

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 - 81

HOUSE OF ASSEMBLY

Tuesday, 3rd April, 1979.

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P. (Speaker); Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); 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 Communications and Works); Mr. E. E. GREAVES, B.A., Ed.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; His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were read.

Mr. TAITT entered the Chamber and took his seat.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, 27th February, 1979.

Hon. H. B. St. JOHN: Mr. Speaker, these Minutes have been circulated and subject to any observations by any hon. member as to their accuracy, I beg to move that they be confirmed.

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

Mr. SPEAKER: If there are no observations by hon. members, these Minutes stand confirmed.

The Minutes of Tuesday, 13th March, 1979.

Hon. H. B. St. JOHN: Mr. Speaker, these Minutes have been circulated, and subject to any observations by any hon. member as to the accuracy thereof, I beg to move that these be confirmed.

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

Mr. SPEAKER: There being no observations by hon. members, these Minutes stand confirmed.

Dr. HAYNES and Mr. SIMMONS entered the Chamber and took their seats.

PAPERS LAID

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

Statements showing Net Customs and Excise Receipts for nine months ended 31st December, 1978.

Statements of Accounts of the Sugar Export Levy Fund for the year ended 31st March, 1978.

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

The Annual Report for 1977-78 and the Audited Financial Statements for the year ended 31st March, 1978 of the Barbados National Standards Institution.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Speaker, I beg to give notice of the following:

Resolution to approve of the compulsory acquisition of land at Enterprise, Christ Church.

Mr. SANDIFORD entered the Chamber and took his seat.

ORAL REPLIES TO QUESTIONS

Hon. C. L. BOLDEN: Mr. Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 14 asked by the hon. member for St. Michael South is ready.

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 24 asked by the hon. member for St. Michael North Central is ready.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 32 asked by the hon. member for St. Lucy is ready.

SUSPENSION OF STANDING ORDERS

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of today's sitting, without prejudice to the rights of the other side.

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

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

GOVERNMENT BUSINESS

Mr. SPEAKER: Order No. 1 stands in the name of the Hon. Minister of Lands, to move the second reading of a Bill to provide for the registration and control of land surveyors in Barbados.

Hon. L. S. CRAIG: Mr. Speaker, the amendment to this Bill was initiated by the Land Surveyors Board, and though the Bill constitutes quite a bit of legal jargon which I am not particularly keen to go into, I should like to draw attention to one or two aspects of the Bill.

I have no doubt that with the severe shortage of land surveyors in Barbados this amendment would assist Government in getting off a number of their projects which should be surveyed against a background of much difficulty due to the shortage of surveyors in the country. For example, the re-alignment and the possible development of the Fontabelle area and the sewage scheme have caused some concern about the delay in matters of this nature.

The Board as I said earlier, initiated a number of these amendments to the Act and I am quite sure that

not only would the Government benefit from these proposals which I hope will get parliamentary approval today, but the public as a whole many of whom are all held up because of the lack of surveyors in this country. The Community College is also having a course which we hope will turn out a number of surveyors so as to assist us in this shortage. The Bill has five amendments to the existing legislation.

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

Hon. H. B. St. JOHN: Mr. Speaker, I should like to second the motion and in addition to the points raised by the hon. member, there are a number of other matters which really gave rise to this Bill. As hon. members will recall, we had a modern Land Surveyors Bill in Barbados not so long ago and as a result of the experience of the actual working of the Bill a number of amendments became necessary in order to tighten up certain difficulties which became identified. In addition to that, hon. members are aware that not so long ago we passed a number of comprehensive Bills dealing with the reform of land law in Barbados. It is necessary if we are to be able to proceed at a rapid pace with the actual introduction of land registration in Barbados that a certain amount of mapping and identification of parcels by surveyors take place prior to the actual moving of the titles from the deed registration system on to the compulsory registration of titles system.

12.30 p.m.

The Surveyors themselves at a meeting of the sub-committee on that Law had identified potential areas of possible delay in that under the existing powers of the Land Surveyors Act they were not empowered to do what is called compulsory surveys on particular areas in the face of objections by the owners. When the Land Surveyors Act was amended unfortunately an omission took place and the whole section of the previous Land Surveyors Act in Barbados which permitted any small Surveyor who wanted to obtain a Government's warrant to enter on any land for the purpose of surveying only was left out so that when this was pointed out by the Land Surveyors Association it became necessary immediately to close that gap.

Opportunities have been taken to close another number of other defects which have been identified and we hope that this comprehensive Bill will not only close those difficulties but would convert the additional powers of the Surveyors to ensure that they will be a smooth and swift procedure whereby existing information on plots which are now in the hands of Private Surveyors because we had in Barbados no previous compulsory restriction on Surveyors plots with the Chief Land Surveyor but with this Bill now we will have that so that we will have a title system of collection of plots and the speedy method of

ensuring that no one can frustrate the Government's intentions to bring in the Land Surveyors Act.

It is not the Government's intention to proceed to the Committee stage with this Bill today because there are a few other Organisations who have not sent in their comments to the Land Surveyors Bill. Of course hon. members will be familiar with the problems that we on this side have as was the experience of the previous administration that Government as a matter of policy decides to consult the relevant interests and we give them a specific time to send in their comments but there is nowhere that replies and comments will be prompt so our only procedure, if we are not to be frustrated with our work, is to bring the Bill before the House and get the Second Reading and that seems to speed them up considerably and this is what we intend to do on this occasion but we must give notice that this Bill must be passed when we resume from our recess because the Land Law Bills have been passed and it will be impossible to bring them into operation without having this Bill so that between now and September a large number of these plots can voluntarily be collected so that we would have a comprehensive Map in Barbados.

There is no coincidence of an Agreement between the boundaries necessarily claimed from all our Valuations List and the actual Surveyor's plot. This is something that we will never be able to clear except over a period of some 10 – 15 years. Under our Registration of Titles we are not going to guarantee boundaries but we do want some evidence of identification. It is impossible under the Registration system to go as far as to identify the actual boundaries. One can guarantee sufficiency of identification of the plot and there will always be a few discrepancies in the actual square footage or square metres as we have.

Bearing that in mind, Sir, I beg to second this Bill.

Dr. HAYNES: Mr. Speaker, we on this side of course welcome any efforts to improve not only the profession but also matters relating to the acquisition, transfer of land, and so on in relation to previous legislation dealt with in this Honourable House. I would like to confine my remarks today to certain professional aspects of this Bill which is a matter of concern to me.

Firstly, Mr. Speaker, I would like to comment on the composition of the Land Surveyors Board especially as it appears in the First Schedule. This Board is specifically a disciplinary Board in relation to Land Surveyors and it is my view as existing for example under the Legal Professions Act where Legal Professions have themselves very adequately protected under that Act that persons appointed to that Board should be appointed by the Professionals in that field. I am somewhat concerned, for example, that the Minister, whether a Minister of the

Democratic Labour Party Government or a Minister of the Barbados Labour Party has the right to appoint anyone on a Board that will be dealing with disciplinary matters in relation to the profession apart from other matters, of course.

Another matter of concern to me is that we live in a small society. We know of the large number of vexatious and trivial complaints that are often made against professionals in various fields. We also know that many of these complaints have been originated from competitiveness and jealousy within the various professions and consequently I would say that as in the case of the Legal Professions Act that some provisions should be made that among those persons who compose Boards that they should be a majority of such persons who should be practising at that profession for probably over 10 years because by that time they are usually well beyond the potential jealousies etc. This, Mr. Speaker, is a reflection on many of these professional organisations and disciplinary bodies. I believe these reflections are really the reflections of legislation which existed in the United States and the United Kingdom but then of course no one is even appointed to Boards on these occasions unless they have reached tremendous eminence in the profession and virtually would have passed the days of competitive practice as almost a matter of principle.

The second point I wish to make is that in Clause 7 of this Bill I am not happy about the disciplinary procedures established there. They are extremely vague unlike similar Acts that spell out very carefully steps that must be taken in respect of complaints. For example some Acts will have a Complaints Committee established clearly either in the Act or Regulations under the appropriate Act the right of a person against whom a complaint is made of their legal reputation at all times if he so wishes.

Mr. SPEAKER: I should like to remind the hon. member that this Bill is in its second reading stage. The hon. member is making a wonderful contribution that would better serve in Committee.
12.40 p.m.

Dr. HAYNES: Mr. Speaker, there are several aspects to this Bill. One aspect of it deals with the professional aspects of the surveyors, which is a general trend that goes through the Bill, and I only happened to refer to that clause just to draw hon. members' attention to it, but generally speaking what I would say is that there is a need for specifying the steps that must be taken in any complaint.

One further point, Mr. Speaker. I would like to draw to the attention of the Government that we on this side would feel that the right of appeal should rest with the individual without the support of other surveyors. I

think you have to get four surveyors in order to bring an appeal if you are agreed — there are certain areas here — and, finally, Sir, that that right of appeal should not only be to a Judge in Chambers but the entire judicial process should be available to such individuals.

One further point I would make. I think it is time that the Government, now that a whole series of similar Bills have been passed in respect of professions, consider the establishment of a secretariat which would deal with all the professions, whether it be legal, medical or otherwise.

These are the very few observations that I have to make on this matter at this stage, but of course as you have suggested, will be dealt with at a later stage of the debate.

Mr. SIMMONS: Mr. Speaker, I have a few observations to make on this Bill. For a long time now the surveyors in Barbados have been hard pressed by the quantity of work which they have and at the same time that is counter-balanced by the fact that there are so few of them to do this work that there are consequential delays in getting plans done and so on to assist in the speedy delivery of conveyances and for whatever purpose a survey plan may be needed.

By and large, Mr. Speaker, speaking in respect of the National Housing Corporation, one of the great problems that we have had at the National Housing Corporation in the delivery of houses for sale to prospective purchasers has been the fact that individual lot plans, as they are called, have not been readily available to go along with the conveyances, even though the conveyances may have been ready, and there are several areas which we have found that there has been great neglect. For example, in the Bayville area, and the hon. member for St. Michael South is often asking both in here and of me privately about the problem of Bayville, why we are not in a position to sell off some of the houses and the land at Bayville to the people who have been there for years. The answer to that really is that there has been a bottle neck caused by the fact that the area was not properly surveyed. It cost the Housing Corporation \$240,000 which was paid to the Surveyors' Association to undertake a survey at Bayville, and up to now the survey is not completed, and so there is great difficulty in even selling off areas of Bayville to the individuals at Bayville.

There are other areas, Waterford Housing Area is another one, Silver Hill, Gall Hill, we have those problems. We recognised in 1976 at the National Housing Corporation that in order to meet some of this demand we would have to increase the staff, and so we have taken on a number of additional personnel in the surveying section of the National Housing Corporation, but the situation is nowhere ideal even now, and I understand

that the local association — I am not reflecting on anybody — but I understand that there appears to be a policy that only so many surveyors will qualify a year, so in actual fact what appears to be happening in Barbados is that there is a closed shop among the surveyors which allows only two or three to come on the market a year.

Now if the establishment of a Land Surveyors' Board will go anywhere towards the alleviation of that problem, or towards ensuring that we get a greater turnover of surveyors to do the work that is there, then of course this Bill is a step in the right direction. I do not agree that the method of appointment of the members of the Board is necessarily vesting too much power in the hands of the Minister as was suggested by the hon. member for St. Michael South Central. As I understand the First Schedule, only one surveyor will be appointed by the Minister, two others will be appointed by the Minister after consultation with the Association.

Mr. SPEAKER: Let me remind the hon. member that that is first class material for the Committee stage. I was really looking forward to hearing about survey plans that have been completed but then you cannot find the land.

Mr. SIMMONS: I do not know anything about that, Sir, I will try to desist from being too specific in my references, even though it is hamstringing. But, Mr. Speaker, the concept of ministerial appointments to Boards such as is enshrined in this Bill is not new and I do not believe that any of us would wish to derogate from the functions of a Minister in having a say in who is appointed to his various Boards, but provided that the professional body has a strong input in the appointment of personnel to the Board.

Indeed there are other aspects of this Bill. I do not know how the Board is to function, there seems to me that you set up a Board to regulate discipline and all the other allied matters that are provided for in this Bill, and I am speaking as a matter of principle now, but it seems to me that the Board is to function without remuneration, because I have not been able to find any provision where these people are to be remunerated, and it would be one of the few Boards in Barbados where people are asked to give of their time. (*Aside*). I am told that it is in the Bill, Sir, it is hidden away down in clause 8(c).
12.50 p.m.

I think the appeals structure in the Bill is in consonance with this kind of administrative law in that there is an appeal to the Minister but that is not final, and the aggrieved party has the right ultimately to a Judge in Chambers. At that stage the appeal is final. But I would like to see — and I am sorry that the Attorney General is not in his place today perhaps to shed some light on Government's thinking in this area of administrative law.

The Medical Council, the Severance Pay Tribunal — all of these are areas of administrative law and what we need in Barbados is an abolition of these individual *ad hoc* bodies which seek to impose their own standards and regulate for themselves, and we need one administrative tribunal to which all these matters can be referred and this body would have total over-sight of these matters. We need to have somebody with legal training as a Chairman of this kind of tribunal and we need this type of tribunal to which all these matters of administrative law can be sent, rather than having each individual body doing its own thing. And I believe we would get a better streamlining of functions by this method, and one would look forward in years to come to such a tribunal giving decisions which could be used as precedents for subsequent cases. I hope that the establishment of this Board as such — because of the nature of things — is just a temporary measure but that Government is looking five or ten years ahead and will not continue with this *ad hoc* system of separate tribunals but will look at the establishment of a global type of tribunal.

