

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 - 81

HOUSE OF ASSEMBLY

Friday, 15th December, 1978

A Special Sitting of the House of Assembly was held on Friday, 15th December, 1978, beginning at 12.20 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Mr. R. ST.C. WEEKES, J.P.; Rt. Hon. J. M. G. M. ADAMS, M.A., (Prime Minister and Minister of Finance and Planning); Mr. L. E. SANDIFORD, M.A. (Econ.); Mr. D. A. C. SIMMONS, LL.M.; Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); Hon. L. B. BRATHWAITE, (Minister of Agriculture, Food and Consumer Affairs); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Mr. M. C. C. WARD; Hon. H. B. ST. JOHN, Q.C., LL.B., (Deputy Prime Minister, Minister of Trade, Tourism and Industry) (Leader of the House); Mr. V. L. JOHNSON, M.A.; Hon. L. R. TULL, M.A., (Minister of Education and Culture); Mr. DeL. O. BRADSHAW; Mr. L. L. SISNETT; Dr. R. L. CHELTENHAM, M.Sc. (Econ.); and His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were read.

MINUTES

Mr. SPEAKER: There are no Minutes ready for confirmation.

I have today received notification from the hon. member for St. Michael South. The hon. member is seeking permission to raise as a matter of urgent public importance what he alleges to be the refusal of the Chairman of Committees to permit him to speak on a dilatory motion moved by the member for St. Thomas at the last sitting of this House.

I have advised the hon. member that I cannot allow such a motion. Standing Order No. 39 makes ample

provision for any hon. member who seeks to challenge the ruling of the Speaker in the House, the Chair, or the Chairman in Committee and I therefore advise the hon. member that if he desires to do so, he must make a substantive motion for the purpose as Standing Order No. 39 provides.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: I am commanded to lay a Bill to amend the Barbados Parks and Beaches Commissions Act.

REPORTS FROM SELECT COMMITTEES

Hon. H. B. ST. JOHN: Mr. Speaker, Sir, I beg to lay the Report of a Select Committee appointed by this Honourable Chamber on Tuesday, 21st November, 1978 with respect to the Remuneration and Pension Scheme of Parliamentarians.

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

FIRST READING OF BILLS

On the motion of Hon. L. S. CRAIG, seconded by Hon. H. B. ST. JOHN, the Bill to amend the Barbados Parks and Beaches Commissions Act, was read a first time.

SUSPENSION OF STANDING ORDERS

Hon. H. B. ST. JOHN: Mr. Speaker, Sir, I beg to move the suspension of Standing Orders 6, 16, 18, 20, 42, 43 and 44, for the remainder of today's sitting.

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

The question that those several Standing Orders be suspended for the remainder of today's Sitting was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

Hon. H. B. ST. JOHN: Mr. Speaker, I beg to move that Government Business be now taken and that Item No. 4 be the first Order of the Day.

Mr. SPEAKER: Item No. 4 is the instant Order of the Day standing in the name of the Hon. Minister of Communications and Works to move the Second Reading of a Bill to amend certain enactments relating to harbours.

Hon. H. B. ST. JOHN: I beg to ask leave to deal with this Bill, Sir. The Hon. Minister under whose Ministry it is, is out of the Island, Sir.

Mr. Speaker, Sir, this Bill is a short Bill to amend the Barbados Harbour Act to tidy up certain provisions in the Act which was passed earlier this year so as to ensure that the new area of land which has been reclaimed is better described than previously and that the existing regulations which govern the provisions of the pre-existing harbour also extend to the additional area which now comprises within the harbour.
12.30 p.m.

Other than that the rest of the Bill only relates to certain legislative legal draughtsman's tidying up of the language. There is no other major feature that the amendments seek to achieve. There was some doubt in the minds of the draughtsmen with respect to the Regulations, and in view of previous experience that we had when we first started the Deep Water Harbour in which a case was thrown out of Court on appeal on the ground that the accuracy of the description as to the definition of "Harbour" opportunity is taken on this occasion with that experience in mind to ensure that there is perhaps more precision in these respects than was contained in the Bill which we passed earlier this year.

We have not yet been able to get a detailed surveyor's plan, and that is because quite a bit of road works is still going along in that area, but I give hon. members the assurance that as soon as a detailed surveyor's plan is available, when the buildings are removed, and the re-alignment of the road in the area of Shamrock and where the former Minister used to live, as soon as those things are completed we will bring down an accurate surveyor's plan which will be embodied in an amendment to the Act, so that in addition to a verbal description of the Harbour by reference to physical points, there will be a detailed surveyor's plot. We cannot wait until this work is completed to get the surveyor's plot before we bring in these amendments. Accordingly, I hope that with this explanation this Bill will receive the approval of this Honourable House.

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

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

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

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

Clause 1 was called and passed.

Clause 2 was called.

Hon. H. B. ST. JOHN: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. WARD: Mr. Chairman, I would like to make a few remarks regarding this legislation that is before Parliament, because I believe that a very important part of the history of Barbados may go unnoticed if we do not turn the clock back to some 20 or 25 years ago when the then Government of Barbados under the leadership of the great Sir Grantley Herbert Adams made the plans and foundations for this modern port which we have in Barbados. You might say that this legislation brings the completion of the second phase of this port and Barbadians should be proud of the long range planning that went into the putting down of both phases, first and second, for which the Minister has now introduced the laws governing the second phase. Governments come and go and much legislation is passed, but in the case of the port, this will have a very long-term effect upon the peoples of this country. I think we should pay tribute to those persons who plan the laying of this very great project of the Deep Water Harbour in Barbados. The first phase was completed under our administration, the second phase was completed under the administration of the Democratic Labour Party, but the plans were there. Even now the customs building as part of the project has been completed and now the people of Barbados can boast of having perhaps the most modern shipping facility in the Caribbean.

But what I would now particularly like to lay emphasis on, Mr. Chairman, at an early date, and it deals with this, is the carenage area which will become unused as far as shipping goes as soon as this new part of the port comes into effect. I am sure that the Government will make sure that this part of Barbados which is so beautiful and has such potential for further development receives great planning in the development of this area. Mr. Chairman, I am convinced that this new area that has come into the focus of our attention has the potential of making Bridgetown the most beautiful and attractive city in the Caribbean, and the waterway will play a very important part in this planning. For instance,

Mr. Chairman, it would be quite easy for both lines of the inner basin and the outer basin to become the haven of fishing boats. This would be a tragedy. Of course the fishing boats must be provided for and I think that legislation will have to be drawn up that they have a designated area such as the place where they are now in the inner Careenage, but that the outer side be developed so that Barbados can now develop this most beautiful area to become such an attractive place for both Barbadians and visitors to our country alike. It is just those few remarks, Mr. Chairman, that I have both of the past and the future, and I would like to pay tribute to the Government of the late Sir Grantley Adams who laid the plans for what is now coming to completion in the present Deep Water Harbour.

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

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

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

Hon. H. B. ST. JOHN: Mr. Speaker, I beg to move that Item No. 2 be the next Order.

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

THE INCOME TAX (AMENDMENT) ACT, 1978

Hon. H. B. ST. JOHN: Mr. Speaker, the Hon. Prime Minister is engaged in urgent business and I beg leave to deal with this.

