

THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 - 81

HOUSE OF ASSEMBLY

Tuesday, 24th July, 1979.

Pursuant to the adjournment, the House of Assembly met at 12.25 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P. (Speaker); Mr. R. St. C. WEEKES, J.P.; Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. C. L. BOLDEN, LL.B., (Minister of Communications and Works); Hon. H. deB. FORDE, S.C., M.A., LL.B., (Attorney General and Minister of External Affairs); 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. B. M. TAITT, M.A.; Hon. L. R. TULL, M.A., (Minister of Education and Culture); Mr. DeL. O. BRADSHAW and Dr. R. L. CHELTENHAM, M.Sc. (Econ.).

Prayers were read.

MINUTES

Mr. SPEAKER: I am advised that the Minutes of Tuesday, 17th July, 1979 were not circulated sufficiently long enough to give hon. members full advantage of examining them. As a consequence we will not be seeking confirmation of those Minutes today.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I have received a notice from the Other Place requesting concurrence of this Honourable House of amendments to:-

1. The Immigration (Amendment) Bill, 1979; and
2. The Off-shore Banking Act, 1979.

PAPERS LAID

Hon. L. R. TULL: Mr. Speaker, I beg to lay the Government of the St. Michael's School Scheme, 1979.

GOVERNMENT NOTICES

Hon. H. B. St. JOHN: Mr. Speaker, on behalf of the Hon. Minister of Finance and Planning I beg to give notice of the following Resolution:-

Resolution to approve the guarantee by the Government of a loan of U.S. \$3,825,000 by the Export Development Corporation of Canada to the Barbados Telephone Co. Ltd.

Hon. L. R. TULL: Mr. Speaker, I beg to give notice of the following Resolutions:-

Resolution to sanction the Government of the St. Michael School Scheme, 1979.

Resolution to grant the sum of \$148,280 from the Consolidated Fund and place it at the disposal of the Government to supplement the Estimates 1979-80, Part I - Current, as shown in the Estimates 1979-80, No. 4, which form the Schedule to the Resolution.

Mr. Speaker, I am asking permission to have these Resolutions dealt with in all their stages today.

Mr. SPEAKER: You are asking to seek leave of the House.

Hon. L. R. TULL: That is correct, Mr. Speaker.

BILLS

Hon. H. B. St. JOHN: On behalf of the Hon. Prime Minister, Mr. Speaker, I beg to give notice of the following Bill:-

A Bill to make provision for the avoidance of conflicts of interest by persons engaged in governing, guiding or administering the public affairs of Barbados and to establish a body to monitor the assets of persons in public life.

Hon. H. deB. FORDE: Mr. Speaker, I beg to give notice of the following Bills:—

A Bill to provide for the more effectual prevention of corruption in Barbados and related matters.

A Bill to prevent the raising of mercenaries in Barbados and to prevent armed incursions into other countries by Barbadians.

PRIVATE MEMBERS' NOTICES

Mr. SPEAKER: The hon. member for St. Lucy his Resolution re: Policy holders of the First Federation Life Insurance Company.

Mr. GREAVES: *Whereas* the First Federation Life Insurance Company has ceased business in Barbados without any provision being made to accommodate the 3,050 Barbadian policyholders and to protect their investments;

And Whereas many of the policies written by the company will begin to mature in 1980;

And Whereas there are a number of claims outstanding on the Company by policyholders for the payment of benefits;

And Whereas this loss will bring about serious financial hardship and extreme disappointment to the policyholders;

And Whereas these said policyholders are from the low income group in this society and therefore cannot afford to suffer this financial setback;

Be It Resolved that this House call on the Government to evolve a scheme to rescue the 3,050 Barbadian policyholders from the plight which now faces them;

And Be It Further Resolved that this House call on the Government to initiate this action without any further delay.

Mr. GREAVES: Mr. Speaker, I indicated to the Leader of the House.....

Mr. SPEAKER: Please. The hon. member must learn something about procedures of the House. Do not try to be clever.

The hon. member for Christ Church East, his Resolution on Human Rights.

Dr. CHELTENHAM: *Whereas* many Caribbean Countries have attained political independence since the collapse and dissolution in 1962 of the first West Indian Federation;

And Whereas citizens of independent territories have by the fact of independence of their countries been deprived of recourse for the resolution of grievances and infringement of rights to an outside umpire or to a wider Caribbean public opinion;

And Whereas it is easy for political leaders in small countries to abuse power and to initiate reigns of terror;

And Whereas it is desirable that citizens of every Caribbean country should have a right of reference and appeal to some regional organisation in respect of any intrusion into or infringement of their basic human rights;

Be It Resolved That this House urge Government to take the initiative in sponsoring such provisions for revision of the Treaty of Chaguaramas as will establish:—

- (a) a code of Human Rights, and
- (b) a Court to hear matters involving violations of the code in (a) at the suit of a citizen of any country which is a signatory to the Treaty.

12.35 p.m.

NOTICES OF QUESTIONS

Mr. SPEAKER: The hon. member for St. Michael South West, his question re corned beef.

Mr. TAITT: Mr. Speaker, I beg to give notice of the following Question:

To ask of the Minister of Agriculture, Food and Consumer Affairs:

1. Is the Minister aware that corned beef emanating from Brazil has been condemned as being injurious to health in other countries?
2. Will the Minister state how much, if any, corned beef has been imported into Barbados during 1979 from Brazil?

Thank you.

FIRST READING OF BILLS

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that a Bill to make provision for the avoidance of conflicts of interest by persons engaged in governing, guiding or administering the public affairs of Barbados

and to establish a body to monitor the assets of persons in public life be now read a first time.

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that the Bribery and Corruption Bill, 1979 be now read a first time.

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that the Foreign Incursions and Mercenaries Bill, 1979 be now read a first time.

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

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

ORDERS OF THE DAY

Hon. H. B. St. JOHN: Mr. Speaker, two matters were returned from the Other Place with amendments, and it is proposed that the Prime Minister deal with the one dealing with immigration. The other matter deals with off-shore banking.

THE IMMIGRATION (AMENDMENT) ACT, 1979

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, in rising to move that the House do concur in the amendments, I would give a very short explanation.

The Bill was amended in Select Committee to restore the right of retired persons to live in Barbados in retirement — retired persons who have sufficient means to maintain themselves — but we left intact in the present Bill the words “citizens or residents”, where what we really mean is that persons who are allowed to come to Barbados to be in retirement should not have the right to work, and this should not cover immigrants, persons who are granted immigrant status. There really would be no point in granting a person immigrant status and telling them they could not work anyhow, because it is in the nature of the new immigrant status that in taking the place of persons who are permitted to reside, so effectively we are excluding from work permit regulations citizens, permanent residents and immigrants, but if they come to Barbados in retirement, that is (b) of the new clause 9 on retirement, they will not be allowed to work.

I may not have explained myself precisely, but the substance of it is that a person who is given immigrant status will not require a work permit, but a person who comes here in retirement will need a work permit. In other words, retired people will not automatically because they have immigrant status be allowed to work not although they had immigrant status but they come in under the section dealing with immigrants, they will not be allowed to work, they would have to apply for work permits if they wanted to work. Residence in retirement is really what will be granted to them.

There was an unfortunate omission of an enabling clause to give effect to the Regulations which were made in 1953.

I beg to move that the House do concur in the amendments from the Other Place.

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

Mr. TAITT: Mr. Speaker, obviously in the light of the explanation of the Prime Minister one would be unlikely to oppose this amendment, but I just wish to ask a question. It seems to me that I cannot distinguish the fine distinction between a permanent resident and an immigrant, because it would seem to me that with the acquisition of immigrant status the person is becoming a permanent resident, but try as I might I cannot think of a permanent resident who would not be an immigrant. I am not sure I understand why there is need to add “citizen, permanent resident or immigrant,” I suspect that originally “or immigrant” might have been taken out for precisely the point that a permanent resident is a definition of immigrant. Of course, citizens are permanent residents — we take that as given — but there may be citizens who live outside of the country.....

I am trying to think of an immigrant who might not be a permanent resident, and I am not sure that I can see the fine distinction between the two. I am not opposing the Bill but I wonder if the Prime Minister could advert to that particular difficulty.

12.45 p.m.

Rt. Hon. J. M. G. M. ADAMS: Responding to the last speaker, Sir, we have redefined the meaning of immigrant, and the hon. member is perfectly right that nobody can become a resident without first being an immigrant. But we have redefined immigrant to correspond more precisely with the North American meaning of landed immigrant, and you will not acquire permanent residence until you have been an immigrant for five years. After being a landed immigrant for five years you will without any further discretion on the part of the Minister become a permanent resident. In Great Britain if you are there for five years you can register as a citizen without going any

further. That is the basic distinction. The importance of keeping the status of immigrant is that during the five years the status of immigrant can be revoked, but after five years and you become a permanent immigrant you cannot be removed except under the very strict conditions under which permanent residence is granted. That is the distinction we have now introduced, but we did not fully recognize it throughout the Act and that is why that small bit was omitted in Section 17 dealing with work permits. It brings our legislation more into line with advanced legislation in countries where our emigrants go, which is chiefly the United States, Canada and Britain.

The question that the House agree with the amendments from the Other Place was put and resolved in the affirmative without division.

AMENDMENT BY SENATE TO BILL RE BANKING AND OTHER BUSINESS

The Item was called – Amendment by the Senate to a Bill to enable certain banking and other business to be carried on from within Barbados in foreign Monies, securities and properties for foreign customers.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, there was an error in the Bill as passed; not an error normally discerned by members of the House. In Clause 28(1) the words "trust company" should have been deleted and the word "licensee" put in its place. The revising Chamber carried out the proper amendment and I beg to move that the House concur with the recommendations of the Other Place.

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I would like to draw to your attention that the Order Paper contains an error in that Item 1 was done last week.

Mr. SPEAKER: I think that the proper thing to do under the circumstances is to move that the Order Paper be amended so that what is now listed as Order No. 2 becomes Order No. 1.

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that Order No. 1 be deleted from the Order Paper and that the remaining Items be renumbered in the same sequence 1 to 5.

Mr. SPEAKER: If there is no object the motion is carried.

BILL TO AMEND THE HIGHWAYS ACT, CAP. 289

Order No. 4 was called – To move the Second Reading of a Bill to amend the Highways Act, Cap. 289.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this arises from the Budgetary Proposals abolishing the annual tax on bicycles and animals. I presume that hon. members digested the proposal which I dealt with in the Budget, and no doubt the 20,000 bicycle owners in Barbados digested it also. I do not know how many owners of animals there are, nor can I give information to the House as to how many of the bicycle owners have taken out the new annual licence or considered that what they paid in the past entitles them to continue in the future or understand the budget to mean that they will not have to pay bicycle licence in the future. But without prejudice to the revenue, – I know the Leader of the Opposition will be down on me if I say anything that implies a serious prejudice to the revenue – I doubt that the officers in the department of Rates and Taxes are going to run behind every bicycle in the country that has not been relicenced, as they would in the case of motor cars. It is true that in future all bicycle licences will be coloured red, so that if you do not have a red licence the police may ask you a question. But we did think that this tax was a petty irritant, and there are almost as many bicycles as private motor cars, and the small amount of revenue brought in only irritated the owners of bicycles, a large proportion of whom are minors.

The animal licence was even more of an irritant. Taxation of animals dates from the last century when animals were very important as a means of communication.

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

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

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

12.55 p.m.

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

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

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

Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

On the motion of Rt. Hon. J. M. G. M. ADAMS seconded by Hon. H. B. ST. JOHN Clause 1 was called and agreed to.

Clause 2 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Clause 2 stand part.

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

Mr. TAITT: Mr. Chairman, I wonder if the Minister is able to tell us what is the position regarding the availability of licence. I think that I saw in one of the newspapers that people who were attempting to licence their bicycles have had some difficulty in getting their licence plates, and they had to ride around with the receipts in their pockets. I also happen to know that in some areas certainly in the Westbury Road area, the odd person was stopped by the odd policeman every now and again. I wonder if the Minister can tell us what is the position. If the licence plates are not available, I think that the Government Information Service should announce that there is a moratorium or whatever is the current phrase for that kind of activity, so that people will not have to go down to the parochial building and not get their licences.

Rt. Hon. J. M. G. M. ADAMS: I am informed, Mr. Chairman, that not only is there an abundance of red licence plates at Oistins in Christ Church, but all over the Island. I do not know what section of the Press the hon. member is taking his information from, but perhaps I understand the wisdom of our predecessors in the House of Assembly in saying that Ministers should not be asked questions whether statements which appear in the Press are true or not.

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

On separate motions of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, clauses 3 to 6 inclusive of the Bill were called and agreed to.

The Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that this be the Schedule to the Bill.

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

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that you do now report to His Honour the Speaker, the passing of one Bill in Committee.

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

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

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

BILL TO AMEND THE STORAGE OF PETROLEUM ACT, CAP. 172

Order No. 6 was called — A Bill to amend the Storage of Petroleum Act, Cap. 172.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this is another Bill arising from budgetary proposals in relation to the price of gasoline and diesel. I do not wish at this stage to make a long speech about petroleum prices; but I think that I should warn members of the House and members of the public that the prices of petroleum products are showing no signs of stabilization; and it seems that in the light of price increases that have occurred since the Budget, that the possibility of reducing prices of petroleum products in September which it appeared to be within reason at the time, will not be realised.

There has been no diminution in the price of petroleum products from OPEC countries and other producers of petroleum. Particularly, we in Barbados are caught with an agreement with Mobil Oil Company to allow the prices of the local refinery which are based on what is known as the Platts oil gram figures for refinery prices in other parts of the Caribbean, and in our case particularly the refineries in Aruba and Curacao. 1.05 p.m.