Mr. Speaker, the Bill, as I have said, and the Constitution of this Board and in particular the Land Surveying Board has to do with administrative law, and I am a little concerned that there is a provision in the appeal for an aggrieved party to appeal to a Minister and from the Minister to the Court. I would like to see enshrined in this Bill a requirement for the Minister to give his reasons in writing within a specific time from the date of the decision, so that one would be entitled to appeal from the decision of the Minister to the Judge on grounds which are certain to the aggrieved party. In the Town Planning legislation it is provided that the Minister must give his decision in writing, and I have had to write to the Minister several times asking him to give his reasons in writing; because when you know whether the Minister has taken account the relevant points you then know the basis on which the Minister's decision was formed. And I am saying that in the absence of a provision to that effect to give the reasons in writing, the Minister may simply say he has turned down the application. So you appeal to the Court, but on what grounds? You do not know why he has turned it down. I feel that as a matter of principle and in the interest of natural justice you should let the person know why the application has been turned down. So there should be a requirement that the Minister give his reasons in writing. As it is now when the Minister turns down an application you appeal to the Minister. Perhaps he turns down the appeal but this could be on the grounds of personal prejudice and it would be very difficult to challenge that before the Court if it is not in writing. But if the Minister sets out the reasons, the person aggrieved will know whether he has a meritorious appeal or not. That is my feeling on the matter, and I know that for instance in English legislation the Minister is obliged to give his reasons in writing and I hope it is not asking too much to ask the Government to have a re-

think on this. I am told that we are not going into Committee today, so I would like to see some consideration given to amending this Bill to provide that persons appealing should know from the Minister in writing the grounds on which the Minister came to his decision.

These are my comments at this stage on the principle of the Bill.

Mr. SANDIFORD: Mr. Speaker, I join with those other members who have spoken on this measure and who have welcomed the introduction of this Bill to repeal the Land Surveyors Act and to make new provisions for the registration and control of land surveyors in Barbados. I think this is a piece of legislation which deals with matters of fundamental importance to the citizens of this country and to the whole economic base of the country, and it is most important that we should not rush into this legislation without examining all aspects of it. I myself was a little concerned that the Minister has indicated that comments from all the interested bodies are not yet in but he is still proceeding.

Mr. SPEAKER: The Minister indicated that we are not going into Committee stage today; we are only completing the second reading.

Mr. SANDIFORD: Yes, Sir. That is what I am really a bit concerned about; I am not really registering a major complaint, but I would have thought that in circumstances like these the Minister might have held off a little longer until the comments came in. I mean that you are either proceeding or not proceeding and one does not know whether the comments which come in may be of such a fundamental nature as to affect the principle of the piece of legislation that is before us, in which case we may have to come back and do over the work we did today. I just throw that out for consideration. I am a little concerned about this, but not too deeply.

Mr. Speaker, I believe that in some respects this particular measure is an advance over the legislation currently on the Statute Books. I think this will be recognised by most people who have studied the legislation, but there are still areas of concern which have been mentioned by both sides. I believe that the Land Surveyors' Association will now be able to nominate — I believe — three out of the five members of the Board — the President of the Land Surveyors' Association or his nominee would be one and there will be two other persons representing the Association — making three representatives of the maximum five on the Board.
1.00 p.m.

I think that it is good that if representations not always finding favour with the authorities — I believe that the Land Surveyors Association had to press for this particular provision on a number of occasions; but I am

glad to see that this question of self regulation has been enshrined in this particular piece of legislation, and that the pressure exerted by the Land Surveyors Association in this regard has borne some fruit, although not altogether.

May I refer to one point made by both sides of the House relating to the nature of appeals, and I share the concern that this is an area which might be in need of tightening up to ensure that adequate provisions are made for the hearing of all disciplinary charges, and that these are in accordance not only with the principles of natural justice, but also those principles which are enshrined in other pieces of legislation which may serve as models.

We have heard that the Legal Profession Act is one in which the attorneys-at-law themselves ensured that everything was spelled out and therefore that their livelihood would not be too severely jeopardised but that they will have ample opportunity for any charges to be heard and that they would be adequately represented and that this will be enshrined in the legislation itself.

Mr. Speaker, it seems to me that most of this particular piece of legislation is left to the Board itself; and that the Board may make rules, and there is also reference to a code of conduct. I believe that it is not unknown in the very murky area of administrative law that sometimes a number of injustices may be suffered as a result of the applications in this particular area of the law. Some times we hear that while rules may be made and codes of conduct may be set out, even though that may be in the law, years may pass by and such rules and codes of conduct may not see the light of day. I hope that as far as this particular piece of legislation is concerned, that the Board will act with all due speed in ensuring that the rules are made and that the code referred to in this particular piece of legislation can be set out.

Mr. Speaker, like the member for St. Philip North, I do not know of these surveyors plots which may be in existence while the land may not be in existence. I know that from time to time problems relating to the removal of landmarks arise from time to time causing a great deal of inconvenience and not a little loss of temper to boot. Practising surveyors come up against these problems from time to time and I hope that with this particular piece of legislation those particular problems will be minimised.

I would like to make a few observations also in terms of training. It was due to the foresight of the previous administration that a training programme was established at the Barbados Community College in the Division of Technology for the training of land surveyors; and I think that this was in recognition of a need in this country for an increase in the number of sworn land surveyors to carry out the work in that particular area. This is indeed an instance of an educational institution

responding to the economic needs of the country. You know, so often the educational system may be charged with being irrelevant to the needs of the community. In this instance, as indeed in many others the educational system has been responding to the needs of the community; and we have already had from that particular institution trained surveyors who are making their contribution to the development of the area of land surveying.

I would like to take this opportunity to suggest that with the pending developments in land registration — I believe that like everything else it may be off to a slow start. (*Asides*). I do not know. They seem to be getting very touchy on this.

Mr. SPEAKER: I will not sit here and allow the hon. member for St. Michael South to be heckled.

Mr. SANDIFORD: Thank you very much, Mr. Speaker. I believe that the actual establishment is off to a slow start, and I believe that its work will be hampered in this country if it does not have a number of trained persons to assist it in carrying out its work. I believe that there is a demand for trained personnel in this regard certainly at the level of technician. There will be a need for the highest quality of chainmen — I think they are called — who could assist the land surveyors in carrying out their work and relieve them of some of their duties so that the land surveyors can devote more of their time to actual surveying. I would like to make this appeal for the institution of a technician level course for chainmen and other personnel to assist in this particular area.

I was very glad, Mr. Speaker, — I do not know what problems there may be in the fair constituency of St. Peter, and whether the good residents there suffer from long delays of the surveying profession.
1.10 p.m.

I know they may suffer from the long delays of the law. The hon. member for St. Philip North perhaps in an attempt to pre-empt my reference did try to stop that particular question that I may have asked, but I am going to indicate once again that there is a major problem in the transfer of titles to parcels of land in the Bayville area. The Minister has promised to do everything possible for the people of St. Michael South and I do hope that he will use all of his good offices to ensure that these titles are handed over as speedily as possible.

Mr. BRADSHAW: Mr. Speaker, this Bill is a very timely one indeed. It is long overdue. It sets out to correct a state of affairs which exists in Barbados, one which was to the detriment of the people who owned parcels of land, and at the same time to the detriment of people who have suffered due to the unprofessional conduct of some of the surveyors. It is interesting to note

that before the introduction of this Bill today the Minister had the sole prerogative to grant or refuse to grant a licence to a potential practising surveyor, and we have heard very few comments about the prerogative or powers that were given to a Minister over the past years. What this Bill seeks to do is to appoint a Board of four or five members to look into the problem, to investigate certain complaints and to make recommendations for the overall improvements of the surveyors as well as the public at large.

While I was acting as Minister, I experienced a situation where the Minister was called upon to approve or even to reject an application by a surveyor and some Minister who are without the professional knowledge may be activated by some sort of motion or some other reasons to refuse or even to grant licences, and I felt that at that time that it was asking the Minister too much. I felt that there should be a body like a Board, well constituted of professional people who should be in a position to make such recommendations to the Minister as is done with all Boards as now exists in this country. There is absolutely nothing wrong therefore in having a Board appointed, giving it authority or power to reprimand, caution or even recommend to the Minister a suspension of the licence of a surveyor who has been guilty of unprofessional conduct. As I said, this ought to be welcomed because it is a better system, it is a more democratic system because the surveyor who has erred will have an opportunity to have representation before this very Board and he as a professional himself would be able to disclose or make certain points to his other professional colleagues who would understand the matter even better than the Minister in some cases.

What has happened Mr. Speaker, is that we have found people in Barbados becoming the victims of surveyors who have failed to turn up to do their work, and because of a shortage in this particular profession, these people have got to suffer. Some of them have got to wait for years before they can have their property or titles and so forth resolved, and if it is suggested that we would have more surveyors trained, then I do hope that this situation would not continue for any length of time. This situation is very serious, Mr. Speaker, let us not ignore the fact. There is a definite shortage of surveyors in Barbados, and although the Community College is embarking on a training programme to produce some surveyors, I must confess that the Community College would not be able to turn out as many as the country demands at the moment. There would have to be a crash programme, though I am not recommending a crash programme because it is a serious profession like the medical profession that people are reluctant to enter because of the length of time which one has got to stay in one of these institutions.

Looking at the Bill it is something which concerns me. I am a little concerned about Clause 8(a) where the Board is responsible for the appointment of examiners and the fixing of dates and places for examinations.

Mr. SPEAKER: I believe the hon. member is quite aware that in Committee he can make the same contribution to greater effect.

Mr. BRADSHAW: Thank you, Mr. Speaker. What I am saying is that there is a possibility of overlapping of certain functions when this Bill is passed, and it will call for greater concentration between the Board and the other educational institutions if we are to realise the desired effect. Now as I said before, the hon. member for St. Michael South made mention of the possibility of chainmen being trained or being fortified as surveyors. 1.20 p.m.

As far as my knowledge of chainmen is concerned, most of them are like ordinary labourers. They are not really academically qualified, that is, having four or five "O" levels and certainly if we are going to think about giving the chainmen an opportunity over a period of years to qualify as Surveyors we will come up against problems because I cannot subscribe to a view that because a man has been in a particular job for a length of time that that gives him the right to be qualified. What I would say is that chainmen should be encouraged.

I would like to see chainmen who are now associated with the day-to-day method of surveying be exposed or encouraged to further their academic training so that they will be able to enter the Community College and go further afield so that they could well become qualified, but to make a suggestion that chainmen should be after a period of time be enrolled as qualified Surveyors is one which should not find.....

Mr. SPEAKER: I do not think there is any hon. member who made mention of this.

Mr. BRADSHAW: Mr. Speaker, Sir, if my memory serves me correctly, the hon. member for St. Michael South did make mention of chainmen and what I am saying is, and I am not criticising him, I never criticise but I said I would like to have a programme so that chainmen who are at the bottom of the ladder would get an opportunity to qualify themselves but I would like to see it done in a systematic manner so that they will become true professionals rather than having them like some time ago when because a fellow was in a job a long time he was awarded a degree or something like that. I would prefer to have him take the examination and go through the same channels. That is the point I was making.

Now, Sir, as I said this Bill should be welcomed. There is nothing new, absolutely nothing new in the Board. There is the provision for the Minister to appoint members to the Board then they make recommendations to the Minister and if the Minister makes a decision and it is not one accepted by the Surveyor then he has got the right of appeal to the Judge whose decision is final so I see nothing wrong in this particular Bill, because there is not only provision for appeal, not only against the Board but to the Minister and against the Minister to the Judge and this is as it stands as far as the Boards are set up in this country on the Statute Books and this is actually typical of what the Boards are like and therefore I support the measure in its present form.

Dr. CADDLE: Mr. Speaker, one generally accepts that professional people practicing in a particular profession should have the right to regulate the behaviour and general carrying out of duties by members of that profession. This is accepted as a whole and in Barbados the principle to some extent has been accepted. If one tries to apply this to the Land Surveyors and take a close look at this Bill before us, one can only come to the conclusion that rather than having the profession regulated by members of the profession we seem to be having more Ministerial Regulations than professional Regulations.

If one takes a look at the old Act and compares it with the present Act one cannot come to the view that this is any improvement on the old Act. What I do see is a re-arrangement of the Sections in the old Act in this new one. For example, you find very early in this Act the Minister may appoint somebody as Secretary to the Board but if you look in the old Act it comes later on not at the beginning. The functions of the Board under the old Act are given at section 7 and in the new Act you find it split up between Section 8 and Section 16.

If you look at some of the other Acts which have been brought into Barbados for other professions like the Medical Registration Act, the one relating to the Lawyers and so on, one gets the impression that more accommodation on the part of the Minister has been given to these than it appears because in the Medical Registration Act and the one pertaining to the *Advocate* in this country, one gets the impression that more power is given to these bodies to regulate the professions than is now being given to the Land Surveyors to do in their particular case.

