 no more than \$50,000 which is less than the travellers' cheques, the measure for which was passed today. It is just a more realistic figure and one which possibly will make speculation in land a little less attractive. This Government has absolutely no reason for encouraging land speculation in any area. Let those who speculate in land pay the full cost of their speculation. Believe me, they are making a full profit.

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

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

Hon. F. G. SMITH: Mr. Speaker, it might be surprising to the Prime Minister my not defending land developers in Barbados. Anyone who has land to develop can afford to pay the charge levied by the Government for carrying out the services they require. As a matter of fact, when I was Minister of Communications and Works I had heated arguments with the Chief Engineer about the minimal charges or the "break even" charges by the Waterworks in supplying water for development. He came out with some argument that the figure of 20 per cent covered labour costs etc. I certainly never agreed with it, especially as I knew the prices at which developers were charging people for the land. They bought land at 50 cents a square foot or paid \$1,500 for an acre and sold it at so much a square foot after a few pipes and electricity had gone in.

Therefore, Sir, the Prime Minister is pushing an open door with increases to developers who are making money. Of course it will be passed on, I am certain, to the persons buying the land. Therefore the Government has to be careful; and this goes back to where I will deal with the small man now. Not the small man in terms of the developer, but the small man who is trying to own a little piece of his native land; and therefore the Government has got to stop this speculation in land and they have got to watch and see that this increase in the cost of services is not passed on. You have to make sure that a reasonable price is paid, and that the developer in passing it on does not make twice as much as the 40 per cent.

You cannot just talk about people buying estates and cutting them up. If you are going to help the man who is trying to buy something to put a little house on you have got to protect him still; and even though the Government may need revenue, and this is a legitimate source of increased revenue, you must not leave the man who is trying to own a piece of land at the mercy of some unscrupulous developer.

This is an area in which the Government should monitor the prices at which land is being sold and being bought, and if necessary, find out how you can get some more money from them if they are taxing the people so that you can provide the people with more social services. I am sorry that the Minister of Communications and Works is not here because I think that members on that side who are lawyers will find out that the Waterworks Act, passed so many years ago, is not really adequate for the development that has taken place.

I, as then Minister of Communications and Works, have heard some interesting arguments put forward by the now Leader of the House in his capacity as a practitioner; and I think that I can say so, as his senior, that some of them certainly had validity even though I was not supposed to pass judgement as Minister of Communications and Works and not as a lawyer; but he did put forward some arguments which, if put forward in court, might have had the Attorney General as he was then, in a certain degree of difficulty.

It sprang from the fact that the law as conceived and passed never thought of any development, Mr. Speaker. You had people moving a house on a lorry on Sunday morning. The average man could not dream of owning a little house, and obviously not a house by the sea either. Economic conditions and development have changed, and I would counsel the

Government to let the Minister of Communications and Works know that the time has come when just as we need a modern piece of Post Office legislation, we need a modern piece of Waterworks legislation in order to take into account the development of the country.

I think that the Government may very well have to stay their hand with the new sewerage scheme because with the possible amalgamation of that scheme with the Water Authority, it may not be the right time to bring to Parliament a new Waterworks Bill, in view of the fact that the Authorities may be combined so that you may have to come to the House with one piece of legislation.

I am just saying that the present Act was never framed to deal with the massive housing development that has taken place in this country. I have no quarrel with this figure. I have no big or small developer to defend; and I only counsel the Government to keep a very sharp eye out for the prices at which the land is being sold; because I know from the moment that this piece of legislation hits the Statute Book, land will be going up from \$1.50 to \$1.80 and \$1.90; because the argument is going to be used that they have to pay more for putting in water when already the profit margin without the increase will absorb the additional increase as put on by the Government. That is all I have to say, Sir. The Opposition is supporting this budgetary proposal in this case. Of course the Waterworks part of it was passed by Order and that is where we are going to lick you. We are going to lick the \$10, but that got through by Order while this had to be a Bill. I do not know what the Prime Minister is worrying about. You are licking the poor man now from \$6 to \$10; but that has gone through already.