These refineries are engaged in a battle with the Government of Venezuela where they derive their crude oil, and prices there appear to be rising faster even than the OPEC general price rises. While we are not as badly off as in the United States where gasoline is rationed or as in Israel where gasoline has gone to almost \$US3.00 per gallon, we are still being squeezed by the inexorable upward march of petroleum prices. I do not have to explain in too great length the difficulties that can accrue to the economy if petroleum prices were to go on up the scale any more than it has gone already. I must say, Sir, that I would like to thank and congratulate all those responsible for the organisation of supply of petroleum in this country, the Ministry of Trade and in the private business so far as their comparative restraint over the last twelve months. We have only had one increase in gasoline price in Barbados in some substantial portion of time, certainly only one increase from Budget to Budget, where in some Islands of the Caribbean and I believe in Guyana there have been as

many as four increases since April last year. I cannot possibly promise nor would anybody expect me to promise that there will be no more increases in the price of petroleum before the next Budget. It is simply not in our hands; but I would say this; petroleum was one of the matters which we discussed at the inter-governmental talks in Trinidad, and the Barbados Labour Party stands by its manifesto promise to set up a National Petroleum Corporation which can rationalise and bring into Government hands the distribution, if necessary, of petroleum products in this Island. There are no possibilities which are being ignored. We are examining the Mobil Agreement itself and the pricing formula; we are examining the possibility of obtaining long term contracts for the supply of semi-refined petroleum which is known to the trade as reformat; we are not considering that the refineries in Curacao shall be our source of supply for all time. I certainly would wish myself that we could obtain the reformat on satisfactory terms from within CARICOM. I go no further than that.

Very shortly the House will hear more of this from the Minister of Trade, for Resolutions relating to natural gas and a Bill relating to the National Petroleum Corporation will be coming before the House. Sufficient to say at this point that the Government is aware of the dangers and the pressures; that we are trying our best to do something about it; that we are intensifying our search for domestic sources of petroleum; that we are continuing to ensure that persons who need to use petroleum products professionally, that is, for power generation and for transportation on a commercial level, will obtain these products for recreation and that the search for alternative sources of energy will be continued indeed and intensified.

The National Scientific Council has before it either twelve or fourteen different proposals for energy saving and alternative uses of energy. Some of them, Sir, are simple but important, such as may relate for example to the changing of the windows in the Treasury Building to prevent so much heat getting into the building so as to save on air-conditioning bills. Some are elaborate and long term such as two proposals which relate to the use of the sea around in one form or another as a source of the generation of energy. The first of these relates to the possible use of wave power. The Ministry of Planning has investigated a pilot scheme which is at present in operation in Mauritius which uses the power of waves to fill up large ocean-side reservoirs. I am not going to go into the technical details, but it has been proved feasible in Mauritius and we are looking to see if it could be feasible in parts of Barbados and having low-head hydro-electric generation. This would also have the incidental capacity to provide enclosed bodies of water suitable for sea fish farming. That is one proposal. Another proposal we are looking at is to use temperature differentials in sea water

such as we used as long ago as 1927 I believe at Matanzas Bay in Cuba for the generation of electric power.

This will give some idea of the range of alternative energy use that we are seeking for Barbados. At the same time we are seeking to have better exploitation of our natural gas resources both by distribution of natural gas to householders, expanding and distribution network, and also encouraging the greater use of natural gas by industrial users.

I am very glad that the Minister responsible has just given me the information that we have much reduced wastage of natural gas in the country. At one stage we were having to flare, that is the technical term for letting off gas into the atmosphere, as much as 30 percent of all natural gas being produced in the country, but this is much reduced because we have found ourselves able to sell some of it to the oil refineries and we are encouraging its use for other industrial purposes. So although we have not sought elaborate publicity for I do not believe in raising hope that cannot be satisfied for our pursuit of alternative energy sources and better use of existing sources, the work has been going on and it is being pursued with all the intensity at the command of the Government. It is a policy which has to have short, medium and long-term components. I think the short term components have performed satisfactorily; we certainly are not expanding on the use of gasoline at the present time; that seems to have stabilised. There is some expansion on the use of diesel, but it is interesting to note that the present petroleum output of the wells of Barbados contains enough diesel for the island's present use. We cannot produce enough gasoline from present output and we might in volume produce the amount of fuel oil, but there are difficulties in refining it and it is not precisely the type of oil that is required but we could be self-sufficient in diesel if refinery capacity could be applied to refine diesel and ignore the other by-products, and this is one of the reasons why the use of the diesel is being encouraged.

In the medium term we have constructed two Government buildings which will use the power of the sun for air-conditioning purposes and this will represent a substantial saving.
1.15 p.m.

Only today in my Office I had a meeting relating to the new Port Authority building and I was told today that the electricity bill for the new Port Authority building which is overwhelmingly the cost of air conditioning, Sir, is between \$1,200 and \$1,300 a month; not over two months but \$1,200 to \$1,300 in electricity a month down at the Port Authority.

Hon. members will perhaps understand why we are preparing to make a substantial capital investment in solar air-conditioning for new Government buildings even though the economic return may take as long as 40 years

to work themselves out fully but at least we would not have to import Petroleum to satisfy the air-conditioning needs of those buildings. Air-conditioning in this country, again these are statistics which perhaps are not widely known, consumes over 25% of electricity generated. Over 25% goes in air-conditioning.

In the medium term we are trying to deal with those problems and in the long term we are trying to use wave power, tidal power, wind power and solar power for increasing the extended activity in our energy generation. Sir, the Bill itself is simple and I do not think hon. members would wish me to go into details.

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

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

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

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

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

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

Clauses 1 – 3 were called and passed.

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

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

Order No. 2 was called – to move the Second Reading of a Bill to reform the law relating to domicile.

Hon. H. deB. FORDE: Mr. Speaker, Sir, this Bill seeks to carry out one of the recommendations of the National Commission on the Status of Women in Barbados as set out in their Report both Volumes I and II where they recommended that a married woman be given the right to acquire and retain an independent domicile like any other person of full capacity.

In addition to carrying out that recommendation of the National Commission on the Status of Women, it is one of the steps which the Government will be under-

taking and has been undertaking in carrying out its Manifesto pledges relating to giving women in Barbados equal rights with men. In effect, Mr. Speaker, several segments of that pledge of the pledges have already been carried out.

We have set up a National Commission on the Status of Women, for instance. We have already legislated in relation to granting wives the right of separate assessments in respect of their unearned incomes. We have made certain changes in the citizenship Act and we are now dealing with the whole area of Family Law.

You will also recall that we have already dealt with the aspect of the Law on Marriage and abolished certain limitations which operated against women.

Under the Land Law, we have already abolished certain legal limitation which showed the practices of discrimination against women and it is my pleasure in moving this Bill to say that this is one of the series of measures which will be implemented this year again in the interest of raising the status of women in this country.

Mr. Speaker, the domicile of a person is the concept of common-law, in particular, and it determines a person's legal status in several ways. For instance, it determines the essential validity of a marriage, the mutual support, rights and obligations of husbands and wives, parents to a child, guardians and wards, the effect of marriage on the priority rights of the husband and wives, divorce – the rights of bringing petitions sometimes can be determined by the domicile of the parties – the annulment of marriage, the legitimation and adoption and it also determines the status in relation to Wills of moveable and intestate successors.

A woman was considered under common law, once she was married, as having the domicile of her husband and it did not matter whether the husband abandoned her, or deserted her and went on to other places and changed his domicile from country to country or remained stuck with that domicile until he either died or he chose to divorce her.

1.25 p.m.

This has meant that her capacity to acquire a domicile of choice was limited and that to that extent she remains a dependent person in law. We consider that this is wrong because we have noticed here in Barbados that one of the practical disadvantages is that any effort by a wife to obtain a divorce in Barbados can be frustrated by her husband acquiring a new domicile. The same is not true of the husband. To put it bluntly, he calls the shots and there is very little she can do about it, and hence we have accepted the Bill which seeks to reform this legal

disability and we have taken the opportunity at the same time to provide more equitable treatment for children in relation to the domicile which they acquire.

The clauses are pretty straightforward; clauses 1 and 2 will need no explanation for members of the House. In clause 3 we seek to save the domicile of all persons as determined in accordance with the common law rules. In clause 4 we give retrospective effect to the domicile a person acquires after the commencement of the Act, and in clause 5 we abolish the dependent domicile of a married woman and give her the capacity to acquire an independent domicile regardless of where her marriage is celebrated and where the domicile of the parties was at the time of the marriage. Clause 6 represents a complete statement of the law regarding the domicile of children. In subclause (1) we give a child who is living with his parents the domicile of his father, but in circumstances where the parents are not living together and the child lives with his father, that child has the domicile of the father and will continue to have this domicile until the father is dead or until the child has a home with his mother, or when he becomes an adult and acquires his own domicile. But where a child's parents are not living together and he lives with his mother, then he takes his domicile with his mother, and it seems to us fair, and this is only one of the initial steps towards reforming the law of guardianship, and I trust that certainly within the next twelve months, and I hope by the end of this year, we will have reformed the law dealing with custody and guardianship of children. In subclause (4) of clause 6 we restate the common law rule that a foundling child is domiciled in the country where it is found until the parents of course are recognised.

Clause 7 supplements clause 5, it enables all persons of the age of majority, except persons of unsound mind and minors, to acquire independent domicile. A minor may however acquire an independent domicile upon marriage. Clause 8 ensures that even although after the commencement of the Act a person is capable of acquiring a new domicile he will not be without a domicile as the domicile he has immediately before the commencement of the Act will continue. I consider clause 9 a very important clause as it specifies the circumstances which a person will acquire a new domicile. Under that clause a person will acquire a new domicile in a particular country if he is not domiciled in that particular country, he is capable of having an independent domicile, he is in that country and he intends to live indefinitely in that country. These are essentially the common law rules regarding the acquisition of a domicile of choice.

Clause 10 abolishes the common law rule which states that a person's domicile of origin revives when he abandons his domicile of choice. I think it is necessary to abolish that rule, it is a bit archaic, and of course it has created several problems in dealing with the legal

status of people and their succession to moveables and immoveables and the devolution of moveables and immoveables.

Clause 11 is important, Sir, in that it deals with the question of standard of proof required to show abandonment of the domicile of choice and the acquisition of a new domicile. The standard of proof which before the commencement of the Act was sufficient to show the abandonment of a domicile of choice, the acquisition of the new domicile is sufficient. This means that we have retained the common law standard of proof, and under the common law there is presumption in favour of the continuance of the existing domicile, and the standard of proof required is on a balance of probabilities.

I think that I have tried to explain the main provisions in the Bill. I recall promising the hon. member for St. Philip North, I think at the last Estimates or the Estimates before that, that we would be giving urgent attention to the whole area of reforming family law. One of the matters to which he adverted as is shown in the debates is the law relating to domicile. I have now honoured my promise to him also. I can state that we have circulated to the Bar Association the Bill dealing with the maintenance of children and of spouses, and I trust that that will be ready for introduction into Parliament some time in October, but we have also started work on a comprehensive Bill dealing with family law to carry out the undertakings given by the Government in its Manifesto and also to give effect to the recommendations of the National Commission on the Status of Women. The staff in my office permitting, I will trust that if I get quick reactions to my consultation with the Bar Association and with other interested groups, to have this legislation in the House and passed by both Houses of Parliament before the end of the year, Sir.

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

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

Mr. SIMMONS: Mr. Speaker, it would be remiss of me if I did not say a few words on this Bill. Before I ever came into this House of Assembly I had approached the last Attorney General, Mr. Moe, about amending the Matrimonial Causes Act to facilitate wives who were prevented by the existing law from filing divorce petitions because the common law concept of domicile tied them to their husbands, and very often the husbands were in other jurisdictions and out of Barbados, and the courts of Barbados could not assume jurisdiction. I found that this was bearing very heavily on many Barbadian wives, and a number of them from the St. Peter-St. Lucy area who had married people at the U.S. Naval Facility and then the Marines were posted back to their countries, or left the women in Barbados and went elsewhere, and after

three years which gave them a right to file a petition on the ground of desertion the husbands could not be found. 1.35 p.m.

The courts in Barbados cannot assume jurisdiction to hear the petitions and to free these unfortunate people because of the concept of domicile which ties them to the husbands domicile, and I had several assurances that something would be done to amend the law. It only required amendment at that time to two clauses, but these Clauses had bugged English lawyers for years and an attempt was made in the Matrimonial Act of 1950 to change the law so that deserted wives would be able to file petitions and these laws were further updated in 1965. Since we have been in power I have again drawn this situation to the attention of the hon. Attorney General and I got assurances that the matter would be dealt with. It was my understanding that they wanted to wait until the Commission on the Status of Women had reported before passing the legislation. Now that the Commission has reported I am happy that we have before us a Bill which removes certain anachronisms from the family law of this country which tended to presuppose that husbands and wives are one under the law and led to what is a fiction of the unity of spouses. This piece of legislation is consistent, I believe, with the Government's stated intention and declaration that women must be given equal status as far as possible with men in this country and I am pleased that now the wife has her own separate domicile. We are of course largely following the English legislation of 1973, I think and we are far from exacerbating the problem that existed; indeed we are alleviating it.

The Bill is small but it is far reaching, in my submission. I am pleased to see this revival of the doctrine of domicile as a separate matter for husbands and wives, but it means we will have to go back to the causes because at one time domicile was so important in family law and in international law that there was a feeling on the part of Judges that the standard of proof required was the one beyond reasonable doubt. It is now agreed that the standard of proof required is the balance of probability and I am only sorry that this is not written into the Act.

Mr. Speaker, I wish at this stage to congratulate the Government on this legislation. I think it is enhancing the freedom of families in this country and I think it will prove of substantial benefit to many married women who have had unhappy marriages and are married to non-Barbadians who consider their domicile not Barbados. It is in its own way a fundamental piece of legislation on the concept of women's rights in this country.

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. deB. FORDE, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and

the House went into Committee on the Bill. Mr. ODLE in the Chair.

Clauses 1 to 13 inclusive were called and passed. 1.45 p.m.

Hon. H. deB. FORDE: I beg to move that the Schedule be the Schedule to the Bill.

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

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

Hon. H. deB. FORDE: I beg to move that you do now report to His Honour the Speaker the passing of one Bill in Committee.

