THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 25th April, 1978

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

PRESENT

His Honour W. C. B HINDS, J.P., (Speaker); Hon. L. S. CRAIG, (Minister of Labour and Community Services); Rt. Hon. J. M. G. M. ADAMS, M.A, (Prime Minister and Minister of Finance and Planning); Hon. C. L. BOLDEN, LL.B, (Minister of Agriculture, Food and Consumer Affairs); Hon. H. deB FORDE, S.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Mr. L. E. SANDIFORD, M.A; Mr. E. E. GREAVES, B.A., Ed.M.; Mr. D A. C. SIMMONS, LL.M.; Hon. Miss B A. MILLER, (Minister of Health and National Insurance); Hon. L. B BRATHWAITE, (Minister of Communications and Works); Mr. J G. ODLE, B.Sc., (Chairman of Committees); Mr. V. L. JOHNSON, M.A.; Mr. B M. TAITT, M.A.; Hon. L. R. TULL, M.A., (Minister of Education and Culture); Mr. DeL. O. BRADSHAW; Mr. L. L. SISNETT and Dr. R. L. CHELTENHAM, M.Sc.

Prayers were read by Fr. E A. CAYLESS

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Tuesday, the 11th day of April, 1978: I understand that not all members have received their bundle, and as a consequence it would appear that it is not possible for each and everyone of them to have read the Minutes of that meeting, and therefore would not be in a position to support the confirmation thereof. I think that it would be better in the circumstances to defer confirmation.

Mr. TAITT: Mr. Speaker, I did receive a copy of the Minutes; but I noticed in the newspaper that we are going to be doing other business. The Minutes are the only thing that I received. I did not receive any other papers.

Mr. SPEAKER: There are other hon. members who are not in their places. We cannot really account for them. However, in the circumstances, I think that if we deferred confirmation it would be serving the interests of hon. members better.

Hon. L. S. CRAIG: Mr. Speaker, I would like to ask leave that the Minutes of the meeting of the 11th day of April, 1978, be deferred.

There being no objection, confirmation of the Minutes of 11th April, 1978, was deferred.

ANNOUNCEMENT BY MR. SPEAKER

Mr. SPEAKER: I have to announce that on the 14th April at 9.24 a.m. I received a letter signed F. G. Smith, member for the constituency of St. Michael South Central in the House of Assembly; and I wish to read this letter to the House. It is addressed to His Honour the Speaker, House of Assembly, Parliament Buildings, Bridgetown, St. Michael. It is dated 14th April, 1978. It reads:

"Dear Sir,

Re resignation from the House of Assembly of Barbados. I hereby tender my resignation from the House of Assembly as the sitting member for the St. Michael South Central Constituency.

"Mr. Speaker, I was first elected to Parliament in December, 1956 for the Constituency of St. Andrew. I resigned in October 1958, and went abroad. In 1966 I was invited to return to Barbados on the eve of her Independence; and I accepted the invitation with alacrity, and at great personal and financial sacrifice. For the past 12 years I have endeavoured at all times to serve my country with integrity, humility, dedication and patriotism, and I would crave leave to thank the people

of Barbados and especially the constituents of St. Andrew and St. Michael South Central for giving me the opportunity to serve my country.

I should also like to thank the staff of Parliament for the numerous courtesies and kindnesses that they have shown me over the years, and would also like to record my thanks and gratitude to my colleagues in Parliament (all of my colleagues) for the happy memories which I should always treasure, of my years in Parliament.

It is my intention to devote my remaining years to the practice of my profession; and I can only end by praying for God's blessing on your proceedings and all your deliberations; and that the people of Barbados will see the necessity for a strong and intelligent Opposition to preserve our democratic way of life.

"I am, yours sincerely,
F. G. Smith, Member of Parliament for the Constituency of St. Michael South Central, in the House of Assembly."

This is the letter that was handed to me by the member personally, and I have no doubt as to the authenticity thereof and I deem it to be his signature and him to be the author thereof.
12.25 p.m.

I thus direct that it be placed on the Order Paper according to our Standing Orders.

ANNOUNCEMENT OF DEATH OF THE LATE LOUIS NORVILLE

Mr. SPEAKER: I wish to make another brief announcement.

I think I should draw to the attention of this Honourable House the occasion of the death of one of our former Hansard Reporters Mr. Louis Norville. Mr. Norville after spending many years in the field of journalism joined the staff of Parliament as a Shorthand Reporter in 1966. He served with us until November, 1976 when he had reached the age of retirement.