Mr. SANDIFORD: Mr. Speaker, I apologise for rising again, but I have been looking at this amending Bill and it refers me to an amendment to Section 27.

Hon. H. deB. FORDE: If the hon. member would give way. Section 37 is the relevant section.

Mr. SANDIFORD: If I can be allowed to make a point, we were told earlier that the members of the Opposition should read their legislation.

8.40 p.m.

Here it is again this amending Bill refers us to section 27 of Cap. 36 of the Laws of Barbados; there is an amendment to that

particular clause and when we go back to this section 27 of the Act we see no reference at all to 20% appearing in the sixth line of subsection 3, and we have been searching around frantically to see what other amendments have been made subsequent to this particular Act and we cannot find it, least of all myself. Certainly I am not a legal luminary. It does not look as if this is such a good day for the Attorney General. We have had an amendment to an amendment to a further amendment, and as the hon. member for St. Michael South Central has said, the Prime Minister has tried to make this look very good by proving that defects are virtues. This was really the burden of his contention on the Stamp Duty Act, but I am afraid I must point out to this Chamber that we cannot find any reference in clause 2 of this Bill to section 27 of the Waterworks Department Act, and I regret that on the floor of this House we would have to point this out again. Maybe this is the efficiency to which a few debates previously the Attorney General made reference. I am sorry I have to point this out to all the legal luminaries over there. Maybe the hon. member for St. Joseph did not read this particular clause in Cabinet. It must have gone before Cabinet.

Hon. C. L. BOLDEN: Mr. Speaker, I am not surprised at anything the hon. member has said. He gets up and does not understand what "Cap." means. I am not surprised. (Hon. F. G. SMITH: Cap is something you wear.) And sometimes it covers down the little bit of grey matter which should have been brain. But he was in the Cabinet when the system was changed over where you referred to "Cap."; so if he does not now understand, don't blame me. It shows quite clearly that he was a follower in the last Government, so nothing he says now I pay any attention to. (Asides) Do you hear the Leader of the Opposition? I wonder why they do not go home. Do you want to go home? The bar is closed, so don't worry.

Mr. SANDIFORD: Mr. Speaker, on a point of elucidation, I certainly am fully aware of what the abbreviation means. He said "Chapter" and I gave him the Latin derivation "Caput"; so it is perfectly nonsensical for the hon. member to suggest that I do not know what "Cap." means. He continues to make these non-points. I wonder! He is much better when he is talking about agriculture and sometimes fisheries.

Hon. H. deB. FORDE: Mr. Speaker, I explained to the hon. member when he was speaking that there would be an amendment in Committee to read "section 37". I drew to the hon. member's attention that it was my intention

to amend the Act. Let me point out one thing. When this Bill came before me as Attorney General, I specifically drew to the attention of the officer concerned that there was no section 27 in my Act that could be amended in this way and asked him to check it. His words to me were that these sections have been re-numbered and I said, would you please check it and let me know, and that was not done. I am not hiding behind the officers. I am making the point very clearly, but I pointed out to the Prime Minister that he would have had to amend this in Committee.

Now hon. members may make a lot of statements. I want to deal with those because so far the Prime Minister said before, there has been no Bill in which if there is a typographical error leaving off an "S" that I have not at Committee stage sought to amend in order to get it leaving this Chamber correctly. Hon. members are not probably fully aware of the manner in which Bills are dealt with in other Parliaments and the necessity for Parliamentary Counsel to be attached to the Committee particularly as Your Honour would rightly know having attended other Parliaments and Parliamentary sessions. The position is that Parliament normally provides its Parliamentary Counsel and the practice should be that Parliamentary Counsel dealing with the Bill are present in the Chamber at the time the Bill is going through Committee, because members on either side of the House may well move amendments. The fact that there are amendments to a Bill in Committee is not a sign of inefficiency as hon. members may think. Sometimes I wish it could get home to all the legislators and so also to the public servants in the Ministry of Finance that you need Parliamentary Counsel where available once Parliament is sitting throughout the full Parliamentary session to be available both to members on the back bench and on the front bench in order to give assistance to the House. This has never been done in Barbados. I have asked the Chief Parliamentary Counsel to make arrangements for this to be done. Your Honour may have seen me running on several occasions from here to outside during these Bills because we are anxious to see they are correctly done. I really believe it is no function of the Attorney General to have to be running in and out and drafting amendments as Bills go through. He cannot look at the policy if he is taken up in looking at details and doing things like that.