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

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

Mr. CHAIRMAN reported, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. deB. FORDE seconded in each case by Hon. L. S. CRAIG the Bill was read a third time and passed.

BILL TO REFORM THE LAW RELATING TO CHILDREN

Order No. 3 was called — A Bill to reform the law relating to children providing for their equal status.

Hon. H. deB. FORDE: Mr. Speaker, I really feel extremely happy in moving what is the most important, if not one of the most important bits of social legislation ever to come before the Parliament of Barbados. This Bill simply abolishes once and for all time the status of bastardy in this country. (*Cheers*). If persons in future are going to be called bastards, it will no longer have the disadvantage attached to it.

This is an important piece of legislation, because it affects a large number of people in this country who have been discriminated against in our laws ever since Barbados was settled. Statistics show that between 1921 and 1923 the right of illegitimacy stood at 68%. By 1946, it was 53.8%. By 1956 it was 52.3%. By 1966 it was 68% and by 1975 it was 74.95%. My information is that in 1978 it was in excess of 75%.

There is no doubt that a substantial majority of people born in this country are born out of wedlock; and no matter what moralistic view we may attach to the circumstances giving rise to this, it must be acknowledged

that a law which continues to discriminate in this way against a massive part of its citizens must be totally unsatisfactory on almost every ground; and so, Sir, we have decided to carry out one of the firm pledges contained in our manifesto, the manifesto of the Barbados Labour Party; and in doing so, we have done so boldly.

I should wish to quote the words contained in the manifesto of 1976, and this is what we said then: "Much as the Barbados Labour Party subscribes to the Christian teachings relating to marriage, the party supports as strongly the principle that the nation must make equal provision for all its children, whether or not born in wedlock. Although the Succession Act 1975 has gone some way towards this end, it is the view of many lawyers that some of its provisions are very likely to lead to expensive unpleasant and time-consuming litigation. It is proposed to have a full review of this and related legislation and a new and comprehensive Status of Children Bill will be enacted to confer equal rights on all children, whether born in wedlock or not."

That was a serious pledge, taken seriously, and being offered with solemnity and a great deal of humility on our part. We are happy to have been given the opportunity to enact this substantial and radical change in legislation in Barbados; because, a radical reform it is, Mr. Speaker, make no doubt about that.

Only a few weeks ago the Law Commission in England gave its backing to a similar move to abolish legitimacy; but it will take the United Kingdom several years before their legislation even gets on the Statute Book. It is significant that in 1966 the Law Reform Commission in England came out on moral grounds against such legislation. It has now reversed itself. We have been very positive and very clear as to where we should go; and indeed the point of view which we put forward received the approval of the National Commission on the Status of Women, who in their report, particularly in Volume 2, at Page 536, set out clearly the statistics showing the waste of illegitimacy and the inequities which have been attached to children born of a putative relationship between some two parents.

Sir, the legal disabilities are highly questionable and completely undesirable; and therefore we considered that even ahead of the complete overlook of the law, we should give an early start to this recommendation.

1.55 p.m.

The judges have from time to time adverted to the disabilities suffered by children born out of wedlock. Sir, I will take the case of *re Lewis*, a case decided in these courts where the father of a child born out of wedlock sought to obtain custody of that child and the facts were such that in the circumstances he may have been the better person to whom to grant custody, but the Judge found himself so bound by the English common law rules

that he followed the decision while saying that not to give custody was saying that it was a matter for Parliament to deal with that matter. The decision in *re Lewis* was dealt with by the National Commission on the Status of Women and the Commission in recommendation 18(35) and (36) made positive suggestions for getting rid of this disability. It said that the Commission recommends that legislation be enacted to remove the disabilities of children born out of wedlock; subject to recognition of paternity such children will then fall within the general maintenance provisions. The Commission recommends that the Minor's Act be amended to give equal rights to both parents, and the Commission also recommends that consideration should be given to the effect of this *re Lewis* decision and provision be made to enable custody and other related proceedings more readily to be brought before the Court in respect of illegitimate children. This was not the only disability.

You will recall that in the passage which I adopted from the manifesto of the Barbados Labour Party I said that the Succession Act, although some advance on the then existing situation, was time consuming and could lead to litigation which would frustrate eventually the interest of children born out of wedlock. A recent decision in the High Court bears out every word we have said on this. It is a decision in the case called *Burrowes and Atwell* in which there was no doubt that for fifteen years by conduct the father had shown that this girl was his daughter, but the daughter could not satisfy the Court that there was either an order for paternity to be made against him in the Court or he had acknowledged in writing in a sworn affidavit that he was her father, and therefore his estate has fallen to be divided between his brothers and sisters, and the girl, his daughter after fifteen years whom he had looked after, could get no assistance from his estate in these circumstances.

Now I am not contesting the correctness of the decision in *Burrowes and Atwell* at all. I believe that given the circumstances of this case and the evidence before the Court that the Judge was entitled to come to that decision. What we are saying is that the conditions contained in the Succession Act made it difficult, although less difficult than it has been before the Succession Act, for children to prove their paternity, and if one wanted really to deal with that issue of equal treatment of children whether born within or without a union, one had to bring an over-all Bill such as this dealing with the matter.

Before I explain the provisions of the Bill in greater detail, let me just say this: We have amended in the Schedule of the Act a series of Bill and other bits of legislation in order to make sure that those particular Acts reflect the law as it will be after this Bill goes through its normal legislative stages. There are however a few Bills including the Succession Act and also the Regis-

tration of Births and Baptisms Act which are being amended, the amendments of which will reach this House shortly and certainly ahead of the proclamation of this bit of legislation by His Excellency the Governor-General. I would have hoped to be in a position to bring the Bill amending the Succession Act with me today, but we have had a long consultation with the Judges and the Bar Association on that particular amending legislation, because we are taking the opportunity to tidy up certain legal anomalies which have occurred as a result of that bit of legislation.

Mr. Speaker, the three main areas with which this Bill deals are the conferment of equal legal status on all children and the consequences which go with such status; the establishment of paternity, the presumptions which apply in those circumstances and transitory provisions which will deal with the change over from one legal regime to another. Clause 3 of the Bill is an important Clause. It is declaratory and it declares to remove all the status of illegitimacy in terms of the abolition of that status and the creation of the equal status of all children. In Clause 4 this provision follows Clause 3.

Mr. SPEAKER: I should just like to enquire from the Hon. Minister if he will finish in another minute.

Hon. H. deB. FORDE: It will take me sometime, so I think at this stage we could take lunch.

SUSPENSION OF SITTING

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

On Resumption

Mr. SPEAKER: This Sitting is now resumed.

QUESTION TIME

Mr. SPEAKER: It is now Question time. I am advised that there are no Replies to Questions.

PRIVATE MEMBERS' BUSINESS

Mr. SPEAKER: It is now Private Members' Business.

Mr. GREAVES: Mr. Speaker, inasmuch as we are now into Private Members' Business I would like to find out if I could be given the opportunity at this stage to begin the debate on the Resolution which I submitted to the Leader of this House.

Mr. SPEAKER: According to procedure, there is nothing on the Order Paper.

GOVERNMENT BUSINESS

Hon. H. deB. FORDE: Mr. Speaker, at the time of the Suspension of the House I was explaining the Clauses in the Status of the Children's Bill. I said, Mr. Speaker, that Clause 3 abolishes the status of illegitimacy and creates equal status for all children irrespective of whether they are borned within or outside of marriage or adopted.

Clause 3 has very wide implications, Sir, as it establishes the rule to which all enactments and rules of Law are subject in so far as they concern children and it also establishes the rule for the determination of a child's parents. In future when the word "parent" is used under an Act of Parliament it means the natural parents of a person for the future and there is no presumption that it deals only with the parent of a child borned under marriage.

Clause 4 sets out the rule to be followed in determining the relationship subsequent to the provisions of Clause 3. In other words, when the term brother is used it means a brother of the blood, not only a brother-in-law, in legal language so to speak.

Clause 5 complements Clauses 3 and 4 in that it devises a rule of construction for determining the relationship by blood or marriage.

Clause 6 deals with the application of the Act and it states that the Act applies to all brothers whether borned about or after the commencement of the Act, but I must stress this point. It does not give retrospective effect to dispositions made prior to the commencement of the Act. Let me explain it, Sir. A person who has died leaving his property to his children without naming them and his will has already been lodged in the Registry and is being probated, we cannot ex post facto now include children borned outside of wedlock unless he has specifically provided for them.

In the future, anyone making a Will from the day this Act comes into being once he uses the expression "children" will be taken to have included all of his children whether borned with or without marriage and it is intended, as I have said earlier, to bring down legislation amending the Succession Act so that in future all children will be treated as children of their parents and there will be no discrimination as to how they take on the estate of their parents except insofar as their parents may, by their own voluntary will, either by deed or by will make a distinction between those children.

Clause 7 is a very important Clause, Sir, because no matter what provisions we would have put into this Bill, there would have been some declarations of good intentions unless we took positive steps to provide legal procedures whereby children would be assisted in establishing their

paternity and I consider Clause 7 to be one of the most important provisions in this Bill. It says that presumption of paternity will be established along certain lines. These are the presumptions, Sir.

"A person was married to the mother of the child at the time of its birth;

the person was married to the mother of the child and that marriage was terminated by death or judgment of nullity within 280 days before the birth of the child or by divorce where the decree nisi was granted within 280 days before the birth of the child;"

There is a presumption; a rebuttable presumption that in such circumstances the person is the father.

"The person marries the mother of the child after the birth of the child and acknowledges that he is the natural father;

The person was cohabiting with the mother of the child in a relationship of some permanence at the time of the birth of the child or the child is born within 280 days after they ceased to cohabit."

I want to lay some stress on this particular presumption. It is necessary, Sir. One of the problems in our social history is to see a number of women who still have to go to the Courts day in and day out arguing as to who is the child's father and even when they have managed against the most legal of cross examination to establish who is the child's father, having the problem of making that father support his child. It is complex to our social history. We can do something in law to remove this stigma but it will still remain within the community as a whole and for fathers in particular to recognise that they just cannot cohabit with a woman, get her pregnant, leave her with the problems and not carry out his natural responsibility.

To the best of our ability as Parliamentarians and now to the best of our ability as the Government we will try to make the legal machinery as tight and as tough as possible to deal with men who do not want to carry out their responsibilities to their children and their families. That is why this particular provision is in and we hope that people who live in common law unions particularly will find it of some tremendous assistance and benefit for them.

I have said before and I will repeat it very quickly for the benefit of the House. We intend to bring the Maintenance Act down shortly which will improve as well the position of children. They will be treated equally for the amount of maintenance. What is more, women who

are in common law unions of permanence with men and men for that matter with common law unions with women, will be able to get support in the circumstances. That will be in Parliament within the next couple of months. It will not be in two months, Sir, but I hope before the end of the year.

The other presumption that we have got, Sir, are persons who have been adjudged or recognised in their life time by a Court of competent jurisdiction to be a father of a child. That is also obvious so that the presumption is there. If a person swears an Affidavit before a Justice of Peace or a Notary Public or any documents attested saying that he is the father of the child, that raises the presumption that he is and if the person acknowledges in the Registry the birth of the child that he is the father of the child that too raises the presumption.

As I said before, I will be bringing a separate Bill shortly before Parliament up-dating the provisions for the registration of Birth, Marriage and Death and I am considering whether or not it would be necessary to continue the registration of Baptism. I think that will be left to the Church. There is really no legal necessity for it today.

Then we have the situation where a mother of a child and a person acknowledging that he is the father of the child has signed a Deed to this effect and the Deed has been recorded. I want to point out here that there are such things but there are not always existing legislature enough even for proof and that another presumption will arise where a person who is alleged to be the father gave his written consent to the child adopting his name in accordance with the law relating to the change of name. Here again I will like to tell members of the House that we will, as far as the overall reform of Family Law will be bringing a Change of Name Bill before the House. It is in its final stages of being prepared for Cabinet at this time and that, Sir, is the other presumption. I consider this to be one of the most important presumptions.

2.55 p.m.

"A person who is alleged to be the father of the child has by his conduct implicitly and consistently acknowledged that he is the father of the child." This provision is a novel provision in the laws of any Commonwealth country, it does not exist in the laws, for instance, of parts of the States, Wisconsin, Australia, New Zealand or Jamaica, but we consider it most important having regard to the decision that I referred to earlier in *Burrowes and Atwell* where this man had for 15 years by his outward conduct treated the child as his child, and he died, and it was impossible for that child to establish, given the present presumptions and legal provisions in our legislation in the common law, that she was the child of

her natural father, and we sought to correct this hiatus in the law by a specific provision which deals with the matter.

These presumptions are necessary for a number of reasons. I am not going to give all the reasons to the House, but they are necessary to expedite legal proceedings by making the introduction of further evidence unnecessary where the issue is not seriously disputed. They are necessary too to avoid a procedural impasse where evidence of the existence or non-existence of the presumed fact is lacking, they are necessary to facilitate the *de facto* or the general recognition of paternity, and they are necessary to provide evidence where the presumed fact lies with the fact of one or other of the parties.

I consider clause 7 extremely important and I hope that hon. members will look at the provisions very carefully. Clause 8 seeks to establish paternity in any circumstance of a void marriage; clauses 9 and 10 enable applications to be made to the High Court for declarations of paternity to be dealt with. Clause 11 permits a man to file a declaration of paternity with the Registrar, we have inserted clause 12 out of an abundance of caution to codify a common law evidence rule regarding declarations against interest. This clause, I believe, will supplement proof of paternity in the circumstances set out in clause 7. Clause 13 is the machinery for the introduction of new evidence relating to paternity, and clause 14 provides a whole procedure in respect of declaration of paternity under clauses 8 and 9.

Clause 15 is the blood test clause. That allows the court to order that the child and the father should have blood tests done, and the blood tests provide some evidence, not conclusive evidence, like any other bit of evidence for the court to determine whether or not the presumption is established. Clause 16 allows the Judicial Advisory Council to make rules dealing with the question of blood tests, etc. and clause 17 removes doubts regarding the positions made prior to the Bill. Clause 18 removes doubts regarding amendments to the prior registration, and clause 19 deals with repeals.