I want to say that he has always endeavoured to give of his best. His contribution was a valuable one to the work of Parliament. Illness during his latter years took a toll of the part he was to play, but nevertheless he endeavoured to remain as active as possible until the last. He passed away and was buried on Wednesday of last week.

I am sure that all hon. members of this Honourable House would agree with me if on behalf of the House I extended condolences to his relatives, which I will instruct the Clerk so to do.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, on behalf of the Government Benches I would like to associate ourselves with Your Honour's remarks on the death of Mr. Norville. All of those who knew him always found him unfailingly courteous and very pleasing. His good humour I think is one of the things we will best remember him by. He was always helpful to the young and old members alike, Mr. Speaker, and I think he was one of the members of Staff who showed a very high regard for the tradition and dignity of the House, and the Government members regret his passing and would be glad to join in the condolences which Your Honour is proposing.

Mr. TAITT: Mr. Speaker, I stand to speak for my colleagues on this side in associating myself with yours and the remarks of the Hon. Prime Minister on the sad passing of Mr. Norville.

My contact with Mr. Norville occurred mostly in the Other Place and I can join with the Prime Minister in saying that I found him not only unfailingly courteous but at all times willing to help even those fledgling members who might not have understood from the very beginning what Parliament was all about. I was also very struck by his capacity always to ensure the accuracy of anything he reported, and I am sure that at his passing the House has lost, even though he had retired, a great inspiration of a man, and I would be very pleased to join in the condolences which Your Honour will express on behalf of this House.

Mr. SPEAKER: I have to announce that I have received copies of the Accounts and Statement for the months of January and February, 1978 as prepared by the Accountant General.

MESSAGES

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I am commanded to lay a Message from His Excellency the Governor-General who has the honour to inform the Honourable the House of Assembly that Mr. F. G. Smith, QC having resigned his appointment as Leader of the Opposition on the 14th April, 1978, His Excellency in accordance with the provisions of Section 74 of the Constitution has appointed the Rt. Hon. Errol Walton Barrow, a member of the House, as Leader of the Opposition with effect from 14th April, 1978.

PAPERS LAID

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I am commanded to lay the following:

The Public Officers Loan and Travelling Allowances (Amendment) Regulations 1978.

Account of the Transactions in Rum in the Several Districts of the Island for the three months ending December, 1977.

Hon. L. B. BRATHWAITE: Mr. Speaker, I am commanded to lay the following:

Statements showing Money Order Transactions through the Crown Agents for Overseas Governments and Administrations.

Statement showing the sum advanced to the Postmaster General for the Payment of Money Orders for the Months of August to November, 1977.

On behalf of the Hon. Minister of Agriculture, Food and Consumer Affairs, I am commanded to lay the following:—

The Report of the Public Utilities Board for the year, 1977.

GOVERNMENT BUSINESS

Mr. SPEAKER: Order No. 1 stands in the name of the Hon. Prime Minister to move the second reading of a Bill to amend the Customs Act Cap. 66.

Mr. TAITT: Mr. Speaker, before the hon. member begins, I merely wish to draw to your attention that I had not received until I came into this House the papers for this particular Bill. However on perusal of it I see that it is not a matter that would generate a great deal of controversy, because I believe the Prime Minister has delegated authority under another Department, and therefore we will not wish to cause the business of the House not to go on. But I think it is necessary to remind those responsible for sending out the notices that they must take every possible care to see that all hon. members receive their papers.

Mr. GREAVES entered the Chamber and took his seat.

Mr. SPEAKER: I will have the matter investigated. 12.35 p.m.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, speaking as one who has not received a copy of the Bill either, I sympathise with the hon. member. Fortunately for me I am in a slightly better position than he, since I have the file with the originals from which I can work, but I am obliged to hon. members opposite for their assistance on this occasion.

Sir, this is really a very simple Bill. It arises from the fact that an abundance of files come on the desk of the Minister of Finance dealing with duty free concessions to diplomats, dealing with applications whether it is equitable that customs duty be remitted, dealing with numerous applications whether it is not equitable that customs duty be remitted, and adding up in the whole to a formidable volume of paper work.

Having considered the matter very carefully, I came to the conclusion that the numerous files on my desk contain no element of ministerial discretion at all because where they refer to foreign diplomats and to persons employed in the agencies which are treated as being extensions of the diplomatic function, the right to duty free motor cars and to freedom from consumption tax and so on rests in agreements with the Government and not on the whim of the Minister of Finance, and accordingly I asked my officials to ensure that it would be possible in future for those concessions to be granted automatically without having to trouble the Minister.