Going through here one gets the impression that the Board is performing an investigating function but the real power in this Act will reside with the Minister still as it was in the old Act. The Minister will decide whether or not a person will get a licence. The Minister is the one who will decide who will be Secretary. The Minister will decide what fees and expenses would be appropriated for the purpose of the appointment of examiners and so on

and so forth and I would like to hear from the Hon. Minister when he is replying what is the reason of coming before the House of Assembly with this Bill which in itself does not differ substantially from the previous Bill which he is now seeking to replace. This is something of concern because we do get these occasions occurring with people coming in here with Bills which we are being told are an improvement on previous Bills and the whole Bill needs to be revoked or repealed but when you go into them you are left with the impression that no major change is being made and one comes to the conclusion that maybe the time being spent now on the discussion of this Bill may very well have been spent on more pressing and urgent matters pertaining to the society at large.

It is for the Land Surveyors of this country to come out and state quite clearly how they feel about this Bill especially when they have taken a close look at Bills in relation to the Medical Profession, the Legal Profession, the Nurses and Midwives and other Professions in this country and I would rather prefer to hear from them than putting forward my views on what I think should go into the Bill. I am not a Land Surveyor and I would rather wait and hear from them.

Going a bit further, I would like to endorse the remarks by the member for St. Philip North in relation to the great difficulties that people encounter in this country in the area of land surveying and I know that due to certain understandings among members of that profession there are certain difficulties especially in relation to the cost of getting things done that the people of Barbados must tolerate for a long time unless Government is prepared to ensure an intensive programme of training or some other method to get true people available to the public as Land Surveyors and until this is done you will find that the public will continue to have these problems because even when you expect that the people who are going to go on these Boards are members of the Land Surveyors' Association or Land Surveyors, those are already small in number and the Government will find itself with the proposition that the people involved may not necessarily be enthusiastic about changes or introducing changes or having Government introduce changes which would seek to reduce their position financially or otherwise in the society and Government has to be concerned about this.

1.30 p.m.

One of the aspects which I think Government should be concerned with is that in a profession where there are few people when compared, say, with the medical profession or the legal profession, Government could find itself in a situation where you do not get sufficient and enough members of that profession willing and ready to serve on a Board or Council, as the case may be, and I am throwing it out to the Minister if there should not be some clause introduced in this Bill where in such

circumstances and where it is found necessary Government may not want to appoint a moderator to carry out the functions of this Bill when such crises or situations arise.

My other remarks on this Bill I will reserve for the Committee stage, because I feel that some comments can be made about the people who constitute the Board and other functions as laid down here in the various sections of this Bill, but I would like to re-emphasise before I sit down that I think this is a matter entirely for the land surveyors, and I think it is high time they come out and say how they feel about this Bill in its present form in relation to the one it is proposed to replace.

Rt. Hon. E. W. BARROW: Mr. Speaker, I will not go over the ground which has been traversed by previous members, but there are one or two matters to which I would like to advert and to draw to the attention of members. I think that in any of the professional regulations, statutory enactments, that people who are members of the particular professions are mainly concerned over the disciplinary authority which may be vested by Statute in such bodies as may be appointed by virtue of the authority of the Statute by a Minister or by the terms and conditions of the Statute itself.

I think that earlier the member for St. Michael South Central, the member for St. Philip North — I did not have the advantage of hearing the interventions made by other hon. members who may possibly have spoken on the particular aspects of the Bill and if I do not give any credit to those members it is an omission which is not deliberate. To the procedure which a person who is offended by any interpretation of the rules made by the Chief Surveyor, or who is aggrieved by any disciplinary action which may be taken by a Board constituted as it is supposed to be by his peers, people of his profession, the majority of the members of the Board being so qualified, one must have some kind of misgiving that due process of law is circumvented when the ultimate authority is a Judge of the High Court sitting in Chambers perhaps, I believe it is actually stipulated most of these matters go to a Judge in Chambers, who is called to adjudicate on a matter which has already been administratively decided upon by a political person.

Now, right at the outset, Mr. Speaker, I should like to say this, that does not mean when I make a submission of that kind that I am suggesting that the political person should have the right of appeal from a Judge, the obverse of the coin is not true at all, but what I am saying is this, that an ordinary citizen who is aggrieved has a right of appeal to the highest court in the land, the Court of Appeal, appeal from a single Judge, and in certain instances even where his life is not in jeopardy a citizen has a right whether we believe in the retention of what has been described by some members of the profession as these imperialistic hangovers — I do not want to go into

the whys and wherefores of that now because I would be slightly out of order anyhow, so I rule myself out of order before any intervention by Your Honour. I do not want to discuss the merits or demerits of the Privy Council — but the fact is that citizens of Barbados have the right of appeal to the highest court in the Commonwealth, which is the Judicial Committee of Her Majesty's Privy Council even when, not in all cases but certainly in many cases, even although they may not be in danger of having to pay the supreme penalty for the commission of an offence.

Now when you are dealing with members of a profession, the fact that surveyors' profession is not represented in this Chamber by a surveyor does not absolve members of this House from representing persons of other professions other than their own. You get a situation in which a Board had made a recommendation to a Minister which has the effect of preventing a person for life, Sir, for the balance of his natural life from pursuing his lawful calling in this island as a surveyor. Let us deal with the case in point. It is almost axiomatic that if a Board makes such a recommendation there is not in the composition of the Board necessarily or at all a single person with any judicial or quasi-judicial experience. It is axiomatic that that recommendation on going to the Minister, that the Minister would have to go out of his way not to endorse the recommendation of the Board, no matter how perverse, providing it was not obviously perverse, no matter how perverse that recommendation may have been, how misguided the recommendation may have been, or how misinformed or due to the lack of proper representation the decision on which the recommendation was made may have been based.

What we are saying here is this, and there is no point in anybody getting up and telling me that this was the law before, because I am speaking about the law that we are passing here now. On many of these occasions laws are passed when sometimes we did not advert to what was going on. I am not aware that the law was so before, anyhow. I have not even looked at the position as regards barristers, but I have the law in front of me here and when we come to the Committee stage I will go through the professions seriatim and show the distinction between the rights which a surveyor who is aggrieved may pursue on being asked to desist from practising his profession, and the rights which other professional persons have available at their disposal.

1.40 p.m.

What I am saying is this, we are cutting off from a particular class of persons the ordinary avenues of pursuing their legal rights. We strongly feel that no citizen should by legislation, particularly where the practice of his profession or the means of earning his livelihood is concerned, be deprived of the right of redress to the highest tribunal in the land.

I want to turn now to the point raised by the hon. member for St. Philip North. We have not developed in Barbados a system of administrative law. It sounds very attractive to suggest and recommend that we should have one administrative law tribunal. But administrative law takes a variety of forms. There are appeals against income tax, appeals relating to matters such as severance pay. The most highly developed body of administrative law in the United Kingdom deals with rent tribunals. These tribunals deal with things like the amount of money you are supposed to get or the amount of rent to be paid to the land-lord, etc. etc. It is also true that one could go through a whole list of other activities between the individual and the state and between individual and individual in which administrative law applies. In the United States of America, before the Civil Aeronautics Board makes a decision on an application by a carrier, the matter has to be examined by an administrative law judge. But are we really in that kind of situation in Barbados where we are going to vest in a single authority the power to look into matters of severance pay, appeals of surveyors, appeals from doctors against decisions made by the Medical Association or Medical Board; and all of these different aspects which although they have a common feature of being only quasi-judicial still relate to specific areas of human endeavour which do not even have a lowest common denominator. So we have to be very careful. Let us not go into Committee and then come back and recommend the setting up of an administrative law tribunal. What we should do is to say that until we develop a grasp of administrative law to this extent, let us not short-circuit procedures which are available to ordinary citizens in the due process of law. Let us not take away the right of a person to go to the Court of Appeal against the decision of a High Court judge. We here in this Island have never considered that the decision of a single judge or even the nine or twelve persons on a jury should be final. We have also given citizens the right of further recourse and appeal and we have gone beyond that and not abolished the right to appeal to the Judicial Committee of Her Majesty's Privy Council.

There is one matter which disturbs me a great deal about the subject matter of surveying. I hope that with the new system of registration which was painstakingly gone into some years ago we will have less confusion over surveying. I refer to the closure system for registration of every parcel of land in this Island. I am particularly concerned that persons who have paid all their money to the Housing Authority should be sent back and forth to the surveyor. I know that they used to be sent back and forth to the solicitors, but there now you have a statutory body — I am sorry the Chairman is not here to answer this — before they used to send them to the solicitors and say that the solicitors are holding them up. But now I am hearing that people who have paid in their money as far back as 10 or 12 years ago are being sent back time and

again to the surveyor. I hope that the people who have paid their money to the Housing Authority will have their titles given to them expeditiously and will also be given interest on the money paid in such a long time ago which would have been earning some kind of return for them if it had been put in a savings bond or even in a savings bank account.

Hon. H. B. ST. JOHN: Mr. Speaker, there have been a few points raised that I would like to reply to. The last point mentioned by the Hon. Leader of the Opposition is one dear to my heart. It was also mentioned by the Hon. member for St. Philip North, and it is the role of surveyors in the conveyancing and transfer of titles in Barbados. I want to say that I have views different from many people and particularly some surveyors in respect of this. It is my opinion after an exhaustive study of the law relating to transfer of titles that it is nothing more than humbug that exists in this country where people who are certain as to the particular lot of land and its boundaries, as to the price they want to pay for it, and as to the time they want to close the transaction, it is nothing but humbug that is preventing the proper legal transfer. And I say this for this reason, that there is no law in Barbados which says you cannot describe a hereditament by words and that you must have a surveyor's plot. There is absolutely no law that says that. And Government is looking into this. We found that the Land Surveyors' Association had made an arrangement with the previous Government to survey all the housing estates in Barbados — I believe they must have drawn about \$180,000 in fees already and there is no hope up to now of coming to a final conclusion in the sense that definitive individual lot plans can be produced. No one can tell me that if there was a genuine willingness on the part of the people involved to see that those people got their titles we could not have had conveyances by description; and the Housing Authority could have asked this Chamber in respect of that estate and any other estate in Barbados to give an irrevocable guarantee of title, and all this humbug would have been got rid of. That is what this Government will try to do. I have discussed it with the Attorney General and we will be bringing in a Housing Amendment Act, where on transfer from the Government Housing Authority to the person concerned an irrevocable guarantee of title will be given.
1.50 p.m.

I have done a tremendous amount of research not only in Barbados, but in Singapore, Kenya and other areas, and I want to tell the Legal Profession and the Surveying Profession that if you went through 90% of the Plantation titles in Barbados you will not find any plot; because a large number of them have been defined by reference to the original description; and in those days we did not have enough Surveyors in Barbados to survey the

whole Island, so that it was mainly a question of a title by virtue of long possession. Long possession is the best title that can be possibly found, because you can have a paper title; and if you have not been in actual possession of the land for the last 12 years, and the person in possession of it has not been paying rent or having any acknowledgement, you will lose the land and you can have a paper title.

So this in my opinion is humbug, and it is time that the Housing Authority and others decide that they will force the pace and get these titles transferred. As to the question of paying interest on the money the Leader of the Opposition made the point about somebody who had paid the full purchase price and was being deprived of interest. It would be a good point except that if you paid down the full purchase price and you have possession you cannot get interest because the feeling of the law has always been that if you are in possession you have to pay an equitable rate of interest. So if you pay down and you have possession, you are enjoying all the fruits of occupation; and when you contrast the cost of occupation with the amount of interests that you will get, you cannot get anything.

As a matter of fact, if you went through the Irish Titles, you will find that in Ireland, because of this confusion with Surveyors and Lawyers and other things, many Irish Titles have never been closed. You will find that people enter into an Agreement and pay the balance of purchase price, and they occupied the land and farm it and do other things with it, and they do not even bother to get their formal legal transfer because the law is very clear. If you have an Agreement to purchase, couple with possession, that is good against the world. So this is only a lot of humbug.

I give the warning now too that this Government will not be frustrated in the implementation of its Land Registration System by any concept of idea but you will have to have boundaries with a degree of mathematical certainty. This is impossible of obtaining. I know that there is a current of feeling that before we can implement all the Land Registration that the Surveyors have to be able to produce something that is mathematically certain so that they will be able to tell you that this particular piece of land has a bearing on North, South, East and West and it is tied in; and they will have all of Barbados surveyed, and they will be able to do a mathematical exercise reconciling all of these plots; and it will come out to a total number. Then you take the total number and subdivide and it will reconcile again.

I asked one of them how long that would take. He said about 20 years. Well, I told him that the Government would not be interested in any exercise that before you can implement it it will take 20 years. As far as the Govern-

ment is concerned, the Government is so interested in the exercise that we want a speedy transfer of the land in Barbados. We want reasonable identification; and Barbadians are no fools. They are the same as anybody else. When they go to buy a particular piece of land, particularly if they are in occupation of the land already, when they are bound they know the boundaries. They and their neighbours know the boundaries better than any Surveyor. He can put down what he likes on the plot. The *de facto* boundaries are established between the person and his neighbours.