Take the further amendment that the hon. member talked about to the Stamp Duty Act. My draft has in Stamp Duty Act, the typist does the typing and she leaves them out. Now it is not the Attorney General's job, contrary to what hon. members may think, to read a Bill back after it

has gone through to certify; he certifies on the balance of officers on the basis of officers giving me details. I intend in due course for the benefit of hon. members to make available to them a copy of the Renton Report on Legislative Drafting so that hon. members may understand the true function of the drafting section and the role of the Attorney General. I will point out to the hon. member that the Minister introducing the Bill gave its purpose on the second reading and in Committee we will ask for leave of the House to delete "27" and substitute "37".

Mr. SANDIFORD: Is the hon. member referring to Section 37(3)?

Hon. H. deB. FORDE: For the benefit of the hon. member, the Waterworks Department Act, Cap. 36 was amended by 1973-56 and the relevant section is section 37, subsection 3, and it is the sixth line, and the figure "20%" is being amended to "40%".

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

On motion of Hon. H. deB. FORDE seconded by Hon. H. B. St. JOHN, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. WEEKES in the Chair.
8.50 p.m.

Clause 1 was called and passed.

Clause 2 was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 2 stand part I would move that the word "twenty seven" appearing in the first line thereof be deleted and the word "thirty seven" be substituted therefor and that the Clause as amended stand part.

Mr. SANDIFORD: I am very grateful to the member for Christ Church West for explaining the circumstances in which this little difficulty arose and for explaining the difficulties which he may be having as Attorney General. We are pleased to learn that whoever is responsible will give him the additional staff, because this is the burden of the contention, that he wishes Parliamentary Counsel to be present in the Chamber to assist both the Government and Opposition benches in any matters relating to drafting. We would certainly welcome that type of assistance. As they get a greater appreciation of the problems involved and the intricacies, some of the members on the back bench including the hon. member for St. Philip North will realize that

these inelegancies certainly should not come to the floor of this hon. Chamber. I do hope that if it is a problem of staff the matter can be rectified among the Ministers. He is not very far from the Minister responsible for Establishments and Finance, and maybe this matter can be sorted out. But making available to us some legislative draftsmen is not going to solve the problem. I am certain the Attorney General is fully aware of the convention that Ministers must take full responsibility for any shortcomings in their Ministries and will honour this particular convention. If there is a problem, get up and say "Yes I am responsible", and that is that. We are trying to be constructive over here by pointing out these things. This is not said in any carping manner; it is from the point of view of seeing that we do our work because it is part of our work to ensure that any legislation that leaves this Honourable Chamber has the stamp of accuracy.

Hon. F. G. SMITH: Mr. Chairman, I would like to tell the hon. Prime Minister — and the files will reveal this — that permission used to be given to the developers and they used to put down a very small amount. When I went into the Ministry I think I increased it by 75% or 90%, yet you must keep monitoring and making sure that these developers pay, because when I left there were outstanding debts by some developers who had sold off the land and have not paid Government after the Government has spent money in putting water into the development. And you must call for the book from time to time and see that these developers pay up. There are some I know — but I do not want to call names — who owed outstanding amounts — thousands of dollars, to the Government, after the water had been put in and there still owe the Government's money. I suggest that you keep monitoring this, and as the land is being sold see that you get every penny. Let them pay the Government for what the Government has done.

Hon. C. L. BOLDEN: The hon. member who has just left the Chamber seeks to condemn the Learned Attorney General for having to amend Bills on the floor of the House. He says it is their duty to make sure that legislation leaves this Chamber in the proper shape. In this very Chamber I have seen the amendment to a Road Traffic Bill and they amended the wrong Bill. The then Prime Minister came down with Financial and Budgetary Statements and gave out new figures and after that they had to come back and correct them.

Now the Hon. Attorney General has cut out the difficulties which he has found; about the system he has inherited.