This Bill is to carry out miscellaneous amendments to the Income Tax Act in Barbados to implement budgetary proposals which were announced in the last Budget Speech, and it is necessary if taxpayers are to take advantage of the proposed amendments that this Bill be passed in this calendar year.

The reasons and the rationale for the amendments and the policy behind the amendments were all spelt out in the course of the budgetary proposals, and the Bill only seeks to put in legal form the policies as were so set out. We have had a long debate on the budget, and unless there is any special point in Committee that any hon. member will seek to raise, I do not propose to have a rehash of the budgetary provisions because I believe these

have been exhaustively debated at the right time, which was when the budget was being introduced.

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

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

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

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

Clauses 1 to 3 were called and passed.

Clause 4 was called.

Hon. H. B. ST. JOHN: Mr. Chairman, I beg to move that Clause 4 stand part.

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

Mr. SIMMONS: Mr. Chairman, I am a little puzzled with Clause 4 sub-clause (3)(c) at the bottom of page 3 of the Bill. Some of the language used appears not to make any sense, I do not understand what is meant by "a director of that company is also a director of another company not merely by coincidence". While I can see the intention of the draftsmen in getting at the accounts of interlocking companies, having the presentation of accounts so that one can have to reflect the true financial position of companies, I am more than concerned at this definition. It says, Mr. Chairman, "for the purposes of this section, a company shall be deemed to be a related company if (a) the greater part of its share capital is owned by another company" and then down the line "(b) another company has the right to or is entitled to acquire any part of its share capital." As a matter of fact, after (a) it seems to me that there should be included the word "or". If there are three alternatives for the definition of a related company, sub-clause 3(a) should read in my submission: "the greater part of its share capital is owned by another company;" or "(b) another company has the right to or is entitled to acquire any part of its share capital," or (c) it is very important that the disjunctive word in my submission should appear after the word "company" in (a) and provide three alternative ways of defining a related company. If I am right on that, then clause (c) which is an alternative to (a) and (b) is meaningless, in my submission, by fact of the words "not merely by coincidence" being used.

12.50 p.m.

Mr. Chairman, as I understand it, you can only become a director of a company if you consent to be a

director and if the necessary Resolution is passed by the company appointing you as a director. How can anyone become a director by coincidence? It does not make sense. I am sorry the Attorney General is not here, because I really cannot in conscience, in the absence of an explanation as to what this term means, support this Clause. It is offensive to my commonsense and to the principles of company law. How can you be a director by coincidence? You can be a director of various companies in a group; you can be a director in a holding company and be a director in a subsidiary in the same group, but surely there will have to be a conscious and deliberate act. This reading suggests to me the appointment of somebody ignorant of the fact of being appointed. It cannot be; it would be in breach of the general law.

These are the comments I have to make on this matter, Mr. Chairman.

Hon. H. B. St. JOHN: Mr. Chairman, the object of the section is to deal, as the hon. member said, with the concept of inter-related companies and to ensure that one company by the creation of a series of companies with interlocking relationships is not able to manipulate the accounts of the companies to the detriment of the Inland Revenue. The paragraph sets out quite clearly the three circumstances, in (a), (b) and (c), in which for the purpose of the Income Tax Act there is deemed to be a related company. The last paragraph appears at first sight to be a little abstruse, but I think that the intent of the section is to deal with the question of proxy directors. And the wording of the Act is intended to make it clear that a proxy director would not bring a company into the inter-locking situation, and I think that is the intent of the use of the word coincidence. It may be offensive to the hon. member, but I think that the intent of the draftsman is to ensure that it does not specify the circumstances of proxy alone, and by use of the word "coincidence" I think he is intending to convey very clearly that the interlocking relationship will only come into play if there is a situation in which the directorships are genuine directorships and not directorships by mere proxy. I think that is the intent of the Clause.

Mr. ALLEYNE: Mr. Chairman, I wish to support the submission by the hon. member for St. Philip North. I confess to some difficulty in determining whether the new subsections 3, and 4 are to be inserted in section 10. I cannot see where one is going to impose this new section 3 and the relevance of section 3 to section 10, because section 10 — if I understand it correctly — deals with the amounts deductible. I think that points made by the hon. member for St. Philip North have some force and may require a closer look at the new subsection in the context of what section 10 of the principal Act speaks about.

Mr. SIMMONS: Mr. Chairman, there is a further observation I have to make on Clause 4. The Clause says

"Section 10 of the principal Act"— which is Chapter 73 — "is amended by (a) substituting a semicolon for the fullstop at the end of paragraph 1 of section 1..." And then it goes on over the page at (c) "add immediately after subsection 2 the following subsections 3 and 4".

Now, Mr. Chairman, if you have chapter 73 with you, you will see that chapter 73 section 10 is bereft of a subsection 2, which is the subsection being amended; and if it has been amended I would like to see the reference for that amendment, because in Chapter 73 in the front of the Bill in the arrangement of sections we have an amendment to section 3 of Cap. 73. I do not see any further amendment since Chapter 73, and what I am submitting is that Chapter 73 in the bound volume I have does not contain a subsection 2; so how can you add something in this Bill to subsection 2 when there is no subsection 2 in the parent Act?
1.00 p.m.

We cannot sit down here and let legislation go though like this. We have a responsibility to ensure that these things are properly scrutinised. I would ask, Mr. Chairman, of the Leader of the House, so that this matter could be put beyond doubt that he would defer further debate on Clause 4 until I have had a chance to check with the amendments that are presently being proposed to update the laws. In the basic laws of 1971 there is no sub-section (2). I will need to follow that through. These things were only in my hand yesterday, and I crave the indulgence of the Leader of the House just to enable me to clarify the position.

Hon. H. B. St. JOHN: Sir, obviously the hon. member is going by the published volume of the law. I promise the hon. member that the amended published volumes have just been circulated, and in looking at the proposals for amending these laws, the draftsmen amended the laws as published. We refer to the Clauses as amended, so that in relation to the amendments subsequent to the 1971 provision, he will not be able to follow the amendment in relation to those clauses. Nevertheless, we will give the hon. member opportunity to look at it. I will therefore ask that we postpone this item, that we report progress and ask for leave to sit again. I now make that motion.

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

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

Mr. CHAIRMAN left the Chair and reported to Mr. SPEAKER. Mr. SPEAKER reported accordingly.

SUPPLEMENTARY ESTIMATES 1978-79, PART I — CURRENT — No. 20

Item No. 1 was called — A Resolution to grant the sum of \$2,220,000 from the Consolidated Fund and to

place it at the disposal of the Government to supplement the Estimates 1978-79, Part I - Current, as shown in the supplementary Estimates 1978-79, No. 20, which form the Schedule to the Resolution.

Hon. L. S. CRAIG: Mr. Chairman, this item is in my name for \$2,220,000. I am seeking funds for \$500,000 for the National Housing Corporation to carry out its commercial activities to the end of the financial year. Sir, much has been said about Housing in here only last Tuesday, and I am not prepared to go into very much detail in seeking Parliamentary approval for this \$½ million. I would still like to put on record that we have started the construction already at Wotton of some 50 three-bedroom concrete block houses and additional 40 concrete two-bedroom houses in Free Hill, Black Rock. Thus I hope, that if everything goes well, we would be in a position in another nine months to offer to the country something like 120 houses for purchase.

I also wish to report that the National Housing Corporation is kind of free of its old debts of over \$1.5 million that they faced in 1976 when we took office, to firms in Bridgetown, to contractors and builders. I am happy and proud to note that as a Christmas gift we have paid off every single cent to the tune of \$1.5 million. We are on the take off to meet the country's housing needs.