What we need after this of course is a Boundaries Act which will say that where the boundaries have been exercised in fact by the parties for a shorter period than the normal 20 years, that this is taken as the *de facto* boundary, and the Surveyor just goes and draws it out. If you go ahead with this concept of mathematical certainty, we will never get it done within a reasonable life span. Now, Sir, there are a few other problems in addition to surveying. One was raised by the hon. member for St. Michael South, now, the interesting thing about this Bill is that the amendments to these Bills have their origin in 1971. If you look at the files from as long ago as 1971 it became clear that there were certain defects in the existing legislation - 1968 - and the Surveyors have been making comments on a number of Bills from 1971 until now.

That is why I say to the hon. member for St. Michael South that it is not a question of the Government hustling. We have comments from Mr. Wason when he was Chief Surveyor. I have comments from a Mr. Dodson when he was President of the Association. The latest comments were a Mr. Griffith. We have comments from a Mr. King. The Surveyors themselves were the ones who were fighting originally for representation on the Board; and the then Minister in 1972 said that he objected to it. It went to Cabinet during the DLP regime and Cabinet decided on principle that they should have representation like the Legal, Dental and Medical Profession and all of that. That is correct. All of this is on the file. The then Cabinet decided on only one representative then. Gradually they decided on the principle of majority. This Cabinet decided that the principle of majority would be ceded to them. They sent a summary of the other Acts. That is somewhere here on the file - the Medical, the Dental, the Legal - all of these are set out very clearly.

The Land Surveyors Association compared all of the Acts, and they asked why should they have different treatment; and we decided in 1978. In 1973 they were asking for a principle that they were entitled to nominate

the Board. The then Minister said no. The Cabinet under the Democratic Labour Party said yes, that they should have representation. When the argument arose as to how much of the representation, it was suggested at that time, one. Then it came back to us with all of the comments, and we decided on majority representation, and that is what is in the Bill.

In respect of the point about the right of appeal from a decision, now I myself am well aware of this. I think that there are two points raised by the Leader of the Opposition. He made a very valid point. Do we have the manpower so that we can set up a separate Administrative Trade Union to deal with these quasi-judicial decisions? Secondly, it must be remembered that parallel with the development of special Administrative tribunals, there are a series of judicial decisions which clearly established that when a quasi-judicial decision is taken, that the Judges can refute the decision on the ground of *mala fides*, on the ground of excessive jurisdiction; and Lord Denning has lately gone further and placed on the quasi-judicial bodies additional duties and responsibility, so that bearing that in mind, one would have to look and see whether in the context of Barbados without limited manpower you should not ensure that there is always access to the Courts. That is the point that the appeal should not take a decision from the Court to the Judge final. As a matter of fact the Attorney General has a number of amendments in that area where — his division wants to put them forward when we reach Committee stage. So there is no question of difference between us and them. 2.00 p.m.

I should really like to see the legal profession and the Surveyors Profession now get together and decide in their minds that they are going to be part of a cooperative effort in this country to ensure that all of the bottle-necks relating to the transfer of titles take place as fast as we should like to see it. Both sides have said that they want to see a faster transfer. These professions must play a constructive role and not the rôle which some of us are interpreting unfortunately as a little obstructive because of their need for this certainty. We cannot go ahead on this question of certainty. It is true that surveying is probably grounded in mathematics and they would demand greater respect, but we are dealing with human beings and all of us are not mathematicians. I have got house and land and I do not have a plot to it.

Now there is just one other fundamental point. There was one great area of argument at that time between the Cabinet and the Surveyors' Association, which we have settled in this way. The previous administration had insisted that the Bill should have in it power for a schedule of fees to be charged to the public. That was a great bone of contention between the Surveyors' Association and the Ministry. It has now been decided that the Land Surveyors' Association will have rules and

regulations which will be incorporated and the scale of fees will be in the Land Surveyors' Association's rules by way of their code of conduct. I just want to say this: I do not agree with professional people having any rigid set of fees that you cannot vary, because we have a ridiculous situation in Barbados now where in one development anybody working for the Mortgagee, the Barbados Finance Corporation, only has to do one investigation and is entitled to the same fee in respect of every transaction, so that he sits down and does his own investigation of title but the percentage does not vary for what you call repetition, and if you have 300 lots it means he gets a percentage on the total purchase price of the lot instead of a reasonable percentage for doing the first investigation and an abatement because of the need for less work in respect of all the rest.

Now all over the world as part of policy guidelines, professional fees have come under scrutiny because of this same thing, and we are prepared to put them under scrutiny too. I know this is not going to be popular, but the point is that in respect of the people whom we want to see own their land, in the context of interest rates today, in the context of the limited money the Government has, we cannot afford to allow a situation where two great amount of money is needed to close a transaction, and that is our position.

With those comments, Sir, I assure hon. members that the amendments at Committee stage will take into consideration a number of the matters that have been raised. Already the Attorney General's Office and the Surveyors Association have identified a few slight defects.

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

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that further consideration of this matter be postponed.

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

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

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that this Sitting be now suspended until 2.50 p.m.

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.
2.10 p.m.

On Resumption

Mr. SPEAKER: This Sitting is now resumed.

QUESTION TIME

Hon. H. B. St. JOHN: I beg to move, Sir, that Question Time be now taken until 3.45 p.m.

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

Mr. SPEAKER: Question Time no later than 3.45 p.m. Any Objection? No objection so it is now Question Time.

QUESTION RE FLOODING AT CLARKE'S AVENUE, BAY LAND, ST. MICHAEL

Mr. SANDIFORD: Mr. Speaker, Question No. 14 reads as follows:

To ask the Minister of Communications and Works:

1. Is the Minister aware that as a result of the recent heavy rains in early November a part of Clarke's Avenue and the surrounding area in the Constituency of St. Michael South was again heavily flooded? 2. Is the Minister aware that, whereas in the past the Barbados Fire Service responded promptly and positively to any calls for pumping off the excess water, that service on this occasion indicated it was in no position to assist the good people of the area? 3. Is the Minister aware that the stagnant water has remained for days on end not only in the back-yards but in the front yards of these residents, causing them severe inconvenience, anxiety and expense, as well as exposure to mosquito infestation and other health hazards? 4. Did any government Minister and/or official visit the area for an on-the-spot appraisal of the situation, and if not why not? 5. Would the Minister state why the Fire Service was not in a position to respond to the calls for assistance, and indicate what steps are being taken to prevent a recurrence? 6. What plans does the Minister have to stop or minimize flooding in the area mentioned, and when does the Minister intend to implement those plans? 7. Would the Minister consider as a possible solution the construction of an underground drain and manholes to lead the water away from the area?

Hon. C. L. BOLDEN: Mr. Speaker, the answer to Parliamentary Question No. 14 asked by the hon. member for St. Michael South is as follows:

"As stated in the reply given in this Honourable House on 24th May 1977 to the Honourable Member, Clarke's Avenue, Bay Land, is liable to flooding. I am aware that in early November 1978 there was another case of flooding.

There are two wells in the area intended for carrying off excessive flood waters which occur because of the low lying nature of Clarke's Avenue in relation to the adjoining roads. One of the two wells which was not under the control of my Ministry was found to be malfunctioning and steps will be taken to have it placed under my control and to sink it to a proper level if necessary."

Mr. SANDIFORD: Mr. Speaker, is this Question Number 14? Mr. Speaker, I realise that there is no answer to Questions 2, 3, 4 or 5 of this Question.

Mr. SPEAKER: Is that a Supplementary Question?

Mr. SANDIFORD: I have not asked a question yet, Mr. Speaker. That was only by way of a periphery remark. I will now ask the Question. Is the Minister aware, or rather, did any Government Minister and/or official visit the area for an on the spot appraisal of the situation, and if not why not?

Hon. C. L. BOLDEN: Yes, Sir, Senator Randolph Field.

Mr. SANDIFORD: I cannot get into that factitious type of thing.

Is the Minister aware, that the stagnant water has remained for days on end not only in the back-yards but in the front yards.....

Mr. SPEAKER: That is not a Supplementary. That is part of the Question tabled by the hon. member.

Mr. SANDIFORD: Yes, Mr. Speaker, but if there is no answer to the Question.....

Mr. SPEAKER: You will not argue with the Chair. Please take your seat.

Mr. SANDIFORD: I am not arguing. I can sit down too.

Hon. C. L. BOLDEN: Mr. Speaker, if the hon. member.....

Mr. SPEAKER: There is no Supplementary. Please take your seat, Mr. Minister.

The hon. member for St. Michael South Central and I do not see him now in his place. Let the reply be laid.

The hon. member for St. Lucy, his Question Number 32.

QUESTION RE WORK PERMITS

Mr. GREAVES: Mr. Speaker Question No. 32 reads as follows:

To ask the Prime Minister and Minister of Defence and Security: Will the Minister state how many work permits were issued between September 1976 and December 1978? Will the Minister state: (a) the occupations for which these permits were issued; (b) the nationalities of the persons to whom permits were issued; (c) the length of time for which each permit is valid? Will the Minister further state what provisions are being made for ensuring that Barbadians are being trained to fill the positions for which permits have been issued?

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, the answer to Parliamentary Question No. 32 asked by the hon. member for St. Lucy is as follows:

Five hundred and eighty-three work permits were issued.

Permits were issued to nationals of Caricom countries, the United Kingdom, Canada, the United States of America and a number of other countries. They were issued for more than forty occupations and for periods ranging from a few days to three years. In a very small number of cases, usually involving Ministers of religion, the periods have been up to five years.

Wherever it is feasible, the work permit has been granted on condition that the employing body provide training for a suitable Barbadian to succeed to the post when the stipulated period has expired.

I do not consider it a justified use of the time of public officers further to analyse every single work permit and supply the information requested by the Honourable Member in the detail which has been requested.

Mr. WARD: Mr. Speaker, just a Supplementary Question. Would the Hon. Minister be kind enough to give the House some prediction of work permits granted for the past number of years.

Rt. Hon. J. M. G. M. ADAMS: During the year 1974, 1,258 were issued. During the year 1975 — 1,125 were issued and in the months from January to August, 1976 — 398 work permits were issued.

Mr. SPEAKER: I take it this brings us to the end of Question Time.

GOVERNMENT BUSINESS

Hon. H. B. St. JOHN: I beg to move, Sir, that Government Business be resumed.

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

Mr. SPEAKER: Government Business is now resumed.

Mr. SANDIFORD: I thought I heard a Resolution being moved that Government Business be now taken. I do not know whether it was seconded.

Mr. SPEAKER: I think you are raising an objection.

Mr. SANDIFORD: Yes, I rise to speak on that because when the Standing Orders were suspended, Mr. Speaker, there was an assurance given by the Leader of Government Business that that suspension would be subject to the rights of Private Members' Business and it is normal practise that after Question Time, Private Members' Business is taken and I would like to register my objection to that. Just as Question Time is followed in its normal position I would have thought that Private Members' Business would follow now and I would raise an objection to Government Business being resumed at this stage and I would like to question it.

Mr. SPEAKER: You may move a counter-motion.

Mr. SANDIFORD: That is right. I would like to...

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, Sir, I want to speak from a maverick position in respect of this business of the Standing Orders and Private Members' Business, Question Time and so on. In the last Parliament we had a situation where the Standing Orders were virtually suspended automatically at every Sitting whether there was any need to suspend them. As it is I think that too many Standing Orders get suspended anyway. I sometimes do not know whether they are being suspended so as to avoid the necessity of Private Members' Business in the middle of the afternoon.

I do not know what is the purpose of suspending Standing Order 44 because very seldom do you hear applications being made which would defend their validity under Standing Order 44. In fact, there is one of the Standing Orders that get suspended and I still hear applications made to Your Honour for leave to proceed with something in all its stages although the Standing Order that has been suspended is the Standing Order that deals with the need for notice to be given and Your Honour still adjudicates it as if the Order was still in force. In some ways, Your Honour, it is appreciated because you are looking after the rights of members, even though those rights do not at that moment stand

supported by an Order in force, and I really question this. In the last Parliament we had it all the time. I understand that in this day and age now we have entered into a new golden age in which all the wickedness of the past is to be ruled out and we are not now to follow the bad practices of the past.

3.05 p.m.

In passing, Mr. Speaker, I would say it comes a little strange to me to hear this plea always coming from some of the High Priests of some of the bad practices of the past, it is never from this side that you hear these things, it is always from those who used to do wickedness, they are now saying that having been washed whiter than snow by the water-washing of the 1976 election that nothing that they did that was wicked before must now ever be done again, and therefore it was a little odd for me to hear the hon. member for St. Michael South whom I never once heard protest at the suspension of Standing Orders and the removal of Private Members' Business in the last Parliament being the first to jump up on this occasion to deal with Private Members' Business, but some *modus vivendi* should be worked out. Hon. members should establish for themselves what is involved in the suspension of Standing Orders, whether it is a timetable matter, whether it is a Private Members' Business matter, or whatever, because I think it very erosive of the time and the dignity of the House for Opposition members because they have not understood perhaps what was said initially to be getting up to say we understood there was going to be Private Members' Business. They must clarify the situation at the start of business. If you are not sure what is happening, get up and ask at the start of business.