I have gone through to some extent the main provisions of this Bill because I think it is important that hon. members should pay some attention to them in detail. Let me finally Sir in winding up my introduction on the second reading advert to perhaps what is a well known fact, but nevertheless we should state it. No matter how well we provide the law can do no more than indirectly effect the social prejudices of people. It is left to the people themselves in order to give some living reality to the law, and I take this opportunity to appeal once again to the men of Barbados not to fail to acknowledge who are their children. In 99.9% of cases a person knows who is his or her mother. The only set of

cases that this may not occur is the instances of foundling children, but there are still too many cases in which people do now know who their fathers are, because fathers are always loathe to come forward and our womenfolk are exposed to the calumny of rigorous cross-examination.

Those who may have some lingering doubts about the necessity to go as far as blood tests would recognise that the blood test deals with the ants' next type of case. I heard it being said *sotto voce* that the problem sometimes is that the woman may have more than one man, so the blood test will help here. The problem is sometimes the man may have more than one woman and he goes around as well getting a series of children all over the place and failing to support them or to acknowledge them. I am not saying that there is fundamentally constitutionally anything wrong for a man to have more than one woman, what I am saying is that he has an obligation to face up to the consequences where children are produced from that sort of situation. Therefore, we must try in circumstances such as these to give the women the props and the support which they need, and that is why this is a radical piece of legislation, Sir, and we will bring all the other bits of legislation dealing with family law, maintenance provisions, divorce provisions, property rights; all will come down in a massive reform of family law. We believe that in the long run this type of legislation will strengthen rather than weaken the true concept of the family, not the assumed concept of the family that would have us castigate 70% of our people as not belonging to a family merely because their parents happened to have got them out of wedlock. We believe that the true concept of the family demands this type of legislation, and that is why I said today, Mr. Speaker, that it is an important Bill.

I know how much when you were in Opposition you had spoken with feeling on this issue of the poor women who have a hard time getting their children acknowledged. I sat down and listened to you over there, and at least, Sir, it is my pleasure — I am sorry you cannot yourself make one of your well known emotive and heart-feeling speeches on an issue such as this — but I consider this an important bit of legislation today and I hope that the country will accept it as such.

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

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

Mr. TAITT: Mr. Speaker, in rising to lend my support and the support of my colleagues on this side to the passage of this Bill through this Hon. House, I would merely say at the outset that I regret that the Hon. Attorney General in introducing what he truly described as a radical piece of legislation, a fundamentally important piece of legislation, took this opportunity to

partisanise it, if you will pardon the word, Mr. Speaker, in suggesting that this piece of legislation might in fact be claimed as the property of a particular political party.
3.05 p.m.

I do not intend to spend a lot of time on that except to say that I believe I am absolutely correct that this is a measure which transcends differences between political parties and that in this Honourable House on both sides there are hon. members who must feel happy to see that the day has finally arrived in Barbados when we are going to accept that all children are merely children, that all children are equal and that indeed whether one believes in God or not it would be inherently wrong to suggest that in the sight of God one child should be different from another merely because it was born in different circumstances.

Mr. Speaker, the only thing that is wrong with this legislation is that perhaps the wheels of the administrative machinery turn so slowly that this Bill may very well have come some twenty years later than it should have. When the Succession Act was passed in 1975, I think it is fair to say that it was an indication that finally in Barbados political people, people of the lower middle class and the upper middle class in Barbados were prepared to face certain issues head-on and deal with them at the level of moral integrity. The working class people of this country have not chosen to be in the state that they are in, and at the risk of repeating facts that are well known I would like very briefly to remind my colleagues in this Honourable House of the circumstances through which most of the people in this country came to be at the stage they now find themselves.

Mr. Speaker, the major stumbling block to this kind of legislation has been allegedly those who represent one aspect or other of the Faith. It is a well known fact that it is only in the last quarter of the century or so that we in the Caribbean have seen the emergence of what may be termed a West Indian theology. Prior to that all of the concepts and the entire theology practised in the Caribbean was a theology imported from outside the region and accepted and adopted blindly and completely. The history of the countries which are alleged to have been discovered by Columbus is an entirely different history from that of the Caribbean itself. More than 95% of the people who live in this Barbados can be seen to have descended from African ancestry. The other 5% may or may not have touches of such ancestry, but the fact is that in the original establishment of this Barbados our ancestors were not considered in the context of wedlock. It would be trite to reflect on slavery and go through a long historical account of all the horrors of slavery. I do not think I need to detain this House with that simplistic but sometimes forgotten history. It must not be forgotten that from 1625 or 1627 when Barbados is said to have been peopled, until up to the second half of the 18th century, there was

no Christianity for the slaves or the descendants of slaves. There was no wedlock; indeed it was illegal for black people to marry if they were slaves. They were considered chattel and in the context of the United States they were deemed to be three-fifths of a man. It is therefore unacceptable when you read and hear of the theological basis on which illegitimacy arose to see people talking about and accepting up to this day the concept of illegitimate children because those children were born out of wedlock.

Mr. Speaker, wedlock has been nothing more in terms of our history than the bringing of a particular system from another part of the world and imposing it some time after the turn of the 19th century on the people of this country. And as the hon. Attorney General has said, fully 70% of the people in Barbados have not yet been brought around to the concept of marriage and, Mr. Speaker, those who marry to a large extent marry for social reasons. It has been demonstrated by West Indian sociologists priests and scholars that those who marry in the West Indies marry primarily for social reasons, partly for social status, and the concept of family is not wedded to the concept of marriage except in the minds of a relatively small percentage. When the first attempts were made to transform the then slaves into Christians, this was done in a dogmatic manner; it was done in a way which led the then slaves to cast away all that they had brought with them by way of their own history and culture. One thing that stayed was the African concept of the family, and to a large extent the so-called common-law union in the Caribbean has demonstrated itself to be a sounder and fuller union. It is as a result of that kind of fact that clerics in the Caribbean started in the last twenty five years or so to look at the theology and start arriving at a position which put the community on train towards the social legislation which we have seen in the Succession Act and which we see here today in this piece of legislation.

Mr. Speaker, there has been — especially soon after the Succession Act was passed — a number of cries from politicians in this country that such an Act was detrimental to the family and detrimental to Christian teaching and to the concept of a proper upbringing.
3.15 p.m.

I recall the Dean of St. Michael's Cathedral in a well publicised sermon inveighing against the concept of the common law union; and I am sure, Mr. Speaker, that you will recall that what he had to say was only an expression of the old days when persons who were born out of wedlock could not be baptised in the church on the same day as those who were born in wedlock. Mr. Speaker, if you happened to have grown up in a village like the one I grew up in, Fairfield Village in Eagle Hall, near Black Rock, you will have become aware of the stable relationships between men and women who, out of wedlock, successfully reared and produced families that have adorned this country of Barbados for the last five

years or so. People who have turned Barbados into a veritable paradise.

I refer to persons from all walks of life. Persons who have gone to Ph.Ds. and some have become priests. Some have become doctors, and one or two might even have become legislators; but the fact remains that because of the family relationships in that village, a village representative of villages throughout the whole of Barbados, a stigma descended upon us. Some of that stigma may have lasted throughout the lives of these people and indeed I well remember when I was at elementary school, a school which was supposed to be one of the best, Wesley Hall, I remember the public humiliation of a person who has succeeded in becoming a very prominent Barbadian. I recall the public humiliation when an unthinking, unfeeling, uneducated teacher indicated that the problem of this young man was that his mother was not married to his father, even though this man and woman had lived together, and eventually after 52 years, he did marry the woman in the evening of his days; but he married her because he wanted to make her socially respectable before he died.

I remember a former member for the City in this House who used to make it a point to gather a number of people from the Eagle Hall and Bay Street areas and say to them "you must marry this woman and make her respectable." I believe that he did it out of an abundance of good will; but it is an indication of the attitude through which many of the people of this country had to pass in order to survive. We knew it in the church. We knew it in the class room and in every single walk of life; and indeed it was not too long ago when people in the Civil Service and teachers could not get promotion if in fact they happened to get pregnant without the benefit of the marriage ring.

Some of these things, Mr. Speaker, are not always remembered in Barbados by people who ought to remember them; and I have continued to wonder why it took so long for legislation like the Succession Act and now this piece of legislation to come along. Mr. Speaker, the setting up of the Commission on the Status of Women, the passage of the Succession Act and a number of other pieces of social legislation was an indication of the turn of attitudes in the 1960s. We have seen a progression of these ideas, until now, today, we can hear the Attorney General say that he intends to bring in legislation to fulfill the recommendations of the Commission which was established under both regimes on the status of women. (*Asides*) If members on the other side want to claim the credit for having established the Commission, they can take full credit; but I think that the Attorney General himself will admit that on taking office he found that such a Commission had been set up.

Mr. Speaker, let me not try to take any credit away from them. As far as I am concerned, if the legislation

was brought in by some foreign government, as long as the legislation will produce what this legislation seeks to produce I will support it; and I think that all men of goodwill in this community will support it. I seek no share in, or ask for any kudos for supporting it, because I support it from deep inside my heart; and I hope that for example the Dean of St. Michael Cathedral will find it possible to support this piece of legislation. I look forward to hearing him in a sermon supporting this piece of legislation.

I sit on the Synod where that gentleman sits as well; and on more than one occasion when this question of the West Indian family in its full state has come up, on each occasion the position taken has been one based on an old and decrepit theology. I hope that we can look forward — I hear the Hon. Attorney General reminding me that he is an Anglican. I say with a measure of deep pride that I also am an Anglican; and I hope that he is the kind of Anglican that I am, and that he differs substantially from the position of the Dean of St. Michael's Cathedral, on the issues of the social movement of the vast majority of the people of this country. (*Asides*).

Mr. Speaker, I am hoping that we will see a progressive attitude brought to bear on the area of divorce. I look forward to the time when my Church will not hide behind the concept of letting the Methodists marry those who are divorced and then deal only with the issue of whether they should go to communion. I believe that all Churches in this community should face the issue of broken homes where a marriage has irretrievably broken down; and that all Churches, all Pastors, all Counsellors will recognise the inherent responsibility that they have to deal with the issue four square.

I believe that it is wrong for the largest denomination in this community to continue to hide behind the concept that it can only deal with whether a remarried person can be admitted to communion when, in fact it refuses to deal with the fundamental question of the remarried person *per se*. I say that when a marriage has irretrievably broken down, and when there are children involved, the issue cannot be left for somebody else to solve it.

Many decent women — and most of the women in this country are decent women — have been married to a man for a short time who passed through and left; and they had to choose between the Anglican Faith or the possibility of not being remarried. They have had to go over to the Methodists.

3.25 p.m.

Fortunately, Mr. Speaker, the Methodists are now saying that they will only remarry their own and I think if that is carried to its logical conclusion perhaps it will

force the hierarchy in the Anglican Church to deal with this issue in a fundamental way.

I think, Mr. Speaker, that the concept of a common law union should really disappear because to talk about common law union in my view suggests that the Union is somehow different. Mr. Speaker, it is well known theology that if two persons truly and earnestly wish to live with each other, that according to theology those two persons are married into the sight of God, and furthermore, Mr. Speaker, that the children from the union are the children of God like all the other children. I would like to see the day when the concept of the common law union itself would disappear, but I hope, Mr. Speaker, that we will no longer ever with the passage of this piece of legislation hear anyone talking about illegitimate children. I have always contended that there have been no illegitimate children; there may have been illegitimate parents, but no illegitimate children. No child has ever asked to be born. The parents who act irresponsibly, the parents who did not know any better, and I think that the Attorney General will be the first to acknowledge that a number of the men who took a bad beating as having acted irresponsibly, turned out to be no more than young people who did not know any better and who have been trained in that way.

It is a fact in this community, Mr. Speaker, as in all West Indian communities, that men are trained psychologically to believe that producing a lot of children is an indication of manhood. That is a psychological and sociological position in this community, and indeed in the Caribbean, and I do not think that we ought merely to castigate them and not look at the root cause. We need to have a programme of re-education at the level where men growing up in households can come to understand that responsibility as described by the Attorney General and others from time to time forms part of being a man. It is still something to be laughed at in Barbados if a man is seen in the supermarket assisting his wife or indeed shopping for her, and yet, Mr. Speaker, when we leave Barbados and we go to the United States or wherever, it follows naturally that we would go into the supermarket and shop for her. It is still considered somehow effeminate for a man in Barbados to don an apron and go into the kitchen and cook, but even worse, Mr. Speaker, to be seen washing up the wares after the meal, is considered to be a form of effeminacy. Mr. Speaker, these are teachings and training which form part of our cultural heritage. We are going to have to eradicate those, not tomorrow; we cannot do it tomorrow; we have got to start with our young children. We have got to let our young boys know that while playing cricket, fishing, running and climbing trees are all manly things to do, that assisting in the household with the day to day chores are also part of the manly things to do. There are some persons who will find that extremely difficult to accept, and we must not con-

demn them because, Mr. Speaker, in the end we are all products of our own cultural situation.

I hope that we can join together as responsible people and that we will not seek to gain narrow partisan political approbation on issues such as this one. I believe, Mr. Speaker, I have read some of your own statements on issues such as these, and I believe you share the view that there is no Barbados Labour Party or Democratic Labour Party way when it comes to the welfare of especially the young people of this community, to say nothing of the old people as my friend, the hon. member for St. James has reminded me. When it comes to looking after those who need to be looked after in this community, there ought to be no partisan way of seeing it, and I say that without fear.

Mr. Speaker, I maintain that we as responsible people in this community have an extra special duty, and especially in this Honourable House, that duty is paramount: that we should let it be seen by all and sundry, we should let it be seen by those in the Church, we should let it be seen by those who are responsible in the community, we should let it be seen that there are certain issues on which there will be no political gain on the one hand or on the other to turn against those issues.