I do not think that there is much more that I would like to say on this matter because, as I said, we had a pretty full debate last Tuesday. The Chairman of the National Housing Corporation himself gave a very lengthy explanation in connection with the activities in Housing; and it is only necessary to get this \$½ million for which I seek parliamentary approval. I think that this is about all that I would like to say at this point on this particular item.

I beg to move that this Resolution do now pass.

Hon. H. B. St. JOHN: I beg to second that. In respect of the components of the money, \$1 million is to be advanced to International Seafoods Limited so that the company can settle the debts that it has incurred. The full history of International Seafoods Limited is now in documentary form, Sir; and the Government has decided in its mind that this is a heritage which has burdened the taxpayers enough, Sir.

Consequently, a critical examination of the outstanding debts of the company has been undertaken; and it is the decision of the Government that as soon as these matters are settled, this particular company will be wound up, and we will make use of so many of the vessels that are needed to fish in the areas for which we have got international arrangements; and as regards the rest of the vessels, valuation will take place on them and they will be disposed of at the best price capable of being realised.

1.10 p.m.

That is the only thing that we can do in all fairness to the taxpayers of Barbados. It is very clear that this was one of the disastrous ventures that was undertaken and I do not want to go into the history of it as it is well known, but suffice to say it is very clear now that countries who have expanded their 200 miles limit for this area are exceedingly difficult to bargain with, particularly Brazil, and the terms and conditions under which the licences will be granted are exceedingly difficult and unless there is a change of heart on the part of those who pretend to be part of the developing world I can see little hope for favourable negotiations in that area.

Fortunately for us this year we have been able to sew up agreements with Guyana and at the present moment a number of vessels are in fact fishing off Guyana and the terms and conditions under which they are fishing there are such that in the opinion of Government it will be to the mutual benefit of both Guyana and Barbados. The significance of that Agreement is that it relates not only to shrimping, but it is a year round Agreement and between certain times of the year one can shrimp and fish and in the recognised close season one is permitted to fish.

It is of great significance and already fish has been landed both in Guyana and in Barbados but we do not feel that we can really ask taxpayers to continue to have to subsidise an operation to the tune of millions of dollars per annum without having a very great impact upon the overall current account of Barbados.

We however recognise that there is a need in this country for fish and what we are trying to ensure is that in conjunction with other agencies, CIDA, that we have the type of boat which is economically viable and which will be able to carry out the fishing that is required in the waters and that we are able, on reasonable terms, to sew up international agreements.

We have an outstanding application with Trinidad and Venezuela and we are hoping that at the Inter-Governmental Bilateral level we will be able to bring these agreements to fruition at a very early date. Obviously the Government cannot walk away from this inherited debt but as soon as the exact amount of the debts are fortified a full statement will be brought to the House of Assembly as to the *de facto* position to the heritage we have received in this respect. As a responsible Government we have to carry out the obligations that were entered into by the previous Government of Barbados.

Now in respect to the \$750,000 of Barbados Feeds, here again, Sir, this is another venture that was undertaken and which has resulted in a lofty considerable sum of money being lost. As you will recall the previous

Government had entered into an arrangement with a Firm from the U.K. to set up an Animal Feed Plant in Barbados that was not successful and an arrangement was made whereby the private shareholders were bought out at 40c a share for every \$1 share, quite different from Sea Foods. Although Sea Foods was losing millions of dollars, the Government still paid the shareholders of Sea Foods a dollar for dollar when there were no underlying assets at all to cover the dollar for dollar value.

In respect to Barbados Feeds the then Government bought them out at 40c but nevertheless the position is that under the terms of the Agreement that they made with the successor organisation, namely Maple Leafs Limited, the Government has to clean up the balance sheet of Barbados Feeds as a condition of the Company becoming the Maple Leaf Barbados Feeds Limited and the amount of money needed is \$720,000.

I think that one of the significant points about all of this, Sir, is, and this is highlighted also in the Duffus Report, namely that Government, whichever Government is in power in Barbados, has got to have a very clear and distinct strategy for ensuring that ventures that are entered into, as much pre-planning is done as possible with a view to preventing the taxpayers of the country from being called upon to pay sums of the magnitude that we have been called upon to pay since we assumed power.

I hope that this very regrettable situation will not recur in the future and that all Barbadians will benefit from the experiences that we have had with respect to these ventures and that pleas of crimes and others will be rejected when upon economic examination the ventures prove to be unviable. I hope that we will be strong enough and men enough to stand up to the realities of the situation and that the necessity for these types of Resolutions will in the future be removed.

Accordingly, Sir, I beg to move that this Resolution do now pass.

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

Mr. WARD: Mr. Chairman, I am sure that all members of Parliament will welcome the statement made by the Minister in regard to International Sea Foods. International Sea Foods, Sir, in its very beginning has created a very bad picture of Government involvement in Companies and wastage of taxpayers money. It is an ugly part of the history of Government in this country and no white washing, no painting over would clean up the very ugly picture which has been painted when a Government can permit a company with only a capital of a \$¼ million, that a Government could back a guarantee of a loan from a Bank of \$6 million.

1.20 p.m.

This is scandalous in itself. Now the present Government finds itself with a salvaging job of trying to recover what money it can, and undoubtedly, as the Minister has clearly indicated, the end result will be a loss to the taxpayers of this country. Three businessmen who had never proved themselves with the ability to run a company of the magnitude of \$6 million were entrusted with this kind of money. Not only has it affected the business people of this country, but it has affected people overseas as well. Can you imagine, Mr. Chairman, that Barbados built up a reputation of trading with overseas companies and meeting their obligations whether it was by letter of credit, whether it was by sight draft or whether it was by consignment. Seafoods Ltd. has ordered goods from overseas and when they arrived in Barbados did not take up the draft, did not pay for the goods, and they were sold out at auction, and people could go to the Deep Water Harbour when they were auctioneering off the goods to find that the consignment of goods coming to International Seafoods were not paid for. This gives a bad name to Barbados in international banking circles and the international community, and also affects the taxpayers.

On the last sitting here in Parliament we heard a member of the other side pleading about the poor unfortunate people who were not getting paid by International Seafoods because the company was simply not paying out those women whose husbands had lost their lives. Why didn't they refer to the beginning of the International Seafoods and how scandalous it was to start with? We had a company operating in Barbados most successfully, but certain people thought they could cash in on it and made it impossible for that company to exist, insulted the management, and the company picked up and left and went to Trinidad who laid on a red carpet welcome for them; and then we set up what was an organisation here in Barbados of \$¼ million and the Government backed a note and guaranteed a \$6 million loan to the company with a \$¼ million capital; and then you hear that the enquiry into it was a waste of taxpayers' money. (*Asides*) That will come up at a later date, but Mr. Chairman, at this time these things must be emphasised because some people get up and make a very emotional plea about the Government not fulfilling their obligations. It was not the Government, it was the bad administration that brought about this and now Government finds itself in the position of having to do a salvage job by selling off equipment, selling off boats wherever they can sell them so as to recover as much money as possible. We will no doubt hear many excuses, but this is a bad inheritance that this Government has taken on. You will hear people walking around the country and saying they cannot see what the Government has done. Why they can't do more is because there are cases like this which they are attending to, having to correct errors that were made, and not simple errors, lawless errors.