The Leader of the Opposition talks about Waterworks. They should remember that about two or three years ago the same Bill was amended in this Chamber. He talks about allowing the cost to be passed on to poor people but they raised the amounts to be paid from 10% to 20%. I pointed out that they were not making connections for poor people who were asking for connections but connections were being made in the Sunset Crest Development; and the then Attorney General — he had just taken over the Waterworks — talked about the number of connections made in a year. You cannot have it both ways. You cannot get up and talk about what you see and nobody can talk about what happened under your regime. When they are in Opposition they see one side of it. When we pointed out at that time that there should have been a system devised whereby a man who wanted water should have been protected, because we were calling for the longest time for price fixing on agricultural land which was being sold for development; when we were in Opposition we called for that but now at this time they get up and talk something else.

The Act went through this House. When the Opposition pointed out the errors of the Bill, you still voted and you used to say "we have the numbers, we will vote." We have the numbers now, but we run a democratic Government, a Government that accepts that when something is wrong you correct it before it leaves the House. And I will repeat that when we were in Opposition we pointed out to you that the Property Bill which you brought in here was wrong, but you voted it through. And I could go back and relate the number of wrong Bills which you brought in here when you were in Government and would not listen to this side. So don't talk foolishness now. You didn't want people to point out when you were wrong; you amended the Bill and you are trying now to cry down the Attorney General saying that you have to point out mistakes while you are in the Opposition.

9.00 p.m.

Hon. DeL. O. BRADSHAW: Mr. Chairman, I rise to set the record straight. I have listened and I have heard the Leader of the Opposition say that the increase from \$6.00 to \$10.00 and the increased charges for water installation will mean that this will be passed on to the poor people.

Hon. F. G. SMITH: Mr. Chairman, on a point of order. The Standing Orders were not suspended, and I am reading Standing Order 6. "At 9 p.m., hereinafter referred to in these

Orders as the moment of interruption, the Speaker shall interrupt the business under discussion. If the House is in Committee at the time the Chairman shall interrupt the business and shall leave the Chair forthwith to report progress to the House and ask its leave to sit again. Any other business, if unopposed, shall then be disposed of and the Order Paper for the next sitting fixed."

9 o'clock has gone, Sir. (*Asides*). I am only going by the Rules, are you vexed with me for going by the rules? What sort of foolishness is this? I am pointing out that 9 o'clock has gone and the period of interruption has come. If we can finish it by half past nine the Opposition is prepared to go on, but I am just asking that the rules be adhered to, that is all.

Mr. CHAIRMAN: May I be allowed to say a few words here? The Speaker has just intimated to me that it is approximately five minutes to nine. That is the information which has just been given to me. Consequently, I would say that if the members of the Government are desirous of reaching finality with this Bill tonight they will allow the clauses to be passed and let me report progress, and the Bill will be passed, but if you continue to speak you will waste the time and the Bill will not be passed.

Hon. H. deB. FORDE: Mr. Chairman, I move that clause 2 as amended stand part.

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

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

On the motion of Hon. H. deB. FORDE, seconded by Hon. C. L. BOLDEN, Mr. Chairman reported the passing of one Bill as amended in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the motion of Hon. H. deB. FORDE, seconded by Hon. H. B. St. JOHN, the Bill was read a third time.

Hon. H. deB. FORDE: Mr. Speaker, in moving that this Bill do now pass and be cited as the Waterworks Department (Amendment) Act, 1977, with leave, to give the hon. member for St. Michael South a brief explanation on the nature of amendments, he may be interested to hear that recently in the Australian Parliament the

Attorney General certified a Bill as having been passed through the Parliament — both the House and the Senate — and the Governor General assented thereto. It had never gone to the Senate at all, it is a legal oddity, even in Parliaments better provided than our own these things do occur.

I beg to move that this Bill do now pass and be so cited.

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

The question 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, 21st of June, at 12.00 noon, with the outstanding matters engaging the attention of the Attorney General, the Gambling Act, and in the interim if the draughtsmen can produce the other budgetary proposals we will circulate them, so that we will come back in on the 21st June.

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

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

9.05 p.m.