Mr. Speaker, the Attorney General touched lightly on Clause 7, the establishment of paternity. I do not intend to discuss this in detail as indeed I cannot, but just a word on the broad concept of the establishment of paternity. I hope that in our quest to do the right thing that we will not bend so far over the other side that in protecting the rights of children so-called born out of wedlock, we do not go to the other extreme and take away any of the rights of those described as fathers. I think that Clause 7 has been framed with the best of intentions, and I applaud the concept in Clause 7, but, Mr. Speaker, especially with your permission, that clause which refers to "implicitly and consistently acknowledged", I am fairly concerned that that is going to lead to some very interesting litigation. Is a person who is consistently kind or implicitly kind the father of one of the children of that family? These are some of the issues that are bound to arise, and I hope that the Attorney General, by way of indicating what is the thinking of the Government, will expand on this aspect so that there can be no doubt in the minds of persons as to what is meant or what is intended.

Needless to say, Mr. Speaker, in the final analysis that will be determined in the Courts and none of us here would deign to remove such consideration from the Courts. But to take the case considered in Barbados to be a case of the miscarriage of natural justice, not the miscarriage of justice in the sense that the Judge did something that ought not to have been done, but that something happened that offends the sense of natural justice

of most of us in this community. It is like if I have been accepting a so-called outside child, everybody knows it is my child. I tell everybody it is my child, but I never sat down and wrote it out in a particular way that it is my child, and if I have no money, Mr. Speaker, and I die, there is no problem. If however, Mr. Speaker, I happen by whatever means to have acquired a couple of hundred thousand dollars, at the moment when my eyes should have closed all my sweet relatives descend from everywhere, they know me suddenly, brother, sister, cousin, aunt, the whole crowd of them, and my daughter or son who is my own flesh and blood will find himself or herself at the mercies of the competence or otherwise of a particular lawyer if he or she is lucky enough to be able to get such a lawyer.

3.35 p.m.

My own flesh and blood may end up being a menace to the community while that community knows in itself that a fundamental injustice has been done to that particular individual. The attempts on the part of the Attorney General, and here I am sure he will not mind if I pay some credit to the men and women working in his Department because while the Minister must take the credit, it is a fact that those persons working in the Department of the Attorney General are the ones who have had to find ways and means of expressing the whole thing. (*Asides*). They have been directed no doubt but they have come up with the answers. I hope that it is done so that it will work.

I look forward to seeing it tested in the Courts when the time should have come but I know that at least those men who have children who are embarrassed by the fact that to own those children will ruin their social position, and, Mr. Speaker, that this is something which maybe gainsay. They are many men, I believe, who would love to own their children but who are constantly having to choose between doing what is inherently right in owning the child and reaping the ostracisms, if you will, of their social equals for having done what all or many of their social equals would have done by having made the error of being good.

I believe the hon. member for the City once put this very aptly in a paper which was prepared called "The Legal Aspects of Marriage in Barbados". I do not intend to quote it but I think that what we need to do along with this kind of legislation is to bring about some change in our social attitudes to those who stand up to their responsibility.

Mr. Speaker, I have spoken at some length on this issue because I believe that it is a fundamental issue and I feel that it would have been wrong for me coming as I do from where I came to sit in this Honourable House when this piece of legislation was going through and "not

uttering the thought," to quote the Poem "that arose in me."

I shall support this legislation and I shall look forward to the Government bringing down the rest of legislation which will finally once and for all free those from the working classes, the poor people of this country, from the social stigmas which have been imposed upon them through no fault of their own and which daily and constantly deprive them of the fulfilment of their true potential. Thank you, Mr. Speaker.

Mr. WEEKES: Mr. Speaker, if there is once in my life that I feel a happy and satisfied man who is a member of this House, I am saying, Sir, that it is today. Sir, I am not here to blow the trumpet of the Government but on this occasion I must give Jack his jacket and let the Government know I commend them for bringing this piece of important legislation to this House. This legislation, Sir, as far as I am aware, will solve various problems which people had to face in the past. In many cases, when death comes to fathers, it has caused grief, frustration, animosity and envy to many relatives, sisters and brothers who in the past got on remarkably well.

These unlawful children would visit the homes of their fathers and the legitimate children; they would all associate themselves and would give one the impression that they were one, but, Mr. Speaker, the time comes when the father may die intestate and because there is no Will, the lawful children arrive at the conclusion that those children who their father did recognise and who would visit him, would dine with them, would play with them, but at that particular time and he dies without making a Will, that is the end of the relationship. Not one cent would they give those children.

What is regrettable is that in some cases, the children might not be fully matured and would still need some kind of support but because they were not lawful children, these children decide that they cannot share and that they cannot be the beneficiaries of their father's estate because they are not the lawful children.

The big snag, Sir, has always been and will continue to be, until this legislation is passed, the Birth Certificates and I am glad to hear the Hon. Attorney General say that the father will now be entitled, if it is his desire, to have his name registered on the Certificates.

3.45 p.m.

This has been a very humiliating problem for many, many children. In many cases, Sir, parents overseas would like to have their children with them, but because the fathers' names were not on the birth or baptismal certificate it becomes a very costly exercise to the parent. I have no doubt that you, Mr. Speaker, who know the grievances and the various problems your constituents

have, will agree with me in saying that affidavits have to be drawn up proving that the father is the father of that particular child, and as you know, in these days it is the Judge and the attorneys to do their job, and they must be remunerated for their services, but the poor mother has to find the money to go and have those affidavits drawn up.

Since this piece of legislation is being introduced here today, I have no doubt that it would not be necessary to deal with the legal aspect of such matters, and therefore this legislation will do many things to alleviate the hardship which illegitimate children have been facing in the past, but Mr. Speaker, the definition of being an illegitimate child, I agree, lawful or unlawful children, you have to go through the same exercise to get those children, and therefore they are your children.

Now, Mr. Speaker, I have dealt with the parents in suggesting to them the course they should take in dealing with these affidavits, and on a few occasions I found out that the children were very despondent and in many cases it could place their mothers in an embarrassing position due to the fact that their birth certificate did not carry the father's name, and that point is a point of paramount importance because it will do everything to assist parents in having to face such problems.

In the past, Sir, even to the priesthood in the Anglican Church, I have been told that in the past to become a priest, and especially in the Anglican Church, they would check on your certificate and if you were an illegitimate child you would go through all the red tape and finally you would hear that you have not been accepted, you have been turned down. Now, while I agree that certain changes might have come about in this age in selecting people for the priesthood, I am not sure if that practice is still carried on. I have made that point to let this Hon. House know how much importance I attach to this piece of legislation here today.

In making this speech I am expressing my feeling, not motivated in any way politically, but to say that the piece of legislation here today is going to be of inestimable benefit to the masses of this country, because as you are aware, Sir, it is going to be helpful to people in the lower bracket because in 99 cases out of 100 these illegitimate children are the children of the working class of this country, therefore I am glad, happy, justified and satisfied in my mind to know that I am still a member of this House when such an important piece of legislation is being enacted here today.
3.55 p.m.

And again, Sir, I want to say that I am very pleased to know that the Government has seen it fit to bring this piece of legislation to this Honourable House for its approval and it has my wholehearted support.

Hon. Miss B. A. MILLER: Mr. Speaker, I first of all wish to acknowledge that I, as intimated by the hon. member for St. Michael South West, am in fact the author of a paper titled "Legal Aspects of Marriage." The origin of that paper lies in my membership of a Committee — although I am Methodist by persuasion — appointed by the Bishop of the Anglican Church four or five years ago when the church was looking into the question of remarriage and the attitude toward communicants who had been divorced. As I recall, some very hard things were said on that Committee. I make that point first because I wish to state, with respect, that the Church, not only in this Island or region but everywhere in the world, has helped to create and perpetuate the evil of that situation, and the Church today is going to have to look at itself and somehow try to find ways and means of living with a new kind of thinking that is sweeping not only this Island and region but the world. I want to say for the benefit of certain strangers in the Gallery, for the benefit of us all that the word "illegitimate" from this day forward will have absolutely no meaning in Barbados, and I wish to congratulate the hon. Attorney General for bringing this legislation. But I want to appeal for the second time to the Attorney General to make the greatest haste possible with legislation in respect of the mothers of those children. It is not sufficient that you should recognize all children as being born equal when there is still gross inequality existing between the mothers and fathers of those children, and I am appealing yet again for the discrimination which still exists in Barbados today against unmarried women and mothers to be corrected. It is even more embarrassing now in the face of this legislation. The fact is that non-marriage is the norm in Barbados; married people are in the minority; people like Billie are in the majority. I make no excuse for this, I do this by choice.

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

And Mr. Deputy Speaker, it has been the right and privilege of Barbadian women for generations to choose to be the kind of person I have chosen to be — free, single, black and beautiful — and I wish to speak on behalf of the majority of those women in Barbados.

It is going to be difficult now that we are looking at the positive effects of this legislation, but we cannot overlook the fact that it is going to be an embarrassing situation for a woman who is so seriously discriminated against to have a child, may be four or five years old, a few mornings from now saying to her "I am free and equal before the law but you are not." This is the kind of dilemma that now exists and I am appealing to the hon. Attorney General yet again to make all possible haste with the family law legislation in order to do something to alleviate this serious discrimination which exists against unmarried women.

Marriage has civil and religious connotations. I am not saying that there is anything wrong in the Church's requirements that their members marry rather than not marry, but there is a civil point of view and men and women in this country must have equal rights. The Report of the Commission which enquired into the Status of Women in this country has brought this matter to the attention of the Government, and we cannot go on in this House dealing with piece meal legislation as we have been doing. We have tinkered with the Marriage Act and are now tinkering with the Bastardy Act and other Acts which will be affected by this piece of legislation. However, I want to congratulate the Hon. Attorney General at this time but I also want him to give us cause for even greater congratulations at the earliest opportunity.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, from all appearances it would seem as though this piece of legislation will go through Parliament without any division. From what I can see there seems to be a bi-partisan approach to this matter, and I am happy that this is so.

I have been impressed with the speeches made by the hon. member for St. Michael South West and the hon. member for St. Philip South. This piece of legislation is the fulfilment of a promise enunciated in the Manifesto of the Barbados Labour Party and very adequately pursued by the Hon. Attorney General. As a matter of fact so much so has he been pursuing the rights of women that sometimes I have heard that this Government seems to be a Government for women. It is true that the hon. Attorney General was at one stage Minister responsible for Women's Affairs, but we know that men come through women and so we have a special attachment to them.

I was surprised when my colleague, the hon. Minister of Health, made mention of the fact that women are not particularly protected and that for some reason or another we seem not to give them the credit they deserve and the protection they are entitled to. I am sure she was not speaking of this Government because we have been doing so much for women all along. We have done so much that we think we must now do something for the children, and so I am happy to know that the children are being considered.
4.05 p.m.

The Hon. Minister of Health made mention of the fact that our married people are in the minority in this country. We in Barbados are a free society. We are so free that we take our institutions in the same light that we feel that we are, and we are not setting our ways as far as the law of marriage and things like that are concerned. Often we hear reference made to the Manifesto of the Barbados Labour Party, and I want hon. members to read Page 16 of that manifesto which deals with equal rights

for children; and you will find some very interesting reading there.

Now, Sir, let us remember, that the Hon. member for St. Michael South West has said that children themselves are not illegitimate. If you are going to cast aspersions, cast it on the parents; but I would wish the Hon. Attorney General at some stage, if not now, in the near future, to have a look at Clause 11 where it reads: "Any person may file with the Registrar a declaration in the form set out in the first Schedule affirming that he is the father of the child."

What has been pointed out in the debate is that there are still irresponsible men in the Community who would wish to avoid the responsibility of parenthood. When people ask me how many children I have inside, and how many outside — that question of how many outside is always asked — I make the point that all of them come from inside. Like the hon. member for St. Philip South I say that in the same light. They can only come from inside and from nowhere else.

There are some men who like to shirk their responsibilities; and I can tell you that even though they are conscious that the children are their children they will prefer to go into court and fight undignified battles in order to prove that the children are not theirs, even though they believe inwardly that the children are theirs.

Now, people sometimes say that it is difficult for a man to know when a child is his. Certainly, it might be difficult, but what about the poor woman who must hide to meet the man? Of course he wants it that way. How does the woman prove easily that the child is his when there is no evidence between them to prove otherwise? It is her word against his. I would like to find somewhere in this piece of legislation a provision made whereby the mother can register the father of the child and let him dispute this. There can be no reason why he should not himself set out to prove that he is not the father of the child rather than the other way round.

If we are going ahead let us go ahead in a progressive manner. I do not think that children should be disadvantaged. Too often have we seen situations — and I am not bending over backward to make an appeal for women — but too often we have situations whereby men consider that they can go and work for all the money they can possibly get, and go and squander that money and not be concerned with the welfare of their children at home; and the mothers have got to make do with the little that they can get.

I will give you, Mr. Deputy Speaker, and hon. members of this House an example of what I have recently encountered. I recently met a lady who told me that she was not working. She had three children, and she was

concerned about the plight of those children. She told me that there were two fathers, and that the fathers did not support the children. I told her that if she could give me the evidence I would take the necessary steps to see if I could get the fathers to support the children. She said that she was not prepared to do that. All that she wanted was a job, and if she could get a job, even at \$30 a week, no matter what it was, as long as it was not stealing, she would take that job and support her children.

Now, Sir, women should not be subjected to those conditions. Children should be provided for, and men should feel that they have a responsibility towards those children. I look at this legislation not as an end in itself, but as a beginning of overall legislation to protect all children in this country, and to make sure that the future is safe for them.

This Government has come to office on a number of pledges made; and I am happy to announce that within a period of three years out of a five year period we have nearly completed a programme and a task that we have set ourselves; and certainly, there is very little work left to be done; but we will continue to fulfill the promises which we have made; and I consider that this piece of legislation is one of the most worthy things that we can do, in putting such an important document upon the Statute Book.