Mr. Chairman, that company should never have had a loan of \$6 million and the Government backing it. The Bank sent out and took a feasibility study and the loan was all right. The Bank's feasibility study was that the Government was backing the money and they could have got \$100 million as far as they were concerned. It was not that Seafoods was a feasible proposition; it was feasible for the Bank to lend the money knowing that the Government was going to have to fix the account as the end result. As a result the Minister has to come here today to get money to pay off some of the bills. I presume these are pressing bills that have to be paid immediately, but eventually the Bank will have to be dealt with.

Last Tuesday or the Tuesday before when we were in here I heard the Minister speaking of International Seafoods and I was amazed. No member of the Democratic Labour Party should have the courage or guts to stand up and speak about International Seafoods. It is a most disgraceful spot in their history, and therefore, Mr. Chairman, I fully support the Minister in speaking about the salvaging operation we have to go into and take the taxpayers' money to pay off debts which were badly negotiated in the first place.

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

On motion of Hon. H. B. St. JOHN seconded by Hon. L. S. CRAIG, Mr. CHARIMAN reported the passing of one Resolution in Committee of Supply, and Mr. SPEAKER resumed the Chair and reported accordingly.

On motion of Hon. H. B. St. JOHN seconded by Hon. L. S. CRAIG, the Resolution was agreed to.

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, this is a convenient point for me to move that this sitting be suspended until 3 o'clock. The two remaining items, Bills implementing budgetary proposals that are before the House, hon. members raised certain questions and we are getting the draughtsmen here to give the explanations in respect of one. In respect of the other, two sheets of amendments are being circulated and I want to give hon. members an opportunity to have a look at the amendments. As usual any hon. member will be able in the course of suspension to raise any points of a technical nature that they would have with the draughtsmen.

I beg to move that this sitting be suspended until 3 o'clock.

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

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

1.30 p.m.

On Resumption

Mr. SPEAKER: This sitting is now resumed.

On the motion of Hon. H. B. ST. JOHN, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and the House went into Committee to resume consideration of the Bill to amend the Income Tax Act, Mr. ODLE in the Chair.

RESUMPTION OF CLAUSE 4

Hon. H. B. ST. JOHN: I do not know whether during the interval the hon. member had an opportunity to look at this clause in conjunction with the draughtsman who had been brought down here.

Mr. SIMMONS: Mr. Chairman, I have spoken with the draughtsman and I understand what the language is aimed at and the difficulties of drafting. I am not happy that we are following the right form of words, but since this is a budgetary measure and it must be passed before the end of the year I will let it go and bear in mind, Mr. Chairman, that perhaps early next year we can redefine it and come with an amending Bill to clarify the position.

That is all I would say on clause 4 but I have something to say on clause 3.

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

Clauses 5 to 12 were called and passed.

Clause 3 was recalled.

Hon. H. B. ST. JOHN: I beg to move that clause 3 be recommitted.

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

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

Mr. SIMMONS: Mr. Chairman, I had suggested an amendment to clause 3, but the Minister will deal with this.

Hon. H. B. ST. JOHN: Sir, the hon. member has drawn to our attention that there must be an amendment, so I beg to move that between the words "by" and "the" the words "Barbados National Bank or" be inserted.

I beg to move that clause 3 as amended stand part.

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

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

On the 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. SPEAKER resumed the Chair and reported accordingly.

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

THE PROFESSION, TRADE AND BUSINESS ACT, 1978

Rt. Hon. J. M. G. M. ADAMS: If you please, Sir, this arose out of a budgetary matter and it will affect many thousands of persons in Barbados, and being a new matter will undoubtedly give rise to some difficulties in its preliminary stages, but put short, this Bill proposes to regularise the position of all self-employed persons and will provide for the annual registration of everybody who works but does not work for some other person.
3.10 p.m.

There is a long and reasonably complete schedule — indeed a number of schedules. They are divided according to the registration fees which particular persons will pay, and the schedules themselves are divided into parts. The fees will vary from the existing fee of \$500 for Queens Counsel and Senior Counsel, down to \$10 for the overwhelming majority of persons embraced in the Third Schedule. They run alphabetically from air-conditioning technician to welder and well-digger. All persons engaged in the last category will pay an annual registration fee of \$10. There will be penalties for not registering, but perhaps the most serious penalty will be that an unregistered person cannot receive his money; that is, if an unregistered person works, he cannot collect his money, and we think that may cause the registration to be very effective.

One may ask what will these persons be getting for the \$10. I am happy to announce that since the scheme was first considered we have been able to work out a number of details which will give considerable advantage to all those persons, for these self-employed persons will not now be called on to register with the tax authority but to register instead with the Chief Labour Officer who will during the month of January or as early as possible publish a list of registered persons. We are planning that this list will contain the names and addresses, and telephone numbers where appropriate, of all those persons in the self-employed categories, so that it can serve as a

directory service as well as a list of persons registered, and it is hoped that persons who need these services which will come under the registration system — blacksmith, boat builder, butcher, gardener, printer, race horse jockey, shoemaker, etc., — all these persons will have their names and addresses published and people who need their service will be able to make contact with them. It is hoped therefore that the Government will thereby be running a service for these self-employed persons as well as doing a service for itself.

We have had some difficulty with self-employed persons over a period of time. It is said self-employed persons get away with murder where taxation is concerned. The medical service is respected in this country but rather for its service to the public than to the Inland Revenue. I have also heard in the old days solicitors telling barristers "You are lucky; we have to keep books." And I can think of members — not in this House — hon. members would not think of evading income tax — but I know of persons making \$14,000 a year gross but making investments of \$20,000. But this is the way self-employed persons are unfortunately regarded in the society. This Act will make some little contribution in dealing with that.

But I want to make an appeal in a slightly different area. For the past eight months a household budget survey has been underway in Barbados. The purpose of this survey is to enable Government to construct a new cost of living index and see what are the items of expenditure that are really important to people so that we can have a better idea as to how to approach, for example, the problem of price control better than we have been able to do in the last three or four years. When we go through the cost of living index we find such items as stockings still playing a prominent part, shingles and such things. I do not think that stockings are an important item today and I do not believe that many people buy shingles now-a-days. We find school fees still a significant item under the head of Education when in fact the number of pupils paying school fees is a very small portion of the pupils being educated today. This budget survey is therefore extremely important.

It does not seem to be known by the general public that any survey carried out by the Statistical Office is of a very secret nature. The Statistical Office is forbidden by law to report the names of persons interviewed or the answers given. They cannot even tell me whom they have questioned as to whether they like daylight saving time, whether they spend money on hair spray or rum or beer. I am forbidden by law to know the names of these people or the details of the questions asked. The Commissioner of Inland Revenue is forbidden by law to know any of the answers given during the household budget survey or any other survey. But these answers do relate to the matter of the cost of living index based on the needs of the less well-off members of the community.

The Statistical Department selects the names of the persons to be questioned but there has been some resistance to answering the questions although by law you can insist on an answer. And you may have read of an appeal to members of the public to co-operate with the Statistical Department.

But an even more serious problem has occurred. The same people who ask questions about the household budget are the people who ask questions about employment and all over Barbados there have been a number of cases of persons — and I can only presume these are people who do not pay income tax — who have been asked questions for the household budget purpose and they say their income is nil because apparently they are afraid that since they do not pay income tax they might run into trouble if they admit to working.