There are certain times when, since debates go on so long even on subjects like Land Surveyors' Bills, Sir, there are certain times when the Government has programmes to get through, when hon. members may for one reason or another not be anxious to prolong a sitting of the House into the hours of the morning. We have not had any plea for Private Members' Business all these weeks, all of a sudden we have a plea for Private Members' Business, Sir, and I really think that this is a case where the Government should be allowed to pursue its timetable. I think, as I said, that it is a larger problem, the Standing Orders Committee should meet, and if it is inconvenient to have lunch at 2 o'clock start the House at 11.00 — I intend to propose that myself — and have lunch at an earlier hour and have a more reasonable timetable during the afternoon, but we open ourselves to all these misunderstandings.

I can give the House assurance, speaking for myself, I will never walk out of the House so as to prevent the Opposition making a quorum as was done to us several times in the last Parliament when we tried to have Private Members' Business. We used to be told then there would

be Government Business and Private Members' Business after, but all the Ministers would walk out and leave the six of us in here unable to form a quorum, so that we couldn't get on with it. (ASIDE). I hear an Aside from the backbench of the Government side thanking me for introducing a new idea, but I very much hope that neither the hon. member for Christ Church East nor anybody else would be so undemocratic as to carry on the practices of the Democratic Labour Party in walking out of the House so as to stop the Opposition getting a quorum, but, as I say, that is only an Aside. We must get these matters straightened out.

I am one that believes the Standing Orders are suspended too much, that they are often suspended unnecessarily, and I would have to ask hon. members for what did they suspend them today if they are going to do Private Members' Business. We have lunch at 2.00, we came back at 2.45, we took Question Time; for what were the Standing Orders suspended?

Dr. HAYNES: Mr. Speaker, I will be very brief indeed. The hon. member for St. Thomas has indicated that we should have got the situation clarified at the beginning, and I would like to draw to Your Honour's attention that the Hon. Leader of the House did say that he would ask for the suspension of Standing Orders subject to the rights of those on the other side in respect of Private Members' Business. We accepted that assurance.

The second point I would like to make is that Her Majesty's Loyal Opposition has for a long time now not been able to get on with any of their business largely because of the suspension of Standing Orders, and we recognise that we had things like the Estimates, Government had urgent business and so on, and we were very happy to give way, and I feel that in that kind of spirit the Government should let the Opposition today get on with Private Members' Business as rapidly as possible. We do appreciate that members have been working very hard recently, most of us are tired, and we would try to get through as rapidly as possible in the spirit of good democratic practices within this Hon. House. I am sure the hon. member for St. Thomas who has expressed his unswerving commitment to democratic practices within this House based on what he alleges to be injustices suffered over the years would not seek to inflict another injustice today.

Hon. H. B. St. JOHN: Mr. Speaker, I do not know what is the need for the argument on this. I did say at the beginning that we were suspending the Standing Orders without prejudice to the rights of private members. There are a number of hon. members who have Private Members' Business on the Order Paper and I did have consultations with some of the hon. members in relation to these matters, and I pointed out to some hon. members that the order in which they were done I would have to deal with it from Order No. 1 right down, and having consulted with them

I tried to prevail upon the ones dealing with Order No. 1 who are insisting on their rights, that they wanted to deal with it, Sir, that today really and truly we only deal with the Land Surveyors Bill and the Marine Insurance Bill, because we did not want to hold them up for an extremely long period of time, but normally we would have had our recess now. We had the Estimates and everybody was tired, not only other hon. members, other people, and last week we could have adjourned for the usual three weeks until after Easter, but because of the fact that we wanted to get these Bills passed the Second Reading so that we could have the Committee, we came back today. The reason why we suspended Standing Orders today was to ensure that we would be able to do the Questions, finish the two Bills and then we would adjourn for our recess, but as it is, bearing these matters in mind, and I know that Order No. 1 of Private Members' Business is ready to be started, I would give them till 4.30, but we really did not want to have a long sitting of the House today because other hon. members have had a long period of time during the Estimates and are tired, the staff is tired, Sir, and we must protect the staff.

I would move, therefore, that Private Members' Business be now taken until 4.30.

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

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

Mr. SPEAKER: It is now Private Members' Business. 3.15 p.m.

RESOLUTION CALLING ON THE GOVERNMENT TO
ENSURE THAT THE INTERESTS OF LOCAL
ENTERTAINERS AND RECORDING
ARTISTS ARE PROPERLY
PROTECTED

Mr. D. A. SIMMONS: Mr. Speaker, when I tabled this Resolution on February 20 this year, I wanted to put both sides of the entertainment and recording industry. Events to date have made it very important to deal with one side, that is the side of the entertainment, and in my reply I will perhaps look at the side of the recording companies and the employers as it were.

Mr. Speaker, I make no bones about my interest in this area. I have a predilection for music. It is perhaps one of the only means of relaxation that I have but indeed my interest in music is very limited. I have a particular interest only in West Indian music and Latin American music; no other music means anything to me. So I am speaking from a very limited position but I speak from the heart.

It has worried me for a long time to see artists in Barbados who perform in the hotels and dance halls and

make records, and yet despite the fact that their records always attain a very high standard of popularity, nevertheless the other benefits that go along with popularity and a good record do not seem to follow the vast majority of Barbadian artists. In particular, Mr. Speaker, I wish to be specific. Whenever the Draytons Two make a record that record goes up to the No. 1 position. Sometimes they have two records on the hit parade at No. 1 and No. 2. I do not know of any record which the Draytons Two have made that has been a failure from the point of view of public acceptability; and yet people like the Draytons Two continue to be a poor relation to other artists and entertainers in this country. Something must be wrong. From the days of "Drink Milk" the Draytons Two have been having hit records and yet I cannot see that their social or financial position has improved commensurate with their abilities or the popularity of their records. Similarly I can think of people like Sir Don — even the Dragon has a record in the first ten — and as I say, these people appear not to be getting their just desserts. It is not the quality of the record; if it was the record it could not reach the No. 1 position. Rather there is a problem in the marketing and distribution of the record, and there is a problem I believe in the accounting or the accountability of the recording company to the artists.

Now it is easy to have an artist sign a contract, but I wonder how many of these artists who sign contracts with recording companies ever get individual legal advice or are told that they are entitled to individual legal advice; or how many of them understand and know what they are signing. I have a contract here, and the contract is very heavily weighted in favour of the recording company. But the contract itself displays an ignorance of the laws of Barbados which leaves me to believe that those who drew this contract either copied it from England or Canada or elsewhere and foisted it upon the local artists. For example, this contract says: "This agreement shall be deemed the consent required by the Performers Protection Act 1968-72 or any statutory modification or re-enactment thereof". And it is signed by the artists and on behalf of the recording company. Now the simple fact of the matter is that the parties have signed a contract referring to the Performer Protection Act 1968-72 but this Act does not exist in the laws of Barbados. So here is a local artist signing a contract referring to Acts which do not exist in Barbados. And the paragraph immediately before says: "This agreement which can operate throughout the world shall be interpreted according to the laws of Barbados and the High Court in Barbados shall be the Court of Jurisdiction." So the artist is being told that the contract is being drawn up in accordance with the laws of Barbados and can be adjudicated in the High Court according to Barbados law and yet the laws they refer to do not form part of the laws of Barbados. And this has been going on for God knows how long. If you look at the body of this contract you will not find any clause requiring the recording company to account to the artist

or give the artist the right to inspect the books of account of the recording company. So if the recording company tells you we only pressed twelve hundred 45's and only sold eight hundred, there is no way to check this; so that there is no adequate protection for the entertainer; he is liable to be exploited and his talents abused.

Another thing that happens, the contract obliges the company to ensure that there is no exploitation of the artist's work by other recording companies, etc. I make no bones about it, Mr. Speaker, there is a recording company in America which does a lot of West Indian work — Straker is the name — the label is popular and Straker has taken the artists of the Caribbean for a ride, including Barbados.

3.25 p.m.

Now, let me give you an example. I do not like to talk idly without factual support for what I say. The Draytons' name was down on the normal 45. The Draytons happened to go to New York. They stayed at Utica Avenue, and when the Draytons reached Utica, they saw a big photograph of themselves outside Straker's Place and heard the song booming and coming through on the loud speaker. When they went in, Straker had it on a Disco 45. They got nothing owing to the fact that Straker had profiteered on the record which they had made locally; and something has to be done in this country to protect local entertainers.

Straker could not do it to Sparrow because Sparrow is a businessman, and he knows how to handle that kind of thing. I do not know if they could do it to Chalk Dust; but the Draytons, I am saying it without fear of contradiction, have been ripped off by Straker publishing the Disco 45 in New York, and it is selling very well. I say that the responsibility rests upon the local company by which the recording was done to ensure that it was not pirated. Straker pirated the Disco 45 made locally.

I do not know if he got hold of a sample of it or not; but there are other ways. You do not necessarily have to get a sample. You can get the record and do it; but the local company — I will not be satisfied and I do not believe that entertainers in Barbados will be satisfied.

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

Mr. Deputy Speaker, I do not believe that artistes in Barbados as a whole should allow this kind of piracy to go on. They must go to the recording companies and find out how this was done, and what steps recording companies intend to pursue to ensure either that it be stopped, or that the artistes be properly compensated for their work; because I will say that I have it on good instructions that the Draytons Two, certainly never gave permission to Straker — and I

do not mean Emile Straker — to publish their music in the USA on a Disco 45.

So, this is a clear, classic and recent example of overseas piracy and exploitation of local artistes which must be stopped and investigated by the Government; and that is why a certain part of my Resolution calls on the Government to look at the Copy right laws and to decide how they are going to be amended to protect our local entertainers and to come to the aid of our entertainers as a body who do much for this country. The entertainers give foreign visitors a sample, an idea, an inkling as to what is the kind of music within the bones of the people of this country. They help to sell our music. They project our cultural image. They provide entertainment not only for tourists, but for local people who have fetes on Saturday nights and other times.

Like everybody else — they are professionals and they have to make a decent living, and they must be protected. Today — I am just referring to it in passing. I am not reflecting on it. Today there was a debate on the second reading of a Bill relating to Land Surveyors. The lawyers have legislation to regulate the running of the Legal Profession. The doctors similarly. I see no reason why we as a Government should not ensure that legislation is introduced in such a manner as to protect the profession of entertainers in this country.

Mr. Deputy Speaker, having given you an outline of some of the problems which face entertainers — I am not saying that they do not get royalties. They do get royalties; look at the scheme of WIRL. I will say this, that right now the recording companies ought to know that any contract which they make with local artistes must be fairly and properly balanced. Recording companies must not only think about themselves, but do something to ensure that the recording artistes get a fair deal.

My Resolution is a far ranging one, and I want to look now at what is happening with some of the music in Barbados today. I would have thought that we should be as a people trying to develop our own indigenous form of music. If it is not within our capability to develop our own beat as Barbadians made an effort with Spouge, if Spouge does not have the scope for development because it relies particularly on the cowbell, our next scope should be the Caribbean area. There are rhythms and beats within the Caribbean area with which we identify. I would like to think that as Barbadians we have our own identity in Spouge, but I do not accept that. Spouge is part Calypso and part Reggae.

I think, Sir, that the local artistes are doing themselves an injustice in copying almost note for note and phrase for phrase some of the music coming out of North America which is only a lot of noise, with some brass

filling every eight bars. That is what you are getting. I had an experience last Friday night which I shall never forget in the entertainment field. Crazy had a show at the Pepperpot and it was sold out. I was able to get through. They had a massive crowd. Publicity had taken care of that. It was properly marketed. They handled it like Mohammed Ali, the boxer, would have handled it himself — boast and get on; and the group did not want to see it flop. Well, Crazy did not flop.
3.35 p.m.

Crazy did not flop. There were two Barbadian groups who formed part of the act with Crazy, the Escorts, one of the best, and another group called Super Slave. Now this was a calypso show or a West Indian show; 60% or 70% of the people were West Indians and the others were foreigners and tourists. The Escorts had a wonderful ovation and finished their performance with a calypso melody. I cannot remember all now, but one was "she looking good" or whatever it is called; "Who ain't looking good, good-looking". I got that from the Minister of Health. I make no comment as to whether it was a reference to her or otherwise. They then sung Kitchener's Disco Party for just a little while and then another one, and they got a tremendous and rousing round of applause. Super Slave came home and started with a whole heap of North American music to the extent that the crowd booed and clapped them down for the whole show. Then Crazy came on and everybody wanted to hear Crazy. But here in the middle of a local and a Trinidad band you got a Barbadian group performing and they come and foisted on the people who did not want to hear it at all a whole set of American music totally irrelevant to the scene. In fact their attitude was totally insensitive to the needs of the vast crowd that was at the Pepperpot last Wednesday night, and I felt that Super Slave were justly and properly booed. Perhaps they are aptly named being super slaves to the American form of music, not even soul, but to the funk and this kind of music that you get out of North America today.

I think that local artistes do themselves an injustice in trying as the Trade Winds in their record say to be copy cats and to be super-imposing on their local talent foreign products. You will never be able to be creative, you will never be able to develop your own form of musical expression if you continue to tie yourself slavishly to North American music and to be catering exclusively to North American people. As I said already, I think Super Slave was insensitive, and I think if the local groups examine themselves they will find that there is a significant trend in Barbados if you use the Hit Parade as any guide. Whenever the Merry Men have a record it goes to No. 1. Whenever the Trade Winds have a record, it goes to No. 1, so they can always be up there in the first three if they are not at No. 1. The Escorts hold No. 1 position very often with their records. I am not saying that I am necessarily right but this is my personal view,

the reason is that the music which the American people play which gets on the Hit Parade and gets to No. 1 and the music which the Draytons and the Escorts would play is music which comes out of the country which has a local flavour and music with which the local people can identify. These other people try to see to what extent they can copy the North American funk and rock, and they cannot get a record as No. 1 on the Hit Parade. They cannot make it because they are not producing what the people identify with. It is a part of our cultural heritage, it is in another way a form of inferiority complex because unless something comes from America or England we are not prepared to give credit where credit is due and say that within our own shores we have people who can make music that is equivalent to North American music, and as long as entertainers continue to have this attitude of mind that to make a record and to make a hit they must copy an American tune, they are not going to get anywhere, and music in Barbados will always be set back.