Mr. SIMMONS: Mr. Deputy Speaker, I shall be very brief; but I could not let this Bill pass without some comment. This Bill requires no platitudes. It is consonant with the policy of our party that we would try to enhance the status of children in Barbados; because like the progressive party that we are, we are fully aware of the social disadvantages attached to children born out of wedlock. Illegitimacy in Barbados has been a stigma and a burden to many people in our population, Mr. Deputy Speaker, and has been a hindrance; but Mr. Deputy Speaker, I believe, that legislation should reflect the facts of society and the values of society; and I believe that this legislation acknowledges the fact that the greater proportion of our people exists happily in a common law situation; and out of them are born children, which is natural, and it is only the accident of these circumstances that cause these children to be tainted with illegitimacy. They did not ask to be brought into this world; and it would not be fair that the system of laws in society should be of such a kind as to penalise innocent children for something over which they had no control.

So, Sir, I compliment the Hon. Attorney General — and I say the Attorney General, because, Mr. Deputy Speaker, it is to my certain knowledge that in 1976, prior to the publication of the Manifesto, this particular part of the manifesto was largely the work, the writings and the thoughts of the present Attorney General.

4.15 p.m.

Other parts of the manifesto may have reflected a joint approach. (*Asides*) The Attorney General wants me to refer to his good socialist thinking. Mr. Deputy Speaker, I do not think there are too many of us on that side of the House — I am speaking from a different side of the House now, Mr. Deputy Speaker, and in a different chair — there are many of us in the Government, let Hansard report accurately that my sojourn over here is only temporary..... I do not believe that there are too many of us on the Government benches, Mr. Deputy Speaker, who are not progressive and socialist. Indeed I venture to say that we all are. There are other aspects of the manifesto, Mr. Deputy Speaker, which in my submission clearly show the distinction between the Barbados Labour Party and the Democratic Labour Party. Perhaps at some future time I will have occasion to deal with it in greater detail; but since this is a piece of progressive legislation and acknowledged on both sides as a piece of progressive legislation, so that I am not deemed irrelevant I will interject this, Mr. Deputy Speaker, because I believe it needs to be said; I believe there are political commentators and analysts in Barbados who refuse to see the distinction between the two parties in terms of their political philosophy. I will at this point only instance a few, and I say I will deal with the aspect of the difference between the two parties at a later stage; but Mr. Deputy Speaker, it was this party which nationalised the bus service in 1955 or which started the nationalisation of the bus service in 1955. Under the Democratic Labour Party between 1961 and 1976 nothing was done to complete the nationalisation of the bus service, but in 1977 it was this party which started the nationalisation that completed it after fifteen years interjection of the Democratic Labour Party.

Mr. TAITT: If the hon. member would give way, I am sure I heard the hon. member say that in the fifteen years nothing was done to further nationalise the bus service. Apart from the fact that we are not discussing the bus service here, I have to draw to Your Honour's attention that the hon. member is quite inadvertently misleading the House. I prefer to assume it is inadvertent because he could check with the Ministers on the other side and they will tell him that they found the work in progress to sell the buses. At least that.

Hon. L. B. BRATHWAITE: On point of order, could the hon. member for St. Michael South West explain what he means by that?

Mr. DEPUTY SPEAKER: Will the hon. member for St. Philip North please continue?

Mr. SIMMONS: Mr. Deputy Speaker, let me lay my premise again. My premise was that this piece of legislation was in keeping with the progressive and socialist policies of the Government, and having laid the foundation I was pointing out the differences in political

philosophy between the two parties. I accept the point made by the hon. member for St. Michael South West. They wrote a lot of paper, the J. C. King Report; it took them fifteen years to write that; that only came in March 1976.

Mr. TAITT: Mr. Deputy Speaker, on a point of order, I really believe that the hon. member is being carried away by the position from which he is speaking. How could he say it took fifteen years to write the King Report when the King Report was written by an independent Commission? He knows the date when it was set up and he knows the date when the Report was laid. I do not think that he intends to mislead the House in the manner in which he appears to be misleading it.

Mr. DEPUTY SPEAKER: Can the hon. member please come back to the status of children?

Mr. SIMMONS: I will come back if you will allow me to clarify the non-elucidatory point made by my friend. Mr. Deputy Speaker, for fifteen years, if I may just explain and if you will bear with me, they had been in the process of thinking about the completion of the nationalisation and in a couple of months they produced the J. C. King Report. It is the same thing.

Mr. TAITT: On a point of order, I must protest this travesty of the truth inadvertently.

Mr. DEPUTY SPEAKER: You have made your point. As I understand it the hon. member is trying to draw a distinction between the two parties in relation to other matters and in relation to the Bill before this Honourable Chamber.

Mr. TAITT: With the greatest respect to Your Honour I take the point that he is trying to do so, but he is taking the wrong road.

Mr. SIMMONS: Mr. Deputy Speaker, I will now have to assume the mantle of leadership over here and keep him quiet.

Mr. DEPUTY SPEAKER: Order. Please let the hon. member continue.

Mr. TAITT: On a point of order, so that we can get on with our business over here, will you give the hon. member permission to indicate whether he intends to stay over here or whether he intends to go back where he belongs?

Mr. DEPUTY SPEAKER: Can the hon. member for St. Philip North please come back to the debate on the status of children?

Mr. SIMMONS: I will come back to the debate on that subject to your directions. I am quite happy leading from here temporarily, Mr. Deputy Speaker. As I was saying, there is a clear point of philosophical difference between the parties. It is clear that forever people assume that the Democratic Labour Party was a radical party. They are walking out. Mr. Deputy Speaker, I am very sorry I had the effect of throwing confusion in the ranks on this side, but this debate, Mr. Deputy Speaker, to be serious, has found favour with both sides of the House to the extent that we have had a very pleasant exchange of ideas; but I cannot at this point in time ignore the fact that it is this Government which has been setting the pace of progressive, socialist legislation and it is part of our philosophy going back to the constitution of our party, and this Bill no one should wonder at, because our party since 1937 when its Leader Sir Grantley founded it has shown that it is willing to be on the side of the oppressed and down-trodden man, to pick them up and give them some self respect and dignity, and it is on the question of self-respect and dignity that this legislation is important, because it seeks in my submission in its principles and in its objectives not only to remove the stigma attaching to illegitimacy, but thereby to allow persons who were born in those circumstances no longer to feel ashamed but to be able to walk with their heads held high in the sure knowledge that the law of this country has now outlawed the concept of illegitimacy and bastardisation. I look forward, Mr. Deputy Speaker, if the two Bills that have been dealt with today, the Domicile Bill and this Bill are any indication, to further legislation coming before the House in pursuance of the recommendations of the National Commission on the status of women.

4.25 p.m.

Last week I read a letter in the *Advocate Newspaper* talking about the question of Commissions of Enquiries and suggesting that we were a Government of Commissions of Enquiries and asking for a Commission into the Commissions or some such appeal.

It has got to be understood and appreciated in the country, Mr. Deputy Speaker, that if you are going to introduce legislation which is reflected on the values of the society which is reflective of the way people think and what people want, the only way you can get a consensus and get almost the scientific feeling of the mood of the country, the only way that you are not going to do violence the concept of consultation but in fact enhance the process of consultation and know what the people out there are thinking is by having an exercise such as a Commission of enquiry where the people in every district, if they are interested in Governmental processes, if they are interested in the nature and quality of legislation which is to be passed in here, if they want their views reflected, will go out and express their views to the Collecting Agency, which is the Commission which will then be able to report that the majority of people in

the society wants so-and-so and the minority wants something else.

We have done it with the Constitution Commission and for as much as I would say quite openly, Mr. Deputy Speaker, that the Report of the Constitution Commission is a conservative document, and I will deal with that when the time comes and I will have some serious criticisms to make about the Constitution Commission Report.

As much as I may feel thus, I am satisfied that the Constitution Commission has only reported what the general public themselves feel and it may be a dangerous thing for persons on a Commission to arrogate to these attitudes which are not truly representative of the general masses of people. That is one of the values of a Commission of Enquiry that you consult with the people and you get their feelings in as wide a cross-section of the community as possible and then you report to the Government how the people feel about various things.

I have also said in here that the Report of the Commission on the Status of Women will be an outstanding source document for future generations. We have seen the Domicile Bill today and now this one with the Status of Children. These are direct consequences of the deliberations of the Commission on the Status of Women and therefore no one who is satisfied that the Commission did a thorough job can be against this legislation and can accuse the Government of acting in an autocratic way or any other way.

This legislation has come before this House after the pursuit of the best democratic systems within the context of our Governmental structure and there is a case for extending Commissions to collect evidence in other areas of legislations. I look forward to the question of the Report of the Georges' Commission if and when that comes.

Mr. Deputy Speaker, I believe, speaking as a lawyer, that there will be one or two problems raised by this legislation, interpretation and so on. I am not going into that because I do not think this is the proper forum to discuss these problems. They will arise and the Courts will have to decide and pronounce on them from time to time. I can see one or two of them.

I wonder what will be the position in respect to Income Tax allowance for a man who is married, he has two children by marriage living with him and one child who is at present illegitimate and not living in the house. To what extent will he be entitled to the maximum child allowances? This is one of the areas that has crossed my mind. I must confess that I got the Bill on Friday and I did not have the time to study it fully or to work out for myself all the consequences but it has presented itself immediately as perhaps one of the problems and I saw in

the Schedule no mention of an amendment to the Income Tax Act. Presumably there is a good answer well within the breast of the Attorney General.

I look forward to his reply. I know he has other business and he is anxious to reply. Mr. Deputy Speaker, I shall now resume my rightful place on the other side and leave these benches bereft of their occupants.

Dr. CHELTENHAM: Mr. Deputy Speaker, it is fashionable to use the year 1937 as the end and the beginning of the social revolution in Barbados which we are presently experiencing. Although we have made considerable progress in the last 40 years in this country, I have always maintained that there are still many ugly features of our social landscape.

One of the ugliest has been the disability under which 70% of our children in this country have suffered namely the stigma of illegitimacy. I, of myself, have banned from my recognisable and functionable vocabulary for many years the expression legitimate and illegitimate. It is a distinction which has no substance as far as I am concerned and one which I have never sought to make and I am glad to say that many responsible people in this country including Judges have thought the same.

I very well remember the present Governor General when he was Puisne Judge in a case in which I was led by the Honourable and learned member for Christ Church South Central made the point that it is not a distinction which he recognised and he would proceed with the case as though all children were legitimate because it was the only classification that he knew.

Many people in this country have treated children, all children, for a long time as though we were all legitimate and I believe there were only a few misguided people in this community who have sought to enforce this distinction. Nevertheless, it was necessary that Government should take the initiative to remove these inequalities from the Statute Book in so far as they existed.

I think that it is a reflection on the emphasis of this Government that it has fallen to us to do it. Barbados could not and would not be able to claim itself as a civilised and humane society as long as these inequalities existed in law and it was necessary if we are to regard ourselves and be regarded as a civilised and humane society that these inequalities in law be removed whatever the *de facto* *situe*.

The fact that this has fallen to this administration is a reflection of one of the more of the great emphases of this administration. We have been caught up in this country in an avalanche of legislation, with a great deal of activity and with this activity it is very easy to lose

sight of what are the central emphases and I want to submit, Mr. Deputy Speaker, one of the central emphases of this administration is the equalisation of opportunities in this country and the spreading of humaneness, if I may so put it. This is certainly the great thinking behind the National Health Service, equality of opportunity. 4.35 p.m.

It is certainly the great thinking behind much that this party is doing, and this legislation which we are currently considering is very much in this tradition, the spreading of equality, it is very much to be welcome. I trust that hereafter the mothers of these children who are the preponderant majority will not hesitate to name the fathers on the birth and baptismal certificates. I, as a practising attorney, am confronted week after week and approached by clients who say that the father after 25 years now wants to do something for the child and the American Immigration Authorities want evidence that he is the father. "Do you think you can amend the birth or baptismal certificate?" The simple position in law is that the baptismal certificate cannot be amended, the birth certificate cannot be amended in that regard to put on the father when his name was not there before, but the reason why his name was not there at the outset was because the mothers were ashamed to come forward and say John Browne is the father of this child, please put down his name there. I trust that the mothers will hereafter put down the names of the fathers and the embarrassing situations which they have experienced for many years will pass away, as it were.

I just want to say that I very much welcome the introduction of the blood test as one of the techniques available to the mothers, and certainly to their counsel, in establishing proof of paternity. Many mothers have been seriously disadvantaged, especially those who for one reason or another had to hide in the days of courtship. Many fathers got away with murder in the sense that they could go into the court and say "I am not the father and she cannot call anybody who used to see me with her." Whether it was as a result of the mothers expressing disapproval or the mothers themselves having the feeling at the particular time that the courtship and the friendship did not meet with the approval of their friends and relatives, whatever the reason, a lot of men were able to exploit the situation where they met the women far away from their villages and in surreptitious circumstances. The blood test will put an end to a lot of that, and I greatly welcome the introduction of the blood test as a technique of proof available to the women.

I just want to say, however, that I very much hope that the learned Attorney General will soon introduce legislation dealing with the attachment of earnings, because it is one thing to make it easy to establish the fact that John Browne is the father, and it is another to get adequate support from him. Unless we are able to attach

the earnings of these fathers at source, when the Friday comes your boss will take out your money and what you receive will not only be less income tax and national insurance, but less father's tax too. Unless you are able to do that, in truth and in fact you may not be giving real effect and meaning to what we intend in this legislation.

I very much hope too, Mr. Deputy Speaker, that we will move very soon indeed to the point where the ten dollar limitation is removed as far as the Magistrates' jurisdiction is concerned. It is very difficult today to feed a child on \$10.00, and many fathers out there can afford much more than \$10.00, but quite often the mothers have to put them in court and they proceed to spite them by paying \$10.00 which is the maximum and not giving them anything else, and I very much hope that we can remove that limitation so that the Magistrates can impose \$50, \$60 or \$70, whatever can be regarded as just in the particular circumstances, and it is very important that that be done at the Magistrates' court level because it is still a cheap and speedy way of achieving justice in this country, and I would like to think if you want more than \$10.00 you have not got to go through the expensive and heavy handed process of going before a Judge in Chambers.