I want to give these people an assurance that this information is confidential. The matter creates a problem because what has happened here is that you go back to the same people to ask if they are working or not and what you get is that a man who has given a previous answer saying that his income is nil, says he is not working or looking for work, because he feels if he says he is working they will check back and he will become involved. So the survey has been partly ruined by a number of persons claiming to be voluntarily idle. It has not made an enormous difference to the employment statistics but it has distorted the sample so that you do not get an accurate figure. I am therefore appealing to all concerned to co-operate with the Statistical Department and I want to assure all persons, particularly the self-employed, that if you are interviewed by anyone from the Statistical Department you are free to give the information required since the information is not allowed by law to leave the Statistical Office. I do not have access to it — nobody has outside the Statistical Department — and you are doing a disservice to the country if you are a carpenter or a plumber or anything else and you are interviewed and say that you are not working or looking for work. It makes it very difficult for the Minister of Finance or the Minister of Labour to plan properly for the unemployed.

3.20 p.m.

I say that because I believe that the number of people who are working and saying that they are not working are perhaps equal to the number of people getting jobs. It is not making that much of a difference in the face of the figures, but it is making a lot of difference in the truth of the figures. We have had to make more check backs. For example, the Ministry of Trade has had to make a careful check back in the area of industrial production, and had discovered that industrial enterprise — this is an actual count of a number of people working — we found that the number of people working has increased by 13,000 in the last two years. The hon.

member for Christ Church South Central can no doubt give the precise figures, the figures derived from the employment levy, I have no intention of going into them because to my mind our prediction is only based on speculation; but the figures derived from the employment levy would indicate that there is some increase in employment covered by the levy, and we will have to pay back some proportion of the collection of the levy to those people who have improved the level of their employment position; but these checks are contradicted and made difficult to assess in the light of those self-employed persons who do not seem to want to admit that they are working in construction, in building, driving taxis or whatever. I really would appeal to all concerned to make the job of Government and economic planning easier by co-operating with the officials and public officers who are only trying to help all Barbadians to achieve a better and more rewarding life. Now, as to the Act itself, Sir, it is a very short and simple Act. It orders the registration of all self-employed persons. Other amendments which will be made in due course make provision for something which was left out in the original Act. That is, somebody who becomes self-employed during the course of the year. The Act which already exists covering self-employed persons refers to accountants, architects, actuaries, engineers and so on. These are professions which already have acts of Parliament supporting their professional status, and these are attorneys-at-law, dental practitioners, druggists, engineers, quantity surveyors, medical practitioners and dental surgeons; and the Acts covered are found in the third part of the first Schedule.

The second Schedule contains professional persons who do not at the moment have an Act of Parliament governing their conditions of service. It is divided in categories according to the licence fees they will have to pay. This deals with accountants, actuaries, architects, engineers, builders and/or contractors and quantity surveyors. These will have to pay registration fees of \$300 per year. In part 2 there is provision for real estate agents and town planners who will have to pay registration fees of \$150 a year. Then there are a number of persons to whom I have referred. It includes those who will have to pay \$10 — people such as carpenters, including shipwright, joiner, cabinet-maker, wheelwright and cartmaker. Their names will be published in the directory of services which is issued from the Ministry of Labour, so that in return for the \$10 they will get an entry and people can call them up if they need their services.

It is very important to understand that a carpenter who is employed working for somebody does not have to register. It is only a man who holds himself out as a jobbing carpenter — in other words he is not working for a firm or by a foreman — and is holding himself up as a jobbing carpenter who would have to be registered. As I

say, I am very sure that it will exclude the shopkeeper operating with a legal licence.

3.30 p.m.

These are the small self-employed shopkeepers that do not at the moment need any special licensing to open a business to have to pay these few dollars a year for that purpose. The Act is relatively simple, Sir. The Amendments will allow for the registration during the middle of the year for persons who did not register at the beginning and who entered business later on in the year by not paying any penalty.

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

Mr. WEEKES: Mr. Speaker, I have listened to the Minister of Finance and I will say this, Sir, in commenting on this Bill that it was not necessary for him to give us all the full details when we had already dealt with the Budgetary Proposals. On the other hand, in listening to him there are certain categories of workers which he did mention, carpenters, grave-diggers and other artisans and so on.

Now I am wondering, Sir, if there is any method of seeing that these people are registered because I am sure, Sir, that some of them will be ignorant of the law and that does not prevent them, Sir, from having to pay the penalty. Clause 10(1) says:

"Any person who fails, neglects or refuses to register in accordance with section 3 or 4 and engages in any profession, trade, business or calling in contravention of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$500."

I am not for one moment criticising that, Sir, but what I am trying to point out to this House is that they are certain people who will not be aware of the law, who will not know that they have to be registered and therefore I am wondering what plans the Government has to draw these laws to the attention of these people. It is a fact, Sir, that as soon as these laws are made, they are published in the Official Gazette. They may be published in the newspapers, but as you know, Sir, many grave-diggers do not have time to read newspapers, many carpenters may be so tired after working very hard during the day, they too may not have time to read newspapers and consequently they would not be aware of these Regulations or Laws.

I do not think for one moment that when the Minister of Finance stated that their names would be published and if they have in telephones and so on and so on that they would benefit from such. What I am saying is that the Minister of Finance should not have

any doubt in his mind or fear as to tell us that these measures which are being introduced today are being introduced so that funds can be made available for the functioning of the Government and therefore it is not necessary for us to be given the reasons for this or for that.

It is, Sir, that the Government must have money to run the affairs of the country and this is one of the means of obtaining money to run the country. I do hope that the Minister of Finance will find it possible and convenient to organise the Ministry of Labour in such a way, or the Labour Office so that all of these people would be fully aware that they must register.

Now in addition to what the Minister of Finance has said, it is also a means of calling on these people, many of them to pay National Insurance, and I see nothing wrong in that because from the benefits which they will derive from paying National Insurance they will have no regrets and therefore we, as members of this House, having already dealt with the Budgetary Proposals and so on, we can do nothing else but to give these measures here today our wholehearted support.

Mr. SIMMONS: Mr. Speaker, Sir, this Bill, and it seems to me to have very far reaching consequences and I have certain reservations about the Bill.

3.40 p.m.

First of all I appreciate that it is a budgetary measure and that it has to be passed before the end of the year, but even so, there are features of the Bill which I find a little disquieting. Now specifically in Clause 3 I cannot understand what is the significance, and I should like some explanation of this, why the date mentioned in Clause 3 is 3rd July, 1968, and I see nothing in the circulated amendments to suggest that it is 1978. "Subject to section 5, every person on or after 3rd July, 1968". Why are you going back as far as ten years? Perhaps there is an explanation for that. This was only circulated yesterday and one has not been able to give it the extent of detailed study as perhaps it merits, but I would be grateful for some enlightenment on that.