Look at Ivory. Ivory is a Barbadian group. The music of Ivory it is true is not predominantly West Indian in its rhythms. Ivory tends more towards the North American scene, but it has a different quality. It has good tone quality, good instrumentation and the members obviously are good readers of music and spend a lot of time and do a lot of hard work on their music. The quality of their music is very good but Ivory can make West Indian music. I think they made one about the one-armed bandits; it is a good tune. It does not get a lot of air play but that was a local record and the local harmony in that record is some of the best that has come out of Barbados in years. So, Mr. Deputy Speaker, I think it is time that the local artists try and reorientate themselves towards reproducing as it were the rhythms of the local community. I use the word "rhythms" in its widest sense. (*Asides*)

Mr. Deputy Speaker, I do not want to have to deal with the hon. member for St. Michael South Central. Please let him sit down and keep quiet. I am appealing to you, Mr. Deputy Speaker. The hon. member for St. Michael South Central has never been known to me in his myriad capacities as being interested in music at all. He might not have had any time.

Dr. HAYNES: Mr. Deputy Speaker, on a point of order, the hon. member is inadvertently misleading the House. I am sufficiently conversant with the musical scene to appreciate that the hon. member is simply talking out time and repeating himself all the time, and I believe there is a Standing Order that should deal with this matter.

Mr. DEPUTY SPEAKER: You must leave that to me to deal with.

Mr. SIMMONS: Mr. Deputy Speaker, you are fully capable of dealing with any irrelevancies of repetitions in accordance with the Standing Orders, but you see, when you refuse to sit down in your place in the House of Assembly and you come back and hear the word "artists" used three or four times, you assume that because you use the word "artists" you are repeating yourself. I have made it clear that I was dividing my contribution in two, and I have tried to explain to the House how the local entertainers, I believe, are being taken for a ride, and I turned then to how I felt local entertainers should reorient their thinking and their musical expressions to give vent to what is within the society.

Now, Mr. Deputy Speaker, to come to the question of the laws, the Copyright Laws such as they are go back nine years and cannot take account of modern techniques in recording and indeed modern using. Some of the Copyright Laws were passed before tape recorders were known; they were passed before stampers were known, and any contemporary piece of legislation which has as its aim the protection of intellectual property — and I call it intellectual property for several reasons — such as this kind of thing we are dealing with, must recognise the many ways in which it is possible to pirate intellectual property.

3.45 p.m.

It is my understanding that there is an acknowledged authority on Copyright Legislation from one Mr. DeFreitas. He has carried out an exercise in Jamaica, to my knowledge, and in Trinidad and it seems to me that the Government of Barbados must seek to muscle in, as it were and get the assistance of Mr. DeFreitas so that the Copyright Laws and the Laws of Intellectual Property for the whole Caribbean can be harmonised and standardise because it is not only demonstrated in New York but they were done in Jamaica some years ago.

Those of us who have followed the fortunes of West Indian music and Barbadian music closely will recall that the late Jackie Opel suffered adversely in the hands of a Jamaican Recording Company for a tune he did. I have forgotten the name of the tune, Mr. Speaker. One of the first tunes that Jackie Opel made and it went fairly big. I cannot remember the name of it but somebody else will deal with that. It is important that the whole Caribbean area standardise and harmonise its cost for this particular field because I do not believe that it is by accident that in Trinidad a new beat has sprung up within the last four years. From the time Lord Shorty made his LP "Endless Vibrations" and followed it with "High Music", the soca beat started to develop. Lord Shorty was the father of the soca beat. I have to wind up, Mr. Speaker. I will wind up. Give me a minute, Sir.

It is not accidental but what has happened in Trinidad is that they have looked at the North American schemes, looked at the Disco recording stages and they have imported some of those rhythms into the Disco and Calypso beats and they now have what they call the soca which is a more serious, if I may say so, beat. Some of their work has been piloted in New York. I know that it is a fact that the Trinidad Government, according to my information out of Trinidad, intends to promote their soca beat almost as much as the Jamaican Government promoted the reggae beat, Sir, and that brings me to another point, Sir, before I finish.

The Governments themselves must get involved and give assistance, if necessary, financial assistance. If necessary an auditorium, and not an auditorium for 1,000 people, but if you are building an auditorium think about 6,000 or 7,000 people as the minimum. It is true the Tourist Board itself helps, but the Government has got to be involved. The Government can do a lot and this is directly to the Minister of Finance by way of waiving some of the duty, for example, on some of the recording equipment that comes into Barbados because the recording industry in itself has a potential as a foreign exchange factor. It has a potential as an employer apart from the other things that I mentioned and it would be no big thing for the Government to waive the duty to enable a proper recording Company to come into Barbados and set up a 24-track studio or whatever so that we can compete with some of the other Islands.

Artists will come here from overseas in the off-season and in the winter and if we have the facilities they will record here. The Rolling Stones and the B.G.'s went to Jamaica because they had good facilities in Jamaica and used their studios and made records in Jamaica. I understand that Trinidad is putting down a 24-track studio. I do not know how true.

These are the areas where the Government could assist in, not only in the protection of the artists but in the development of the Entertainment and Recording Industry by doing something positive, Mr. Deputy Speaker, my time has expired and I will take my seat.

Mr. WARD: I would like to second the motion and I would also like to give my support to the hon. member who has brought this matter before Parliament and in fact before the people of Barbados in regard to the Entertainment Industry in Barbados. It has been a long time since anyone has stood up and put a case for the entertainers and also to recognise what they do for this country. A great number of people do not realise the role that the entertainers play in this country in the Tourist Industry. In fact, Mr. Deputy Speaker, when tourists make inquiries about a country like Barbados or anywhere else, they usually ask about beaches, the weather, food and so on

but when they arrive in the place the next question after dinner is where can we go for some entertainment.

It is not the first question they ask when they are home but when they get there they are looking for entertainment and those countries in the Caribbean who do not have entertainment such as we have are being criticised by the tourists. I would not call the names of such places as it would be unwise but there are places in the Caribbean that are referred to as being dead after 6 o'clock. That does not happen in Barbados. You can probably go to 20 or 25 different places in Barbados from Speightstown to St. Philip and find entertainment for locals as well as for the tourists so therefore, Mr. Deputy Speaker, I am very happy that the hon. member has brought this matter to Parliament. The Entertainment Industry has long lacked recognition in this country. They have done a valuable service to the country in bringing in revenue but they have not been recognised.

Mr. Deputy Speaker, a lot of what the hon. member is concerned about is nothing new. The Entertainment Industry has been a rip-off Industry for years against each other; one entertainer getting in on the other entertainer's music that he produced. One person would write certain music and somebody else make a few small changes to it and adopt it as their own. It is not Barbados that has been ripped off. This is something International. Somebody writes a most fantastic piece of music and somebody else makes the money out of it.

What I would like to see is that the Entertainment Industry in Barbados will gross no less than \$2¼ million per annum. A lot of people do entertainment work for nothing. It is a hard job, they work hard and they also get paid. I do not say they get paid enough. The point is that there is about \$2½ million paid out to entertainment in this country per annum. I am not saying that it is enough but I am saying that considerable sums are paid out and therefore this has encouraged more and more entertainers to come on the scene.

You will find, Mr. Deputy Speaker, that a band starts and it gets pushed off because another band has that much more ability either in presentation, its advertising programmes or whether it is the more attractive appeal of the group. Hotels or even local entertaining bodies bring in bands that appeal to the crowd because that is who they are really playing for so that when a band gets squeezed-off and goes out, it is nothing new. Over the history for the last 100 years bands came and went all over the world so this will continue.

I think that the hon. member needs to be congratulated for having brought the problems of entertainers before the country so that they will get proper

recognition and proper protection and if it requires legislation I entirely back him in his efforts.
3.55 p.m.

Hon. C. L. BOLDEN: Mr. Deputy Speaker, the hon. member for St. Philip North has certainly revived something which has been an apparent problem in Barbados for a number of years. I came home from Britain in 1964, and it is surprising that most people do not know that in my youthful days I used to play a trumpet in a dance band with Percy Green, my brother played a saxophone in the same band, and up to a couple of years ago still had a band in Canada.

Back in 1965 I feel the question of exploitation was even higher than it is today, and together with other members who felt concern for artists, among those were Al Gilkes who is now at the Nation, Mark Williams and David Gittens, we registered a Trade Union in Barbados which would deal specifically with the question of exploitation. One of the things that one has to appreciate in this country is that the artists themselves have to carry most of the blame for not coming together in what can be regarded as....

Dr. HAYNES: Mr. Deputy Speaker, on a point of order. I want to draw to your attention that the hon. members on the other side are just talking out time to prevent me from dealing with a Resolution on income tax. (Asides).

Mr. DEPUTY SPEAKER: Order, please. No point of order.

Hon. C. L. BOLDEN: Mr. Deputy Speaker, do I have half an hour?

Mr. DEPUTY SPEAKER: According to the Standing Orders you have thirty minutes.

Hon. C. L. BOLDEN: Mr. Deputy Speaker, David Gittens was a very forceful member in assisting to get a Union going in this country that would protect the rights of artists. The hon. member for St. James is now craving a little bit of recognition claiming that he was in it. I do not recall seeing him at any of the meetings we held, but if he were there I do apologise.

We looked at this problem back in 1965. Contracts were drawn up and we tried to ask artists to stick to the contracts and agreements, but there is one thing that has got to be said quite clearly. One of the basic problems in this country with local artists and why they could not stick together, why local artists will not be forced to produce matters which are local and which spring from indigenous thought is because of the foreign managers that man hotels in this country, and that was the reason for

the disbandment, the falling apart, the breakdown of the Association that was formed in 1965.

One has got to look further than this. When the hon. member for St. Philip North complains about local bands adopting North American music, I remember in 1965 hotel managers used to ask what sort of music you were playing, and if you were not playing North American music you could not get a job in the hotel industry in this country. Over and above that, Mr. Deputy Speaker, when you look at the price paid to local artists, I remember Madame Yvette who was one of the best belly dancers to be found in the Caribbean. Madame Yvette used to dance at Sandy Lane and she was told specifically in those days "as long as you belong to the Union we cannot employ you any more," but Sandy Lane was paying Madame Yvette \$35 for dancing a night. I do well remember when she had to dance on a rainy night on a terrazo floor, she fell down and hurt her leg, but what was the compensation?

I agree with the hon. member for St. Philip North. Government must now take appropriate action to make sure that its artists are protected and that their rights are guaranteed, because, Mr. Deputy Speaker, all these young politicians on this side will not remember, there were people like Arnold Meanwell, Tech Taylor, C. B. Alleyne who worked at the BMC, Coa Alleyne and all these fellows who gave their best to Barbados, but they all died as paupers, they went home poor. My friend reminds me of Ernie Small, one of the best trumpeters in the Caribbean, but there is a lot more to this. I remember the late Jackie Opel. I was involved in Jackie Opel's case, because Jackie Opel recorded in Jamaica for a number of years. He came back to Barbados after he was pushed out of Jamaica and he made several recordings. I have all his papers dealing with his case against a recording company in Jamaica, and what did that man get? He went to his death early a morning in Bay Street with the thought in his head that he had made a lot of money in Jamaica and he got none of it; the recording company got the most of it or had all of it, and the number of letters written from this country is great. We wrote the Performing Rights Association of Great Britain, we tried the companies in Jamaica, we wrote to the United States trying to ban the records from being published, but we were told they were all registered in the name of the recording company and Jackie Opel's name only appeared as the singer on the label, but no rights whatsoever did he have in the financial interests.

The Government must look to protect the young people, because if you develop the tourist industry you must have entertainers, and the last member who spoke has said that when tourists come to Barbados they want to know about the night life, and it is true, Mr. Deputy Speaker, they always ask about your local music, so therefore if it is part and parcel of the hotel industry,

if you are developing the hotel industry you must protect those who cannot protect themselves, and I agree with the hon. member.

I believe last year Trinidad took a decision in respect of Carnival. You have to be an official photographer, you must get a licence from the Trinidad Government to photograph something which is typically Trinidadian, something local. I remember the same Madame Yvette coming to me when I was in practice and bringing a calendar with her as the centrepiece in a limbo dance.

4.05 p.m.

The calendar is being sold in Bridgetown but she never knew that her photograph was taken and she never gave permission for her photograph to be published; but we had no laws in Barbados by which she could recover compensation for her artistry being used in a commercial manner.