In conclusion, let me just say, Mr. Deputy Speaker, that this legislation is long overdue and I think it is but right it should have fallen to this administration to remove this legal disability, because it is this party I am absolutely convinced is the socialist party in this country and not the backward looking conservative forces that sit on the opposite side.

Hon. H. deB. FORDE: Mr. Deputy Speaker, this has been a debate which has reached the highest standards of debate worthy of any Chamber not only in the Commonwealth but in any part of the world, and I think it is on occasions such as these that one wishes that perhaps a wider section of the public would have the benefit of listening to their parliamentarians perform well on their behalf, and analyse legislation that is of great import for the mass of our people, and indeed for the masses as a whole, and to see the social impact which this legislation will have on the development of our society.

In winding up on behalf of the Government, let me thank hon. members from both sides for the very supporting words which they have given this bit of legislation and for the useful comments which they have made on the particulars of the legislation. I opened this debate by saying that it was a radical piece of reform and I went on to say that perhaps it will be the most important social bit of legislation passed by this House for all time. I think everything that has been said by hon. members make me believe that my opening was modest, to say the least. I think I feel very justified after listening to hon. members in making the claim that the legislation is radical

and that its social importance is of great significance for us all.

Hon. members have raised other matters in which they have asked for urgent action, and I can understand their anxiety in seeing reforming legislation before this House. I assure the hon. member for Christ Church East that we have already drafted the Attachment of Wages Act and it has received in principle the Cabinet's support. We have, of course, been looking at one or two provisions in their detail and have had to consult with the Judges in particular on the implications of those details, but the Attachment of Wages Bill should be in Parliament immediately after the recess.

In so far as the request has been made for legislation dealing with the common law unions in order to give women and men in common law unions reciprocal rights of support, I can give my distinguished, black beautiful and sweet hon. friend from the City of Bridgetown the undertaking that she will not have to wait much longer. My Chambers have drafted a comprehensive bit of legislation dealing with this matter, and in any event we have already sent for consideration by the Bar Association legislation dealing with maintenance, although it is intended that that bit of legislation will eventually go into an overall comprehensive Act.

The hon. member for St. Andrew made a very valuable contribution on the question of legislation which would assist women in proving paternity, and he spoke in particular of compulsory registration of the names of the fathers.
4.45 p.m.

I just want to let him know that it is perhaps less than ten days ago that I referred to various officers in my Ministry and in the Ministry of Community Services this particular question because I made available to them on a confidential basis a memorandum submitted to the Attorney General of Jamaica by a Working Committee in Jamaica where attention is also being paid to this problem. I opened debate on this Bill by saying that we are reforming the law dealing with births, deaths and baptisms, and that one of the changes we are giving serious attention is whether or not a woman at the time of registering the birth of her child should not be permitted to state the name of the father and notice be given to the father or the person whom she alleges to be the father, and the father will then have a period of time within which he can go to the court and contest whether or not he is the father or else file a suitable acknowledgement that he is. What we are trying to do is to find a balance between the rights of the man — the father — the rights of the mother and the rights of the child; but we must be sure that any such legislation has adequate safeguards so that the few cases in which abuse is liable to occur will be minimized if not eradicated

altogether. We are looking at all the ramifications of this. I do think that as a matter of policy we should have registration of father's names on birth certificates. It is a good suggestion and one that women should set about doing, forcing the men to allow them to put the names down on these certificates. I will try my best to see in what way we can bring in satisfactory and acceptable legislation.

The hon. member for St. Philip North made the point that the legislation will pose various questions for the court. So it will in some cases, because surely questions of paternity in disputes should be settled by the court because it is the sort of issue which raises questions of fact, and the best arbiter on questions of facts between citizen and citizen is the court. I have no doubt that the courts with their years of wisdom in looking into these matters will be able to adjudicate these problems without difficulty.

The hon. member also raised the question of the effect of the legislation on the Income Tax Act. Today it is possible for a man supporting his child whether in or out of wedlock to claim that maintenance as an allowance against his income tax, and I do not think there will be any problem here, but we intend to amend a few more bits of legislation to make sure the Act works thoroughly.

I think that I have answered all the queries raised by hon. members. Honourable members will have to be a little bit patient. We are a small drafting department; we have no independent research staff available to us. I am not saying this to gain sympathy but would just like members of the public to know that many members of my department work on weekends and I work alongside of them, in addition to my other duties to my constituents, to the Cabinet and to my family. We are working flat out in the Legal Department in order to bring about massive reform in the law. We have brought about substantial reform in land law which called for a lot of work. But I think that this period of the legislative history of this country will go down as a period of massive reform in the laws of our country. It is only honouring our commitments and our Manifesto, and we intend to honour each and everyone of those commitments which we can prove will be beneficial to the country. If after thorough examination we think that any of our pledges are unworkable or not in the best interest of the country we will say so, but where they are we will honour them. But people must understand that it takes time. There is no point saying do it within a year or within two years, because the process of consultation and planning and the physical necessity to get things done takes time.

The hon. member for St. Michael West in one of his better speeches in this House made the point that the

legislation is perhaps twenty years too late. I think it is perhaps more than twenty years too late. I think it has been a blot on the social history of this country for too long and I agree with him that devoted Anglicans as we both are and faithful to the true teachings of our Church we can get up and say to our Church "You are wrong on this one; think again," without offending the tenets of our Anglican faith or the tenets of Christianity. Like ourselves, the same thing goes for the hon. member for St. Philip South who happens to be a strong supporter of the Anglican faith. I hope I will get the Church's full support for strengthening family union in this country, but not by showing calumny to those children who through no fault of their own happen to be born out of wedlock. I think that is one point that has come through from the debate here today. If one analyses the speech of the hon. member for the City, the hon. member for St. Michael South West, the hon. member for St. Philip South, and the hon. member for Christ Church East who made a very telling speech — one of his best speeches made in his characteristic style with every word ringing out in this House; it will go down as a gem in prose for the style in which it was constructed, because it was a beautiful speech in form and content. And that is why I say that I sometimes cannot understand why people are so pessimistic about our Parliamentary institutions or the future of this country, because it has been proved time and again within the two and a half years of this present Parliament that on both sides of this House we have people as capable as in any part of the world in rising to the great heights of debate and discussion of non-partisan politics in the interest of the country as a whole.

On that note, Sir, I beg to move that this Bill be read a second time.

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

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

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

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

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

Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill Mr. ODLE in the Chair.

Hon. H. deB. FORDE: Mr. Chairman, I am asking leave that the Bill be taken in parts.

Mr. CHAIRMAN: If there is no objection, and there appears to be no objection, leave is granted.

On the motion of Hon. H. deB. FORDE seconded by Hon. L. S. CRAIG Part I of the Bill was called and agreed to.

Part II was called.

Hon. H. deB. FORDE: Mr. Chairman, I would ask that Clause 3 be amended by inserting the word "her" between the words "or" and "natural" appearing in line six thereof.

Subject to that amendment, I move that Part II stand part.

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

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

Part III was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 3 stand part, I beg to move that Clause 7 be amended by adding the letter "s" to the word "birth" appearing in line four of paragraph (g). Subject to that amendment, I beg to move that Part 3 stand part.

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

Mr. TAITT: Mr. Chairman, as I did during the second reading, I do have some trepidation about one aspect of paternity. I am dealing with the section relating to two aspects. I do hope that the Attorney General will give an indication of the thinking of the Government on the section which states that a person alleged to be the father of the child has by his conduct implicitly and consistently acknowledged that he is the father of the child.

Mr. Chairman, I think that we will all agree that there are a number of persons in the community, may be not a large number of persons, men, who based on humaneness, or based on some other considerations may be seen to be fathering a child or providing for a child when in fact he may not be the natural father of the child. Now as it stands in this section, such a person would be called upon to prove that he was not the father of the child before a court. That problem can arise only during the life time of such a person. Indeed that person might have been spending a lot of time and visiting a household, for example; or he might be the father of child number 4, but not the father of child number 5.

In those circumstances it is possible that a little difficulty might arise. I have another query, but perhaps I

had better get the Hon. Attorney General to respond to this point before I make a further query.

Hon. H. deB. FORDE: Yes, Sir, I do not wish to deal with the Burrowes and Atwell situation. As I said, where there was sustained conduct establishing quite clearly that a man has been actually treating a child as his child. Let us acknowledge right away that we cannot provide for every eventuality in our laws; and there will be cases, as the hon. member has said where a court may have to determine as a question of fact whether the facts point to one or another. Usually a court where there is no declaration against the interest of a deceased, will have to look with great care at the sort of evidence that has been produced, but Sir, courts have not been having great difficulty in distinguishing facts and in using the correct tests; but I hope that the number of cases will be minimal. I am reasonably sure, however, that the court will be able to use a proper approach, but the hon. member is right that this obviously will be a matter for the determination of the Court.

Mr. TAITT: Mr. Chairman, let us take Clauses 12, 13, 14 and 15. They are all related. Clause 15(1) says: "Where an application is made to the court to determine the parentage of a child, the court may give directions to the applicant to obtain blood tests of such persons as the court specifies and to submit the results in evidence."

I am sure that the Hon. Attorney General is aware that this has been a bone of contention within the context of human rights all over the world, this requirement where a court orders that a man take a blood test. It seems to me that there is some flaw within the law within the context of this Clause.

I appreciate that the draftsman may have had some difficulty, but this is the case where if a man refuses to take a blood test as ordered by the court he would find himself in conflict with the court. It would seem that this is an incursion on a man's human rights. But, it goes further. Clause 15(3) says: "Where directions are given under subsection (1) and a person named therein refuses to submit to the blood test, the court may draw such inferences as it thinks appropriate."

I have to take issue with the Attorney General on this one. It seems to me that a man is presumed innocent until he is proved guilty. Take my own case in 1975. I had hepatitis, and it is well known that when a person is suffering from hepatitis, that such a person should not be subjected to a blood test for whatever reason. Suppose that I decided that I did not wish to have a blood test, and some lady with whom I had been acquainted intimately said that I was the father of her child. It would seem that my refusal to take a blood test would invalidate right away against me even though the legislation does not state that categorically.

Implicit in that Clause, Clause 15(3) it says that a person can be subject to inferences as the court may think fit for failure to take a blood test. This might operate to the detriment of particular person; and while I am on this, I would like to caution the Hon. Attorney General. In his second reading speech he referred to a confidential memorandum which he sent to his officials in which there was a suggestion apparently that a woman after having a child, when she goes to register that child may put down the name of the father on the register; and then the man has to go down and prove that he was not the father of the child, and within some time thereafter he will be the father of the child registered.

5.05 p.m.

Let us take, for example, hon. members on the front bench; they are all married men except the hon. member for the City. It is entirely conceivable that a woman casting her mind and her eyes on, say, the Attorney General, knowing that he is a man of some means, financial means, and deciding that he looks like a good prospect for this child I have, when she puts his name down, if the Attorney General because he was in Lusaka or because he was not able to go within seven days, does not contest, or indeed because of the social problem..... imagine the Attorney General going down to contest that a child was not his; do you know what the domestic upheaval is likely to be? (Hon. H. deB. FORDE: It would not be a problem for me.) It might not be a problem for you, but it would certainly be a problem for most men going down to say it is not my child. It is at the best of a fifty-fifty proposition in the minds of other persons that he must have been involved, otherwise the woman would not have called his name. We know that there are ladies who are capable of determining and deciding that they will choose X for support purposes rather than Y. Mr. Chairman, we have heard the well-known Barbadian statement that one is the minister of romance and the other one is the minister of finance, and you have to be careful when you are framing legislation that we do not entrench that kind of attitude; and as I said in the second reading, I think that in order to attempt to guarantee the rights of children and indeed of women, that we must not go in the other direction and take away the rights of men. I think this particular piece on the blood test is one which does not go down very well with me and I would like to hear the Attorney General on a further elucidation to this clause.

Hon. H. deB. FORDE: Mr. Chairman, I am glad the hon. member has raised this matter on the floor of the House because it was raised by one or two other members though not on the floor of the House. Now in the first place I believe that the most fundamental human right is the right of the child to be supported, and to be supported by the man who is rightfully his father, and that therefore you will have to weigh that right against

any little inconvenience caused either to a man's physical condition, time or to his pride by having to go and take a blood test. I do not believe in those circumstances there is a greater right or an equal right which men have about refusing to take blood tests.

Having said that, let me say that the legislation is not drafted in such a way as to make it obligatory in all circumstances for men to submit to a blood test. The applicant cannot compel a man to have the blood test; it is a matter which the Court determines, and the Court may determine in the circumstances that the man, as the hon. member says, is ill or that he suffers from a rare blood disease, he might bleed, might have haemophilia, and that in those circumstances the Court may refuse to make an order; but even where the Court makes an order and the man refuses, the Court is entitled to draw an inference and if the man explains the circumstances to the Court, it is not that the Court must necessarily draw an inference that is adverse to him. It may very well draw an inference favourable to him in the circumstances where he is ill or suffering from haemophilia or anything of that nature.

We have been careful to construct the legislation in this way to balance his rights and to balance those sorts of inconveniences that he may suffer against the principal aim of the legislation, and that is not to get at the person who is not genuinely a father, but to get at the person who is really a father but who is pretending that he is not a father. I can assure the hon. member that I will not hesitate to submit myself to a blood test if I am not the father. Where I am the father there will be no necessity for me to submit myself to a blood test. I do not know if I am past the age of child getting; I am certainly not passed the age of courting and that includes supporting, so I have no problems with the legislation. I really have none whatsoever on a personal level, but it is not what I feel it is what, as the hon. member says, is best for the community. In this regard we have followed the type of legislation which has come in countries like Sweden, New Zealand, Jamaica, and States in Canada which have done this type of legislation and which is a much more balanced form of legislation than where they have obligated a person to go and take a blood test because a woman asks that he should take the blood test. There is a trial within a trial in such circumstances.