Now, Mr. Speaker, as I understand the Bill, virtually everybody in Barbados who is self-employed will have to be registered be he doctor, jockey or carpenter. Presumably, for example, persons who work on the staff of Housing Corporation as carpenters and masons will not have to register. It is only those who have no direct link with a fixed employer, but the penalty sections are what cause me bother. As I understand it, if you forget to register you are liable to be prosecuted and fined up to \$250. If you forget, fail, neglect or refuse. At the same time as you are being punished because you have refused or you have forgotten to register, you are also disentitled from suing

for fees or wages in respect of work done. Now in Clause 12, Mr. Speaker, there seems to me to be a very serious omission in the legislation. If in 1980 a person fails to register but is owed \$800 for repairing a house in 1979, it appears to me that the fact that he is not registered in 1980 means that he cannot sue to recover his debt which accrued in 1979, and I would like some clarification on this because I feel that you should only be disentitled from suing, if this is the intent of the Act, you should only be precluded from suing in respect of wages or salary or whatever or debts accruing in the year in which you have failed to register, but should not affect your accrued legal rights to sue in respect of past debts. What happens to the man who does not register next year but is owed money from 1977 and is not statute barred?

As I understand Clause 12, that man cannot go to court. If I am not right, I stand to be corrected, but it is not specific in Clause 12 what period is affected. Now again the fact that you are liable to a penalty for not registering and at the same time are prevented from bringing suits to claim debts or whatever seems to me to be a cause of double punishment which really offends certain established notions. I do not believe it is fair that a person should be made to be fined for failure to register and at the same time virtually being punished in so far as he is told he cannot sue to collect his debts in the course of his trade. You are punishing the man twice and you are depriving him in telling him he cannot sue. You are depriving him of a legal right of action. That man would have a vested proprietary interest in a suit, a legal chose as they call it. It strikes, Mr. Speaker, at certain fundamental rights, or if not fundamental, certain established rights, and I am totally unhappy with clauses 10 and 12 and the effect of clauses 10 and 12 jurisprudentially.

Well a lot of people who will be called upon to register are small people, Mr. Speaker; bottle sellers, carpenters, electricians and so on. I wonder if it is really worth it to ask these people to pay \$10 to register, granted there is a cost to Government; but is this no more than Government can assume itself? There is a cost in preparing books and registers and so on, but to ask the little fellow to pay \$10 and then he forgets to pay and you expose him to the possibility of criminal prosecution! Mr. Speaker, I would like to see that \$10 lifted. You are asking the man basically to register for the establishment of certain purposes. I will concede that it will help Government in the compilation of a manpower survey, to know how many carpenters, masons, jockeys, butchers, bottle sellers and whoever you have in the Island, and it will help them because as I understand it a directory of these persons is to be published, and if I want to find a plumber in a hurry on a Saturday and I cannot get the Waterworks to come and mend a burst pipe I can look into the directory and find Mr. So-and-So who is a general

plumber and engage him to come and repair my pipe. It has certain benefits, but should he be asked to pay \$10? Mr. Speaker, you are not asked to pay \$10 to go and register at National Insurance or when you take people to register for voting purposes and have a photograph taken. They are not called upon to pay \$10 to exercise the democratic right to vote, and in this instance you are asked to pay \$10 to exercise a right to work.

3.50 p.m.

I am very unhappy, Mr. Speaker, it is a pity that this could not have been discussed a little earlier and been given more time. I do not mind as a lawyer paying \$300 or whatever it is we have to pay every 1st January, because I may be able to pay it and a doctor would not quibble, but I am concerned that perhaps a man in unemployed for three months and has to go and register because he is a carpenter, unemployed, and probably does not have the \$10.00 then. I would like to see a little loosening of the requirement for the small person to pay \$10.00, Mr. Speaker.

I have expressed my specific criticisms of the Bill and I have tried to indicate that I am unhappy about certain of the provisions of the Bill and certainly concerned about the person whom the Bill can find in terms of the small man, the person who is not continuously for a year in employment, and I hope that if it cannot be done now, that as soon as circumstances allow the Government will give consideration to removing the fee payable upon registration by those persons in the category in the Third Schedule. I really feel that something should be done to exempt those persons from paying it. I believe that perhaps if it were done, if they did not have to pay, that they would more readily go and register knowing that perhaps a directory is coming up and that people will become attuned to the fact that they have their services on offer, and they would go and register in the hope that perhaps they will get a job, but I believe if you make it an issue of registration that a person must pay \$10 that you will find in fact a number of persons refusing to register, and what is going to happen? How do you police this system where a person comes and works for me — I am just using myself as an example, Sir — a man comes on a specific day and I am told that there is a plumber down the road and I have the man who comes and does a job for me. I do not ask him anything about being registered, the average person in this country is not going to ask any of those people if they are registered under the Act, and they themselves are not going to volunteer the information, and therein lies the breakdown of policing the registration. You are not going to know, especially where you ask a man to pay the \$10.00. If you left it free for him to go and register and you did your necessary P.R. work, which the hon. member for St. Philip South in my view quite

rightly drew attention to, the man would go and register, but if you tell him he has to pay \$10.00 he is not going to be as willing to register as if he just had to go into a particular area and sign up his name and forms and so on, and I would predict that a coach and eight horses are going to be driven through this Act and it may very well turn out to be illusory.

I have heard figures about the total labour force being in the area of 90,000 persons. I do not know how many of them will in fact qualify under the Third Schedule; in other words, how many barbers, plumbers, carpenters and so on you will find, but suppose you find 10,000 at \$10.00 which is \$100,000; what is that to a Government?

Mr. Speaker, because of the fact that this Bill was only circulated yesterday I am going to give it critical support, only critical support, but I have severe reservations on certain principles in this Bill and the efficacy of the whole thing and the humanity in it.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I would like to thank the hon. member for St. Philip South for his realistic contribution to the debate. It seems that the south eastern corner of our island is the corner most concerned with registration of self-employed persons, since we have also had a contribution from the hon. member for St. Philip North.

To deal with the hon. member's questions, the hon. member who has just sat down, the date of 3rd July, 1968 is suggested because that is the date of the coming into force of the Job Week Act and the Provision of Fees Act. It came into force on 3rd July, 1968, and for harmony of legislation it is encouraged that that date is the base date on which professional persons should be registered. Prior to that we are not concerned, Sir, but that is the base date already existing in our legislation.
4.00 p.m.

The hon. member makes a legal point in respect of the proposed Section 12. The legal point is that if you do not register you cannot collect past debts. With great respect I see nothing in the section which says that and I would draw the hon. member's attention to the case of *Kate Brandy Syndicate V. The Inland Revenue Commissioner*, reported in 1921 in 1 King's Bench, the judgment of Mr. Justice Rowlatt which explains quite clearly how you construe a taxing statute. You cannot impart anything into that statute that is not within it; you cannot imply retroactivity and cannot disturb an approved right except by specific language. That is a well-known principle of tax law and I have no doubt that the registration fee amounts to a tax in the circumstances; and I am sure that the Courts if called upon will have no hesitation in saying that the House

of Assembly could not have meant to prevent a man who had money owing to him in 1976 or 1977 from collection of the money because of an Act passed in 1978 unless it specifically said so. We are not saying that.

There has also been the point about double punishment. I think that if the hon. member recalls, this point was dealt with at the time Landlords Registration Act because we put into the Act that if you do not register you cannot collect the rent. In the long run everybody is made more comfortable, because where you make an Act police itself by putting an economic penalty on people for not obeying, in the end it might cost them less because if they are engaged in an activity they wish to take the trouble to make sure that they are carrying out the activity lawfully.