I think very seriously that too many petty matters come on to the Ministers' desks anyhow. Ministers find themselves overwhelmed because very careful attention is paid by public officers to the words "the Minister shall allow" or "the Minister may make" and so on in any Act, and therefore it is thought that the Minister has to see each and every one of these things separately. The Government is trying to free Ministers' time for really important matters of State rather than routine matters, many of which do not even have to reach a Permanent Secretary, in my opinion. I am very much hoping, for example, that these duty free concessions for diplomats will not get past Assistant Secretary level in future.

There are also perhaps under this section of the Customs Act one or two other areas where the Minister's discretion, although complete in theory, are very circumscribed in practice, because certain rules are laid down and things within these rules Ministers ought to be prepared to delegate to officials who may be more familiar with the facts and more familiar with the relatively simple principles involved. Accordingly, we have brought this part of a series to come before the House.

Hon. members will note that the overriding power is reserved. I think there may very well be occasions where you do in fact meet some very difficult circumstances. A diplomat brings his car here, he hits it, he collects insurance money, the car is sold to the insurance company, and then you have to settle the question whether the diplomat has to pay the duty on the sale price, because he sold the car which originally came in duty free. This sort of problem perhaps does not require a Minister, it requires the Attorney General to advise what is equitable in all the circumstances, so we are retaining the overriding power.

I would not want to delay the House too long on such a relatively simple matter, Sir, but arising out of

these discretionary powers of Ministers there have been a number of speeches in the Other Place by Senator David MacKenzie relating to the exercise of discretionary powers of my Ministers. He says it is too great a power to give a man, he has the power to give a franchise, he has the power not to give a franchise, he has this power and the next power. I want to say that in bringing this Bill before the House I am not in any way accepting Senator MacKenzie's arguments. Senator MacKenzie must understand that Barbados is an independent country and that in the last analysis somebody has to exercise power. The power was exercised by the Governor ultimately before, then the Governor-in-Council, then the Governor-in-Executive on Committee, and other certain areas exercised by civil servants. When a country becomes independent that power is exercised by Ministers, the country votes for people who they hope will not abuse that power. There are procedures provided for Ministers who do abuse that power, but as a general rule we are in no way reneging from what is necessarily involved in representative, responsible, independent government, which is that decisions are to be taken by those political leaders whom the electorate in its wisdom has entrusted to the Government of the country.

What I would say is this. There are undoubtedly areas where legal rights and ministerial discretion meet and intermingle, and in those areas it may very well be that some modification of an unbridled discretion may prove to be wise. I can think of immigration matters. It may very well be, certainly, I think, in the past, that Ministers have overstepped the bounds of ordinary discretion and may have taken decisions which fortunately until 1975 the courts could remedy. It is the intention of the Government to step very carefully in these matters that apply to people's legal rights. Immigration is one, town planning is another, and to be guided by set guidelines and perhaps ought to exercise discretion within the ambit set out in those guidelines and principles.

I do not think that the Customs Act can be dealt with in that way, Sir. The Customs Act is administrative law pure and simple. When a man has no rights at law he then appeals to the Minister, but if he has rights at law he will deal with those rights through the law, so I am not suggesting that under this Bill Ministers will seek to limit their discretion. Delegating discretion is one thing, limiting discretion is another, but I would just want to mention the general principle that we are here to govern and governing includes an exercise of discretion. Our decisions may be of importance to persons engaged in business, in trade development and so on, but, nonetheless, there are administrative decisions taken within an administrative framework, but where the rights of citizens are concerned the Government is prepared and intends to be sure that Ministers' discretions are limited by the law and that proper attention to the law will be paid in the exercise of this discretion.

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.

12.45 p.m.

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. H. deB. FORDE, Mr. SPEAKER left the Chair, and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Clauses 1 and 2 were called and passed.

On the motion of Rt.. Hon. J. M. G. M. ADAMS, seconded by Hon. H. deB. FORDE, Mr. CHAIRMAN reported the passing of the Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

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.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this concludes Government Business for today.

ADJOURNMENT

Hon. L. S. CRAIG: Sir, there is an Item under Private Members' Business but I do not think that the hon. member in whose name it stands is prepared to proceed with it today. I am under the impression the hon. member is not ready. *(Asides)* Sir, I am told that his Cabinet is not yet ready. We will therefore have to defer this Item until some future date.

Mr. Speaker, I beg to move that this House now stand adjourned until Tuesday, 16th May 1978 at 12 Noon.

The question that the House do now adjourn until Tuesday, 16th May, 1978 at 12 o'clock Noon was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

12.52 p.m.