Look around the hotels. The Hon. Leader of the House never went around the night clubs, so he would not understand. But go to a night club and you will see the number of movie cameras and tape recorders, and God knows what are the results in some countries of the recordings made in Barbados, because the electronic media is such today that you can easily reproduce what has been recorded, make money on it, but the artist in Barbados makes nothing. Last year we had in Barbados an American saxophonist, Ace Cannon. I believe he made a lot of money in Barbados. Within months of getting back to the United States he produced a record of soca in the Caribbean. That will be sold; but none of the artists in Barbados who appeared in Barbados on the same bill — and there is a law that requires that a local group must appear on the Bill with a foreign artist — but I have not seen anything about local artists having appeared with Ace Cannon.

Mr. Deputy Speaker, there is not only piracy in the record industry. I believe that the Government would be on the right path if we seek to investigate what protection can be given — not only looking at the bands in Barbados — I have sympathy for the limbo dancers, the bicycle riders and the fire-eaters that appear at the hotel night after night, and perhaps at the end of a couple of years they go home broken. I have often wondered, suppose one of those chaps that push the burning stick down their mouths happened to have an accident; suppose during the display a ball of fire escaped into the audience and one of the visitors got injured? I wonder if the hotel is covered for this, or the artist. I wonder what protection there is. When I was involved in the business, one of the clauses I would put into the contract was that the establishment must insure against all damages arising out of the artist's performance at the place. The artists of Barbados must combine together and must pull them-

selves together not only for their protection now but also for the future. I am sorry that the hon. member for St. Lucy is not in his seat, but I remember that in 1964-65 when we were holding discussions with the Barbados Workers Union asking the Union to establish a special division for entertainers, we were told that it was not feasible at that time. But if it is still not feasible for the Union, I believe that the artists should come together to protect their own financial interests and their future.

I went to the Island Inn about two months ago and saw a young child of about 9 years old performing. I was concerned about this and spoke to someone involved about a 9 year old child being out at 11 o'clock performing in a night club. But if the entertainment world is now attracting persons 9 years of age, the Government must look at this. What effect will this have on the child's education? At the same time the artists themselves must look after their own protection. This reminds me of the young boy Mickey Dee, now grown up. Do you mean to say that after being in the entertainment field from age 9 or 10 and it happens that at a later stage when some illness befalls a performer and he has no other means of support, what then? I understand El Verno Del Congo is presently very ill. I suppose somebody will have to carry around a sheet asking for money to support him. But if the entertainers would get together there could be an insurance scheme that could take care of situations like that. So all of the entertainers should try and get together and look after the good of themselves.

Another thing, I do not know what the rates of pay are now but I know that when they bring foreigners from abroad and you hear what they are being paid and compare it with what is being paid to a local performer, the local entertainers need a Union. They need to get together; they cannot develop unless they are properly paid; and I believe that this is one of the things that broke up the association that was formed in 1965. I also believe that entertainers have now reached the stage where if they are in entertainment they should be properly paid. I do not believe that a man should have to go to work from eight until four and then go in a night club to sing for \$25 a night. I know that every hotel in fixing their rates includes a charge for entertainment. The same way they sell their alcoholic drinks at five and six dollars a snap, let them pay the entertainers.

But the entertainers must come together in their own interest. It is their livelihood and they must not sit back and wait on the Government. Let them show interest in protecting themselves and I believe that the Government will gladly give any assistance that may be necessary.
4.15 p.m.

Dr. HAYNES: Mr. Deputy Speaker, I rise to speak on this matter because we on this side are equally

concerned with the position in relation to entertainers in this country and the contribution they make towards the overall economy and the Tourist Industry in particular which constitutes one of the main sources of foreign currency earners for Barbados. However, many aspects of the entertainment industry have been dealt with so far; and I would just like to bring to the attention of this Hon. House some of the main complaints which I have heard and which have been brought to me by entertainers in this field.

I would like to talk about the disincentives for work by entertainers because of the high level of personal income tax on entertainers at the moment. Many of them have represented to me that it is hardly worthwhile for them to pursue their legal rights which have been set out by the hon. member for St. Philip North because even if they were to get some tangible increase in income as a consequence of protection and further work, that the net to them would be such that it would be hardly worthwhile to work.

Now this situation in respect of personal income tax commitments on entertainers is no different from that of all other groups in the community. There was a time, Mr. Deputy Speaker, when it could be said that people involved in the entertainment industry were persons in the lower income group and did not have any disincentive in the level of personal income tax in Barbados. Now a situation has arrived where whether you are an entertainer, whether you are a cane cutter or whether you are a grave digger, no matter what exercise you are involved in, the situation has arisen where the entertainment industry will never be able to develop, that any other sector in Barbados unless there is an incentive by a revision of the income tax laws of this country in respect of deductions, and also in respect of a regrading of the scales because the grading is far too steep; and it is necessary to look at the rates at which income tax would be charged not only in respect of entertainers, but in respect of other income payers in Barbados.

Mr. DEPUTY SPEAKER: I would like the hon. member to confine himself to entertainers, please.

Dr. HAYNES: Mr. Deputy Speaker, it is no use talking about a framework in which entertainers will be able to function and earn more unless such an increase will be meaningful to entertainers. I have heard that entertainers generate something like \$2.3 million in terms of income. I would like to know how much of that goes into the pockets of entertainers in this country. I feel very strongly that if we are going to assist entertainers, it is necessary to look very seriously at the various changes which have taken place in Barbados over the last four years or so. For example, over the past four years.....

Hon. L. S. CRAIG: Mr. Deputy Speaker, there is no company tax involved in this. This is a Resolution sent down asking that entertainers be protected. I know that the hon. member is trying his best to talk about income tax. If he wants to go outside of the bounds of the Resolution, he will not have any chance. He should sit down on this occasion or speak on the Resolution. I am not going to allow him to do it. I will get up every moment.

Dr. HAYNES: I want to make it absolutely clear. I have listened to this debate. I have heard about corporations and individuals and incentives and disincentives in relation to those involved in the entertainment industry; and consequently, I have a right to point out that there is no use speaking in terms of an improved legal framework in which entertainers can function without at the same time thinking in terms of the substantial disincentives, not only in terms of the amount of personal income tax that they have to pay but also in terms of corporation tax etc. etc.

All that I have been trying to establish, Mr. Deputy Speaker, is that where as over the past four years entertainers in Barbados are part of this exercise, whether as corporate or individuals and whereas income tax has doubled over the past four years and corporation tax has hardly moved over that period, the fact.....

Hon. L. S. CRAIG: Mr. Deputy Speaker, I must draw to Your Honour's attention that the hon. member is being irrelevant. This is a Resolution calling upon the Government to ensure that the interests of local entertainers and recording artistes are properly protected. Nowhere in this Resolution are we dealing with income tax. This is a very simple Resolution asking the Government to bring down legislation to protect the interest of entertainers in this country.

Dr. HAYNES: Mr. Deputy Speaker, quite clearly the interest of any group.....(Asides).

Mr. DEPUTY SPEAKER: Order, please. I interpret the hon. member for St. Michael South Central as shouting at the Chair. That must not be allowed. If he deals with income tax generally, I will have to stop him.

Dr. HAYNES: Mr. Deputy Speaker, I will assure you that I will not overstep the boundaries because it deals with incentives and where it lies within the power of the Government, and it also relates to the incentives that Government might introduce in respect of entertainers in terms of income tax deductions. For example, Mr. Deputy Speaker, if an entertainer is a married man — we know already their very limited income — we will find a situation where in 1979 that the poor entertainer particularly has to do a job during the

day and another during the night; but then he finds himself in a situation where the deductions as a married man will be somewhere in the region of \$2,000; and this might constitute a disincentive for him to improve his art and his hours of work and the contribution which he can make in the entertainment industry. It would seem to me that for a married entertainer, the allowance of \$2,000 will be far too small.

Hon. C. L. BOLDEN: Mr. Deputy Speaker, on a point of order. One must not allow this kind of thing to slip into a debate of this nature.

Mr. SPEAKER resumed the Chair.
4.25 p.m.

Hon. C. L. BOLDEN: Mr. Speaker, I was drawing to the attention of the Deputy Speaker a remark being made by the hon. member for St. Michael South Central about tax incentives and tax deductions on a resolution which has nothing whatsoever to do with tax concessions, and I believe, Mr. Speaker, there is a rule in the Standing Orders which prohibits this sort of thing particularly where the hon. member has a Resolution down under Private Members' Business dealing with taxation. I think it is time that somebody should draw to the hon. member's attention that the tax base that was set up by the previous Minister of Finance has not been tampered with or changed since then, and I cannot understand how he is seeking to introduce something into a Resolution because he figures he has just come in here and wants to run this Chamber how he wants to run it.

Dr. HAYNES: Mr. Speaker, if I may continue, all I was trying to establish was that there are a variety of incentives and protective elements which any Government can introduce in order to assist those involved in the entertainment industry. Those who are fortified in the legal aspects and the musical aspects and so on have dealt with this, but what I am trying to do, Mr. Speaker, is to point out that Government also has within its authority to influence the returns on income that entertainers can derive in order that.....

Mr. SPEAKER: This Resolution deals with the recording industry, and not taking in no earnings. That is what this Resolution is about and you are certainly going to stick to that aspect of this Resolution.

Dr. HAYNES: You can be assured, Mr. Speaker, that I will stick only to the general aspects of the Resolution, and as I said before, provided it is recognised that incentives of the kind described by me are desirable, then we are willing to give our support to the Resolution as introduced by the hon. member for St. Philip North, and would urge on Government the introduction of such legislation and such other incentives as are necessary, not excluding tax incentives for the entertainers and the rest

of the people of Barbados in respect of the deductions and a genuine slow up in the rates of income tax. Thank you very much, Mr. Speaker.

Mr. BRADSHAW: Mr. Speaker, for some time I was concerned about.....

GOVERNMENT BUSINESS

Mr. SPEAKER: The time is now 4.30 p.m. It is now Government Business time.

THE MARINE INSURANCE ACT

Mr. SPEAKER: Order No. 2 stands in the name of the Hon. Minister of Communications and Works to move the second reading of a Bill respecting Marine Insurance.

Hon. C. L. BOLDEN: Mr. Speaker, in 1959 the West Indies Federation enacted a Marine Insurance Act, 1959 which lasted until the dissolution of the then Federation, but the Act itself remained in force and continues to be an Act which is applicable in Barbados and in most other West Indian territories except those which have taken the step to have enacted their own legislation. The Federal Acts which was then brought into existence in 1959 followed closely on two Bills taken from the United Kingdom, the Marine Insurance Act, 1906 Cap. 4 of the United Kingdom, and the Marine Insurance Gambling Policies Act, 1909 Cap. 12. These two Acts therefore formed the basis that is said to be consolidated into the Federal Act of 1959 which as I said previously is still an Act under which we are operating in Barbados.

The practice in Barbados with respect to marine insurance even before and after the passage of these two Acts into the Federal Act was to adopt what is known as the prescribed form of policy which is a Lloyds policy and the rules for the construction are set out in the United Kingdom Act of 1906, but it is amazing to think, Mr. Speaker, that some of the rules really do not apply in Barbados at the moment. If I may cite from another Caribbean country, Trinidad and Tobago their law commissioners noted in the 1977 report that the purpose and desire in respect of marine insurance have been to adopt the prescribed form of policy which is a Lloyds policy and the rules for its construction set out in the United Kingdom Act, apparently in the mistaken belief that the United Kingdom Act had the force of law in that state. What we are trying to do in this Act is to enact legislation which can be called Barbados legislation, because previous to the Federal Act of 1959, the policy in Barbados was to operate on what is known in technical terms as the Law of Merchants and the Common Law of England as pursued in Barbados.

For the benefit of the non-lawyers, if I may read a definition of the Law Merchants which will appear in this new Act. It says "The Law Merchants is the usages of merchants and traders in the different departments of trade, ratified by the decision of the Courts of law, which upon such usages being proved before them, have adopted them as settled law — on the wellknown principle of law that, with reference to transactions in the different trades, Courts of law, in giving effect to the contracts and dealings of the parties, will assume that the latter have dealt on the footing of any custom or usage prevailing generally in the particular trade. By this process what was only usage is assimilated into and becomes part of the common law, by being grafted into or being incorporated into that law."

The UK Acts were codified with certain changes out of the common law and practices of the law merchants.

The Act now before the Chamber, Mr. Speaker, follows the Federal Act and there are only basically two amendments that one will find. One is an amendment which took place in the United Kingdom in respect of their Bill which will now be incorporated into this Act, but no notice was taken of it when the change was made in the United Kingdom simply because we did not have a Federal Parliament to make amendments to the Federal Act of 1959, and the second change is that oil has been added as an insurable ship's fuel in addition to coal which used to be the common fuel used back in 1906.
4.35 p.m.

If one follows the present Act which has been circulated as against the Act of 1959 what one would find is that the drafting has been a bit more stylistic, as it is called. They have removed several of the provisos because as the draftsmen have said it has caused several excursions into the law and which recent draftsmen do not believe is necessary and the provisos have been removed and the new Act will show that you have got paragraphs added and subclauses added where provisos appeared previously.