I would like to give the hon. member for St. Philip South the assurance that the Act will be administered as easily as possible. Certainly you need not take my word as the end of it all, because it will not be in my hands to direct any prosecution. But I think it is unlikely that prosecutions will be brought in any great number under this Act; perhaps it will be a couple of years before we get one, because the penalty of not being able to get the money you have worked for is the effective penalty, and if that gets home to people I believe they will take care to go and register. Every effort will be made to get across to the public the idea that it is important to register.

The hon. member for St. Michael South said that people are being asked to pay \$10 to exercise the right to work. I seem to remember argument of a similar nature being used in the United States Supreme Court when income tax was struck down as an unlawful tax since it infringed the right to work and keep the rewards of your labour. That was about 1910 or 1911. I am not sure that my citation of the United States Supreme Court cases are as up-to-date as my Queens Bench cases, but it is many years since the argument that payment of a licence or certification fee is regarded as an infringement of the right to work. If it is not an infringement for a barrister or doctor to pay a registration fee, I cannot see that it is an infringement for a person of the type in this Bill. And it is important to remember we are giving these persons their names and addresses in a directory so that persons who want their services can find them. I believe we are actually doing these people a service. I believe anyone would be happy to have a certificate saying: "I am a certified piano tuner and you can find my name in the Ministry of Labour's Directory." I believe that people would be actually proud to see their names in print as certified in a particular profession. We have not had electrical wiremen saying that they do not want to

register because it is interfering with their right to work. Electrical Wiremen hold up that certificate proudly and say: "I am authorised to wire your house; I have a certificate saying so."

As far as the fee is concerned, I must say that the \$10 will raise some revenue for the Government but it is not an enormously important item of revenue. The reason why perhaps \$10 was chosen was I think because it was related to the fact that hawkers had been paying \$5 for a number of years and there was a general revision of fees undertaken, and it was considered that since you are going to put hawkers into this Act you should not revise the hawkers fees at that time but should wait until this Act was passed. Ten dollars is less than a day's pay for an artisan and it not a lot of money to pay for a certificate indicating that you are a driving instructor, a certification just as much as any certificate on a lawyer's wall. A driving instructor may be just as proud of his certificate as a barrister is of his, and I do not think that \$10 is a lot to pay for this. However, I accept that if the point is pressed in Committee, members will advert to it. To tell the truth, Sir, the Ministry of Labour would like the money mainly to cover the cost of printing the directory because these things are not published for nothing; but if the majority of hon. members give an indication that they think \$10 is too much I daresay the Minister of Finance might listen to the voice of the majority. I am suggesting \$10 and I think \$10 is a reasonable fee in 1978.

Mr. SPEAKER: There are a lot of what are called "What else" shops in the community. Are they affected by this legislation?

Rt. Hon. J. M. G. M. ADAMS: To tell the truth, Sir, the "what else" shops get very little from this Act. But I am not rigid in this matter. I believe that if you want to omit the "what else" shops..... (Asides)

Mr. SPEAKER: A "what else" shop is a shop where you hear: "I do not have that; what else?"

Rt. Hon. J. M. G. M. ADAMS: With them I think the question would be whether they should be in it at all. And I have indicated that this legislation is not meant for shops with a liquor licence; such shops will not be required to register; that is an important point. But really I am quite flexible on this matter and I will allow a free vote on the five or ten dollars. And if they want to leave out the "what else" shops, as far as Cabinet is concerned, we can have a free vote on that too; this is not a case where the Government is coming with a sledge hammer to crack a few nuts.

4.10 p.m.

As far as shopkeepers are concerned, I am obliged to my hon. friend, the Leader of the House, for pointing out the fact that you can remit the fee that might be onerous, and the trouble of writing a letter to remit and everything else. There is a distinct problem with shops. As I say, I will be happy to have a free vote where that is concerned when we come to the Schedules, Sir.

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

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

Mr. ODLE: 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 of Supply, Mr. ODLE in the Chair.

On separate motions of Rt. Hon. J. M. G. M. ADAMS seconded by Hon. L. R. TULL Clauses 1 and 2 were called and agreed to.

Clause 3 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 3 stand part, but that the words "within the time specified" in section 6 be deleted.

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

The question that the words proposed to be deleted be deleted was put and resolved in the affirmative without division.

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, as regards to Clause 4 there is an amendment which has been circulated. I beg to move that Clause 4 as printed be deleted and the amended Clause 4 as circulated stand part. It relates to the time when you have to pay the registration fee. It provides that without penalty you can register in the later part of the year if you pay the registration fee at the appropriate time.

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

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

Clause 5 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Clause 5 stand part.

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

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

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

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

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

Clause 7 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 7 be renumbered Clause 6 and that it stand part of the Bill.

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

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

Clause 8 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 8 be renumbered Clause 7 and stand part of the Bill.

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

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

Clause 9 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 9 be now Clause 8 and that the words "section 8" appearing in the first sub-section of this Clause be replaced by the words "section 7", and that the Clause as amended stand part.

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

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

Clause 10 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 10 be now Clause 9 and that the Clause stand part.

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

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

Clause 11 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 11 be now Clause 10 and stand part.

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

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

Clause 12 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 12 be now Clause 11 and that section 6(1) be now section 4(2) and that the Clause as amended stand part.

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

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

Clause 13 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 13 be now Clause 12 and that the figures "10" and "12" be replaced by "9" and "11", and that the Clause as amended stand part.

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

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

Clause 14 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 14 be now Clause 13 and stand part of the Bill.

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

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

Clause 15 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Clause 15 be now Clause 14 and that section 8 read section 7.

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

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

Clause 16 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 16 be now Clause 15 and stand part.

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

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

Clause 17 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Clause 17 be now Clause 16 and stand part.

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

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

Clause 18 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 18 be now Clause 17 and stand part.

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

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

The first Schedule was called and passed.

The second Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: Just giving hon. members a chance to look carefully here, if you do not mind. These are the fifty dollar people. Some are higher but these are \$300, \$150 and \$50. Hairdressers \$50, Journalists, Midwives, Naturaopaths, Nurses, Operators of Boats providing water skiing, parasailing and other such services, Ophthalmic Dispensers, persons licensed to perform dental services, race horse breeders, Psychologists, Professional Promoters and I beg to move that this be the Second Schedule.

Mr. SIMMONS: Mr. Chairman, Sir, if the Prime Minister would accept an amendment that these be halved to \$25.00. Alright, Mr. Chairman, he has indicated.

The Second Schedule was passed.

The Third Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: Actually, Sir, these fees come in another Schedule. You cannot reduce fees in this stage. In the Third Schedule, Sir, I am prepared to accept an amendment to remove the Shopkeepers altogether. Sir, all in all I really do not see what is the point of making somebody who has a few cokes in the

fridge for the benefit of a small village, or a few breads, of making them register as a professional Shopkeeper, or selling a little pudding and souse and there is an extremely good pudding and souse seller in Arthur Seat, St. Thomas, Sir. I could recommend him.

I am prepared to accept the deletion of Shopkeepers altogether, Sir. All the others are people who have to render a service to others not in the nature of selling. A metal worker has to beat the metal. A Masseur has to massage, a leather worker has to work on the leather for somebody, and so on. I am prepared to accept that, Sir.

Mr. SIMMONS: Mr. Chairman, Sir, I beg to move that the word "Shopkeeper", and those following in the Schedule be deleted.

Mr. WEEKES: I beg to second that.