I do not intend, Mr. Speaker, to dwell too long on the principle of the Act because as one draftsman has said it is an intricate and sophisticated bit of law. It belongs to a special group of people and a special group of lawyers, those who practice Marine Insurance and those who are involved in the Shipping Industry. What I hope to do, Mr. Speaker, is to allow a period of time of representation from those who have to deal with this bit of Legislation. Sufficient time will be allowed to elapse so that if there is anything anyone would like to bring to the notice of the Government in enacting of this Bill, whether there are any modifications, if there are any new ideas which they think should be incorporated into this Bill, such representations can be made so that by the

time we get into the Committee stage, all necessary amendments can be incorporated to give what will be a consolidated Bill dealing with Marine Insurance.

I believe in the drafting they have sought to replace certain words like "which" replacing "that", etc., which I understand is modern drafting practice and the usage of modern day English. For the benefit of those who would like to do any research on the Bill most of the material can be obtained from Hallsbury Statute of England, the 3rd Edition, Volume 17 and to a lesser extent from the British Shipping Laws, Volumes 9 and 10, Marine Insurance and Arnold's Volumes I and II.

I do not think there is anything else I can say on the Bill at this stage because as I said it is a very intricate matter. The Bill is very complicated and very sophisticated. The draftsmen have sought to put the Bill in a more readable form without any changes to its efficacy in operation so therefore, Mr. Speaker, I beg to move that this Bill be read a second time.

Mr. ALLEYNE: I beg to second that.

Rt. Hon. E. W. BARROW: This legislation, Mr. Speaker, is one of the ancient ones which is some 75 years old and it is now being put back on the Statute Books in Barbados due to a lapse. It is nobody's fault. Since we have become independent, not only in Barbados, but in a lot of the other Commonwealth former colonial countries, we are still suffering, and I choose my words advisably particularly in the field of Maritime and Aviation matters under Colonial Legislation. I refer specifically to the Merchants Shipping Act of 1894 and the Colonial Air Navigation Act of 1959. I believe under it the Minister could tell you that we are still suffering.

I have raised this matter with our colleagues in the other territories that we should now get together and try to have some kind of uniformity and try to get out of these old colonial type statutes which apply by application and adoption because we ourselves felt that there were not part of our concern 70, 80, or 90 years ago when the Merchant Shipping Act was enacted in England in 1894. We introduced one in 1898 which was about one-tenth of the length of the 1894 Act in England but yet all the provisions of the 1894 Act in England applied to Barbados.

I know that our legal draftsmen are overworked but I think that this matter should be tackled on a regional basis. I think we can try and get together and get some kind of Civil Navigation Act which would be more acceptable and suitable to our situation over here and we should also do something more about the Merchant and Shipping Act. You have given me a great amount of latitude and I have gone far out to sea but I will come back to land now and tell the Minister that we support

the adopting content of this measure but since we are looking at the whole question of Insurance, Marine Insurance is something which I have been very much concerned about since many of our fishermen who lost their boats until comparatively recently could only get redress by bringing a representative action against underwriters or one of the underwriters of Lloyds of England and this is specifically stated in the policies which I used to have.

I spoke with the Chairman of the parent Company in Barbados some years ago and got him to agree. I do not remember if the hon. member who introduced this Bill was in the House at the time that I mentioned it. I got him to agree that they would not issue any policies in Barbados which contained such a repugnant and obnoxious provision. I have not heard of any cases being brought in Barbados but I believe that the situation now is that our fishermen who use the fishing boats, if they are insured, can now of course bring action in this country. There are a lot of matters relating to Marine Insurance which I think we ought to have a look at in the very near future.

I would not say anything more at the moment because the Minister has promised that he will give interesting parties some time to investigate these various possibilities.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, there are a number of interesting points raised by the Leader of the Opposition, Sir, and there are one or two developments which have taken place quite recently in relation to these areas of concern. A new Civil Aviation Bill together with Regulations dealing with such matters as pilots flying time, medical inspection of pilots, safety and certification of engineers have all received the approval of Parliament and that Bill is now in the Attorney General's Office. As part of the arrangement.....

Rt. Hon. E. W. BARROW: On a point of order. The Hon. Minister said that these Bills have received the approval of Parliament. (*Asides*). He means Cabinet because I have no recollection.

Hon. H. B. St. JOHN: I am sorry if I said Parliament, Sir. It is Cabinet and it will soon be in Parliament. We have got some aid from the Canadian Government in the form of a gentleman called Mr. Ryan whose specific responsibility during the time he is here is to draft for us instruments to replace all of those pieces of legislation which are in the Imperial Laws and extend to Barbados. We are trying to replace them all by specific Barbadian Statutes which are of relevance. 4.45 p.m.

The Civil Aviation Bill that we have which has received the approval of Parliament is a modern Bill, and as a matter of fact, more of the law relating to civil aviation

will be contained in regulations than in the substantive Bill itself. We are hoping that together with CATI, the regional agency, that this Bill will form a model for implementation by all the Governments, because it must be appreciated that really and truly in the question of civil aviation in respect of personnel and in respect of administrative officers that no one island can be a closed shop, people will just be transferring for better job opportunities, for promotional opportunities between all of the territories, and this is really one area in which there could be a Convention between the Governments of the area that in respect of personnel in this particular restrictive field there should really be freedom of movement, because we just do not have enough skilled people available to go around for the whole area, but we do hope that the finishing touches to that Bill will be completed by Mr. Ryan and brought before this House at a very very early date, because we recognise that the Air Navigation Order which actually started in 1940 and which has some amendments, the most significant of which was in the fifties, is really out of date. As a matter of fact, in the United Kingdom now there is a new Civil Aviation Act of 1976 and that has brought up to date many of the provisions, and we are in fact penalising some of our airline operators here when they should not be penalised, because of the fact that modern aviation science has developed, engineering has developed and other methods of detection and things like that kind, as well as the question of working hours, so we do take that point.

In respect of merchant shipping, contrary to what you have seen in the newspapers, now that the Port Authority has taken over some functions of the Ministry of Communications' Port Division, it is the intention of Government to set up a special unit using some of the personnel who were involved before in the administrative aspects of shipping to be a special project unit to see to it that within the next two years we have modern merchant shipping legislation in Barbados. Anybody who tries to give a ship's mortgage in Barbados or do a transfer of ship will recognise how out of date our 1894 law is. As a matter of fact, the Registrar of Shipping in Barbados is not anybody in the Port Department, it is not the Registrar of the Supreme Court, it is the Comptroller of Customs. The forms that you have to use are prescribed by the British Board of Trade, and the poor Comptroller of Customs has no access to any Merchant Shipping Acts or any of the forms, so we recognise that and a special project unit will be set up.

Now, there is a Merchant Shipping Bill which was drawn as a regional document which is in circulation, but unfortunately it has been discovered that although all of our territories, with the exception of St. Lucia, has a common law background and an English statutory merchant shipping background, the UNDP Consultant who came here to do that job for CARICOM produced a

draft based upon the Code Napoleon and the Law of the Road. It is really a Greek shipping precedent, and their methods of priority and their procedures are completely different from ours, so it was recognised that that Bill had to be scrapped, but the Government of Trinidad had had a Merchant Shipping Bill which was drawn with Canadian assistance similar to the Canadian Shipping Act which it just borrowed from the common law tradition with the common law priorities which are well known in Barbados, and the rights of arrest and things of that kind, and we are now hoping that Mr. Ryan who was intimately connected with the drafting of the Trinidad Bill, now that he is in Barbados, if we do not have to call on his time with the shortage of draughtsmen to do other things, we will be able to get this. But we do intend to set up a project unit, as the Minister will tell you, dealing purely with merchant shipping.

It is very important, because since 1894 there have been a lot of international Conventions to which we subscribe dealing with such questions as employment, safety, load lines, dealing with loading and unloading procedures and all these international Conventions have to be implemented by way of regulations with the Minister having power when once he has signed the Convention to issue the regulations to implement it, and our Merchant Shipping Act is not cast in that way, so we really cannot carry out our international agreements that we have entered into because of the defect, and this is a matter of urgent priority to Government, and of course the priority will be made more urgent now because of the fact that when we open our new shallow draught facilities as soon as the technical problems are sorted out, there is absolutely no reason why we should not have some sort of regulations in relation to inter-island vessels comparable to at least the regulations they have in the U.K. between the Irish sea trade and the coastal trade in the U.K. Really, we operate now with vessels in which passengers and crew travel and their lives are at stake with no regulation at all. I really cannot find any, the Law of the Ships Registry may have a few, but surely just as we are very careful to ensure that aeroplanes which come here have to satisfy the Director of Civil Aviation about maintenance and things like that, we should definitely be in the same position in relation to passenger and cargo carrying ships.

On the question of marine insurance, great strides have been made in that direction. The Insurance Corporation of Barbados is now undertaking some whole risks, obviously they are re-insuring, so therefore now for the first time we are seeing a development in which at least some of the premium income will remain in Barbados and the risks are ostensibly being kept in Barbados. There is nothing derogatory or anything of that kind in an insurance company accepting ostensibly the whole risk and then laying it off, but hon. members would be aware that in marine insurance it is a field in which a tremen-

dous amount of the risk is laid off. The same thing with marine insurance, no one person decides to takes a jumbo jet, that is split up among all the insurance pools in the world by way of re-insurance, and we feel that a large percentage of the marine insurance can be done in Barbados to save foreign exchange, and that among the regional re-insurance companies some can be laid off, part of the risk can be re-insured, some can go on the London market. There is the Arab market, there is the American market, there are a lot of the international re-insurance markets in the world, and within the Caribbean area too, because Bermuda is now a big re-insurance market area, and that a lot of premiums that formerly went via agents in Barbados straight to London, a greater percentage can be retained.

I believe that because of the Insurance Corporation taking the primary risks in Barbados that there has been some reduction in premiums, a significant reduction in premiums has taken place. We would like to see more of the marine insurance, there is absolutely no reason why if you buy goods abroad instead of letting the forwarder insure them there that you as the consignee cannot insure the goods either and let those premiums remain here, because what happens now is that when you order goods from abroad and they are shipped c.i.f. and they are short landed in Barbados or damaged in Barbados, you then have to negotiate with the agents or the settlement officers here and go abroad and fight abroad, write letters to lawyers abroad and try to collect. I feel that a lot of the consignees in Barbados should undertake to do the insurance right here in Barbados with corporations in Barbados, and when the claims come here by short landing or damage they have somebody right here that they can deal with. They can go down to the Port and show them that they are short landed and we will be keeping premiums, so a lot of development has taken place in this field and this is a non-controversial area.

I do hope that the Ministry will get on with this project unit which we have decided on to get a modern Merchant Shipping Act.
4.55 p.m.

I certainly will undertake to see that there is as much harmony as possible in respect of all of the areas of a modern Merchant Shipping Act. I know that other Governments in the area are very interested in pursuing the matter on a regional basis.

Hon. C. L. BOLDEN: Mr. Speaker, dealing with the matters raised by the Hon. Leader of the Opposition, there is agreement on the need for a regional Merchant Shipping Bill. This decision was taken at the December meeting in Guyana of Ministers responsible for Communications in CARICOM territories. Barbados offered technical assistance in drafting the original Bill so that there could be uniformity among the States of the region.

Over and above this, the Ministry of Communications and Works has decided to step up its project unit, and I gave instructions a month ago to start preparations for a Merchant Shipping Bill in Barbados, for the basic reason that the Bill drafted by Trinidad which is about to be circulated has a lot in it that would be applicable to countries in this region. These matters were taken from the United Kingdom Bill which has been adopted in most of the Commonwealth countries, like Canada, India, New Zealand, Australia, etc. What we are trying to do in this Bill is to produce in conjunction with this Bill a Merchant Shipping Bill which will have as its background the information necessary that the Commonwealth territories in this region will have basically the same Bill.

On the question on reinsurance I believe the Leader of the Opposition will be happy to know that the Insurance Corporation of Barbados is now taking insurance for fishing boats. Under the Government's new plan the Barbados Development Bank is lending money for development of the Fishing Industry, and one of the requirements is that the boats must be insured. The Insurance Corporation of Barbados is now hoping to insure all fishing boats.

During my period in the Ministry of Agriculture, I have had discussions with at least three representatives from foreign countries who came here looking at the number of fishing boats with a view to carrying their insurance; but as the Deputy Prime Minister has said it is very easy to pay your money into an Insurance Company, but when it comes to recovering money that is where the headache begins, and therefore I believe that fishermen in Barbados and those persons interested in marine insurance should look towards a local situation and do their insurance here. I can assure you, Mr. Deputy Speaker, that as far as the Marine Insurance Bill is concerned everyone will have an ample opportunity to look at this Bill and make recommendations and the recommendations will be taken into account.

From what I have seen it would take some time in getting the Bill together, because I think that when you are looking between 1894 and 1979 there is a lot of development in the law between that time that has not been looked at from the Barbados point of view or the Caribbean point of view. One of the recent notes which I have just seen is that with a modern harbour we are completely outside of what is modern legislation when it comes to shipping. The question or recruitment of seamen in Barbados has recently been drawn to my attention, the conditions under which they work has been drawn to my attention; the condition of schooners plying between various territories had been occupying the attention of the CARICOM Secretariat for some time. These are matters which we are now beginning to look at as soon as the necessary groundwork has been done.

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

On the motion of Hon. H. B. St. JOHN seconded by Hon. C. L. BOLDEN, further consideration of the Bill was postponed.

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, this concludes Government Business for today and I beg to move that

this House do now adjourn until Tuesday 24th April, 1979 at 12 o'clock noon.

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

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