Rt. Hon. J. M. G. M. ADAMS: It is suggested to me that it affects revenue, Sir, but I do not really think that. I do not regard this as a Bill which a Private Member cannot move, Sir. I will accept that amendment, Sir. At least you have to put an amendment.

Mr. CHAIRMAN: The question is that the Third Schedule as amended be the Third Schedule to the Bill.

The Third Schedule was passed.

The Fourth Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: In the fourth Schedule, Sir, some hon. members had suggested that the figures of \$10 in the Second Column and Third Column, I am not sure what that is...

Mr. SANDIFORD: Mr. Chairman, I rise on a point of order. I think you put a question that the Third Schedule as amended be the Schedule as amended and I think I did hear an amendment being put that Shopkeepers and others be deleted and I think that was seconded. I did not hear that amendment being put. I think a form of words had been suggested. I did not hear you put those forms of words and I would therefore ask that you give reconsideration of that particular matter.

In the Third Schedule, as I understand it, there was an amendment that the word "Shopkeeper" be deleted and that specific amendment would have to be put before you can put an amended Schedule, if I understand the procedure correct.

Rt. Hon. J. M. G. M. ADAMS: I accepted it and I had presumed that the House had gone along with it, but I believe that technically you should put the words proposed to be deleted stand part so we can vote "No",

Sir. If it is desired for me to recommit it I will be glad to move that the Third Schedule be recommitted. We are always glad, Sir, in this House to recommit Items to allow hon. members to have their chance to speak and it is much regretted that some hon. members get uncharacteristically carried away by the heat of the moment and the heat of less tempered members and rush out before they can contribute to a recommitted question.

I am quite happy, Sir, to go through the precise procedure and I beg to move that the Fourth Schedule be postponed and the Third Schedule be recommitted for the purpose of considering the hon. member's point.

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

The question that the Third Schedule be recommitted was called and passed.

Rt. Hon. J. M. G. M. ADAMS: I think the point is, Sir, that there was a Motion to delete words that had not been put.

Mr. SIMMONS: Mr. Chairman, Sir, I beg to move that the words "Shopkeeper, excluding shopkeepers operating without a liquor licence" be deleted from the Third Schedule.

Mr. WEEKES: I beg to second that.

Mr. CHAIRMAN: The question is that in the Third Schedule the words proposed to be deleted stand part. Satisfactory?

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

Rt. Hon. J. M. G. M. ADAMS: I beg to move that the Third Schedule as amended stand part.

The Third Schedule was passed.

The Fourth Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: In the Fourth Schedule it seems to me that we have a redundant entry. I cannot see the justification any longer. Remember how this justification in the Third Column came about, Sir, but we no longer have a Third Column as I recall it. I am a little afraid to delete it without the advice of the Crown Counsel, Sir, but I am unable to see the utility of the Third Column which was intended to cover the possibility of paying a reduced amount on a re-registration. That would come out of Section Four.

4.30 p.m.

Apparently we have deleted the words but we have not deleted the third column, so I beg to move that the

words "Third Column" and the amounts printed thereunder be deleted from the Fourth Schedule.

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to withdraw that. I had better leave it, never mind it is the same as the other column. It has been pointed out to me that this is not in the list of authorised amendments I would beg leave of the House to withdraw that amendment.

Mr. CHARIMAN: If no hon. member of the Committee objects, leave will be granted.

Leave is granted.

Mr. SIMMONS: Mr. Chairman, as I have indicated, the fee of \$10 appears too high for the category of persons who are affected. Hawkers who have to pay an annual licence fee pay the sum of \$5, and I am going to ask the Government.... I can't move it, it may have to be moved by a Minister, I am not sure; I am being told that it is in order for me to move the reduction. I am very happy to be able to move that there be a reduction in the fee proposed to be charged, and I beg to move that that fee be amended to read \$5 in both columns.

Mr. WEEKES: Mr. Chairman, I have great pleasure in associating myself with the amendment moved by the hon. member for St. Philip North. Consequently I beg most respectfully to second that motion.

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

The Fourth Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that the Fourth Schedule stand part.

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

Mr. SANDIFORD: Mr. Chairman, I am just wondering about the procedural point. I am a bit concerned whether members can actually move for the reduction of amounts in measures such as these. I think the Minister of Finance did indicate that this might be considered as a tax measure and I am not certain exactly if this falls in a twilight zone and whether Standing Order...(Asides) I know it can be reduced. There is a Standing Order which makes provision for that, but it says twenty-four hours' notice must be given.

Hon. H. B. St. JOHN: That Standing Order is suspended.

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

The fifth Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that the Fifth Schedule stand part.

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

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

The Sixth Schedule was called and passed.

On 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 with amendments, and Mr. SPEAKER resumed the Chair and reported accordingly.

Hon. H. B. St. JOHN: Mr. Speaker, we have been advised that in the sheet that was circulated with the amendments, there was one amendment which was not approved and consequent upon the renumbering there was one renumbering that should have been put in.

I therefore beg to move that this Bill be recommitted.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair and the House resumed Committee Mr. ODLE in the Chair.

Hon. H. B. St. JOHN: Mr. Chairman, I beg to move that the Fifth Schedule be recommitted.

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

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

Hon. H. B. St. JOHN: In the Fifth Schedule, I beg to move that the words "Section 17(1)" appearing at the beginning thereof be deleted and the words "Section 16(1)" be thereby substituted, and on page 9 I beg to move that inverted commas be inserted immediately after the figures "1978" appearing in line 9 from the bottom of the page.

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

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

Hon. H. B. St. JOHN: In the Sixth Schedule, I beg to move that the figures "17(2)" appearing therein be deleted and the figures "16(2)" be substituted therefor.

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

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

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

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

ADJOURNMENT

Rt. Hon. J. M. G. M. ADAMS: I beg to move that the House do now adjourn until next Tuesday, December 19, at 12.00 noon. (PAUSE).

Hon. members have pointed out to me that this is a Special Meeting and that Item 4 relates to the Report of the Select Committee on salaries. I do not really know what the situation is, I do not know if it is intended that the House be moved to adopt the Report of the Select Committee today or otherwise.

Mr. SPEAKER: I take it that whoever is leading the House at the moment will indicate.

Hon. L. S. CRAIG: I do not understand any beating around the bush, this is a clear cut position. It is not on the Order Paper.

Rt. Hon. J. M. G. M. ADAMS: Your Honour would have to rule on what is meant by the words "Presentation of Report", whether presentation implies a debate or whether it only means receiving a report. I am sure it means more than receiving a report, because you have a whole lot of ordinary business which includes the receiving of the report.

Hon. L. S. CRAIG: Mr. Speaker, it appears as if it is the wish of the members of the Opposition that it should be held over, and the Prime Minister himself had indicated that this should be held over by already moving the House into adjournment.

Mr. SPEAKER: The House already stands adjourned until the 19th.

Hon. L. S. CRAIG: It would appear as if it is the wish of the members of the Opposition, and I believe my colleagues would allow this matter to remain until next Tuesday.

Mr. WEEKES: On a point of order, Mr. Speaker. I intend to make a speech in this House for posterity on this and therefore I must be given the opportunity to speak for future generations on what has happened with the revision of salaries and the pension scheme, and I am

asking if you will grant permission for any discussion on it to be done next Tuesday and not today.

Mr. SPEAKER: Accordingly, this sitting now stands adjourned until Tuesday, 19th December, at 12.00 noon. 4.50 p.m.