Now the hon. member has expressed a little hesitation on hearing me talk about compulsory registration of the names on the Birth Certificate. Well my mind is not fully made up on that; I will have to ensure that we do not go the other way, as the hon. member says, and in our anxiety to do good for the women and the children of this country bring legislation that could be truly oppressive of the rights of the men of the country. I think we will maintain that balance and I look forward to any comments on the legislation when it is ready.

Mr. TAITT: Mr. Chairman, I do not wish to prolong this, but I hope the Attorney General would give some thought to a subsequent amendment to section 15(3). As he is fully aware, when judges are interpreting legislation they tend to say that if this did not have a particular meaning the draughtsmen would not have put it in, and they unfortunately do not look at the debate which took place when the legislation was being enacted, and this piece hits one as being adversely affecting a man. I am sure it was not intended, but as one reads it, and I think as the layman looks at it, it comes through as being a suggestion that a refusal to take a blood test might be an indication of guilt. I think it would be not merely a man not wanting to take a blood test. There are some persons, and I am sure the hon. member would agree with me, who fundamentally on a matter of principle will feel that a blood test is an assault, and indeed I think the hon. member is aware that it has indeed been identified as an assault in cases with the sect the Jehovah Witnesses, one of whom might be required to take a blood test. In fact that would be an assault on his person for indeed his moral and religious position to be questioned. But the point I am making is that the principle is the same, and I know there are some men who will not allow anybody to give them a blood test. Indeed I know of one case where a man faced with the prospect of having to take an enema for an operation went into a serious state of illness because he was incapable of such an assault on his person in such a way, and I am merely pointing out that the clause as it now is drawn does raise a question in my own mind and I believe in the minds of a few other persons, and I would ask the Attorney General to look at it over the next few weeks and months with a view to redrafting if necessary.

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

Part IV was called.

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

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

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

Part V was called.

Hon. H. deB. FORDE: I beg to move that Part V stands part and that the words "CAP. 249" be written in as a side note in Clause 17(4).

Mr. TAITT: Could the Hon. Attorney General indicate if there is any special reason why Clause 20 is as it is? Can he explain whether this is something which will

go into operation by proclamation? There must be some reason.

Hon. H. deB. FORDE: The reason is, as I have said before that there is other legislation like the Succession Act which we want to amend so that we will have a total package. On the other hand, if that is proving too long we will bring this Act into being and we will then have to amend the other Acts as we go along. We have been doing this so as to bring the Bills in together. For instance, we could have brought the Domicile Bill into being without passing this Act since in Section 2 we have the definition which is dependent on this Act.

The legislation is being tied in to a complete form but I promise the hon. member I will not delay too long the implementation of this Bill. The other reason is that we are looking at the regulations dealing with blood tests and the forms that are necessary and because of that I can tell the hon. member that I have considered very favourably the point which he has made under Section 20.

The question that Part V stand part was put and resolved in the affirmative without division.

The First Schedule was called.

Hon. H. deB. FORDE: I beg to move that the First Schedule be the First Schedule of the Bill.

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

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

The Second Schedule was called.

Hon. H. deB. FORDE: I beg to move that the Second Schedule be the Second Schedule of the Bill.

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

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

The Third Schedule was called.

Hon. H. deB. FORDE: I beg to move that the Third Schedule be the Third Schedule of the Bill.

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

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

On the motion of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, Mr. CHAIRMAN reported the

passing of one Bill in Committee with amendments and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, the Bill as amended was read a third time and passed.

THE GOVERNMENT OF THE ST. MICHAEL SCHOOL SCHEME, 1979

Hon. L. R. TULL: Mr. Speaker, I did mention earlier that I was asking leave of the House to deal with this in all of its stages.

Mr. SPEAKER: Is it the Resolution with the School Scheme?

Hon. L. R. TULL: This is the Resolution dealing with the Government of the St. Michael School Scheme.

Mr. TAITT: Mr. Speaker, we were under the impression that the hon. member is seeking to do the one with the Supplementary Estimates. We did not even examine the piece of legislation dealing with the Scheme. We were under the impression that this would be dealt with next week. The point is that at least one of our hon. members did ask whether this was to be done today. We did not know.

I believe that the hon. member wants to make a contribution to this particular piece of legislation which is a fairly large document. I do not know if there is some overwhelming reason why it must be done today. We have no objection to the other Scheme but I will prefer, Mr. Speaker, if the hon. member would hold over this until next Tuesday.

Hon. L. R. TULL: Mr. Speaker, I will bow to the wishes of the member on the other side and deal with the legislation next Tuesday. There is another Resolution dealing with Independent Grants. I will deal with that Resolution now. I can deal with the other one next week.

Mr. SPEAKER: The hon. member is seeking leave of the House to deal with this Resolution for \$148,280 from the Consolidated Fund?

Hon. L. R. TULL: Yes, Mr. Speaker.

Mr. SPEAKER: I take it there is no objection to this. The hon. member may proceed.

Hon. L. R. TULL: I take it, Mr. Speaker, that leave to deal with this in all of its stages has been granted.

Mr. SPEAKER: Leave has been granted.

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

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

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

SUPPLEMENTARY ESTIMATES 1979-80 No. 6

Hon. L. R. TULL: Mr. Chairman, in accordance with the Government's policy of assistance to the approved independent schools, grants of salary increases in these schools are kept in line with those in Government schools. You will note that the policy is for the Government to give subventions to the approved independent schools and also pay part of the salaries of the teachers in those schools.

This Resolution seeks only to provide funds for meeting the cost of the salary increases from 1st April, 1978 to bring the teachers in those schools in line with those in Government schools.

I beg to move that this Resolution do now pass.

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

Mr. TAITT: Mr. Chairman, we have no objection to this obviously, but I wonder since there has been some little time for debate on this aspect of education if the Minister could indicate to us now which are those schools that fall into the category of Government approved schools.

Hon. L. R. TULL: I believe at the beginning of the academic year there were 18 schools. Since then the Modern High School has gone out of operation and there are 17 as follows: Christ Church High, Codrington High, Community High, Presentation College, St. Anthony's, Industry High, Mapp's College, Metropolitan High, St. Winifred's, St. Ursula's, Co-operative High, St. Gabriel's, Seventh Day Adventist Secondary, Unique High, Lynch's Secondary, Washington High and Wakefield High.

Mr. TAITT: Recently there have been statements coming from the teachers on the one hand and the Bishop on the other about the St. Gabriel's School. As I understand it, and as I recall it, the decision of Synod was to close the St. Gabriel's Secondary School with effect from the end of last term. The Minister just called St. Gabriel's; is he in a position to tell us whether he has any information on the St. Gabriel's situation?

Hon. L. R. TULL: I have had a brief discussion with the Chairman of the Governing Body of the St. Gabriel's

School and the decision has been taken that the Infant Section will remain open and that the Secondary Section will be closed. That is the decision of the Church; I think the Bishop is the Chairman of the Governing Body.

The numbers in the Secondary Section of St. Gabriel's have declined to 146 and prove uneconomical, and we in the Ministry of Education know that it is very difficult to run a secondary school with a very varied curriculum and special areas requiring modern day secondary education, and to run a school of 146 the fees are very high. We in the Ministry of Education know that some of the secondary schools in Barbados require in excess of \$1,400 per student per year for their operation and it is unreasonable to expect in the context of Barbados that the average parent is in a position to spend that kind of money in school fees at a secondary school.

Mr. Chairman, the Ministry of Education has made arrangements for the intake of all the children in the secondary section of St. Gabriel's school who are under the age of 17 from this coming september term, and all the children who had bursaries at St. Gabriel's School can take up those bursaries at any other approved independent school, or may indeed request transfer in the Government secondary schools, and the process of allocation of the places for these students is already going on.

I beg to move that this Resolution do now pass.

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

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

On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. R. TULL, Mr. CHAIRMAN reported the passing of one Resolution in Committee of Supply, and Mr. SPEAKER resumed the Chair and reported accordingly.
5.35 p.m.

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

(Power failure at this stage).

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, I do not know whether any contact has been made with the suppliers of electricity as to whether this is a general outage or not. I would therefore propose that we adjourn until 8. p.m. (ASIDES) Mr. Speaker, I beg to move that this sitting be suspended for one hour.

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

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

On resumption:

Mr. SPEAKER: As hon. members will recall, this Sitting had been suspended for an hour a few minutes ago because of the absence of lighting. However, we now resume consequent on the feeling of both sides of the House and agreement reached that we should do so an hour earlier than the suspension permitted. I am grateful to hon. members for having reached this agreement, and consequently this Sitting is now resumed.

**BILL TO PROVIDE FOR TRAINING OF PERSONS
IN GAINFUL EMPLOYMENT**

The Third Order was called – To move the Second Reading of a Bill to provide for the training of persons for, or in, gainful employment in occupations in all branches of economic activity in Barbados.

Hon. H. B. St. JOHN: Mr. Speaker, the Manifesto of the Barbados Labour Party at page 14 under a chapter titled "Young People's Charter", stated *inter alia* that it was the intention of the Party to establish a national youth training programme to provide opportunities for unemployed youths and school leavers to train them in animal husbandry, agriculture, etc.

Cabinet on 20th April, 1978 received preliminary proposals from the then Minister of Labour which sought to put into effect some of the objectives set out in the Manifesto. Cabinet in principle approved their suggested programme, and with a view to ensuring coordination and continuity with the efforts of other related Ministries directed that the programme as suggested be submitted to a special Committee consisting of representatives of the Ministry of Labour and Community Services, the Ministry of Education and Culture and the Ministry responsible for Industry and Commerce. At the technical level a sub-Committee of officials was set up and Cabinet also approved the provision of the post of Director-Youth Training Programme who would also act as Secretary of the Committee, with a view to ensuring that an early determination of the scope of the programme would come before Cabinet.

During the course of deliberations a number of interested parties were invited to submit their views on the proposals. The Committee had approved the Bill which had been prepared by the office of the Attorney General with inputs from an advisor from the British Ministry of Labour. The Committee also has the benefit of advice from an ILO vocational training expert. The general view of the Committee after a considerable period of deliberation was that the time was right for there to be an umbrella organisation embodied in Statute law which would have the function of co-ordinating the totality of efforts in the non-institutional area of training.

Accordingly, instructions were given for the Bill to be amended to include the new provision dealing with apprenticeship, so that today we have a Bill which embodies these concepts.

As hon. members will see from a perusal of the Bill, it has received the support of the Other Place. The Bill seeks to be a comprehensive piece of legislation which will set up the framework for an attack on a problem which I am sure all hon. members of this Chamber recognize as being one of the most serious challenges to all of us at this period of our existence. It must be remembered that there are other institutions within the framework of the Ministry of Education who perform functions of training for people with specific types of academic or technical ability. This Bill basically will deal with the other area of talent which we have in our community but which cannot at the present moment be accommodated within the framework of these institutions such as the Polytechnic and the various secondary schools. In addition, we also have to remember that this Government at an early stage of its existence by way of implementation of the National Training Programme as set out in its Manifesto instituted a scheme whereby youths who had reached the age of fourteen who hitherto were required to leave school would come within the purview of a programme devised for some kind of training and orientation in a work-look atmosphere. 6.00 p.m.

That programme has been in existence for some two years. It is the objective of this Bill that those young people will be able to move on the schemes of apprenticeship or schemes of instruction created by the umbrella organisation so that really and truly what we will have in Barbados in the future will be a series of institutions which will look after the interest of the training of the wide degree of talent that we have in Barbados; and we expect that we will receive the co-operation of both employers' organisations and workers' organisations as well as other interested persons in this total national effort.

I hope that the Bill, when it is passed, will create a framework for a frontal attack upon this great problem; and indeed I am confident that once this Bill is passed that some international help will be received, now that we have demonstrated on both sides of this House our serious concern about the training of our youth for the opportunities which will be open to them in the future in Barbados.

I would also like to say that I believe that parallel with the creation of these institutions there must be a complete reorientation of the whole concept of the Ministry of Labour in Barbados. I believe that hitherto, little attention was paid to the importance of the work of this Ministry. I say that it has a vital role to play in such areas as manpower production and in such areas as

introducing or encouraging a fund or pool of money specifically to be devoted for specific training by employers' and workers' organisations. I hope that the burden of our effort is satisfactorily geared to that specified area of wages and productivity and things of that kind, will be undertaken in a decentralised form within the Ministry of Labour of course based upon a programme which has been developed by the Central Statistical Service so that the components of that sector can fit into a national statistical programme.

As I have said on a number of occasions, I believe that a number of problems that we have had in this country arise from our tendency to believe that since we are a small country physically, the centralisation of every activity will necessarily result. I believe that it is questionable to have centralised services; but what is not questionable in my opinion is that having centralisation, efficiency has to suffer. In these days of skilled computerisation and the combination of computer terminals being fed into masters, I do not see why there should not be a greater amount of decentralisation in the collection of statistics and a combination of programmes which take the special interests of the particular sectors into account.

I have heard that the Union has said that it intends to start its own skilled training programme. I hope that this programme will be complementary to the programmes devised by the National Training and Apprenticeship Board. There is sufficient flexible machinery for any aspect of industry or labour to make proposals to the National Training Board to suit their own requirements; and the idea that efforts cannot be co-ordinated is not one that I hope will gain much currency. I do not believe that in Barbados we should have a competitive effort in this area.

This is an area that is far too important for us to have wasteful duplication of effort. I hope that this Bill will receive the support of all hon. members, and I beg to move that it be read a second time.

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

Mr. GREAVES: Mr. Speaker, before you put the question, I would like to make a contribution on the Bill. Let me say at the outset that I regard this Bill as one which is of extreme importance to our developmental efforts. A developing country like Barbados, obviously needs, if we are to have a development programme, will have to ensure that we provide people for the services which are necessary for this particular drive.

Bearing in mind that we are becoming more and more technological, it means that we should have appreciation for the technological aspects of work, because the youth will grow up with a better understanding and

a higher degree of skill which is fundamental to the whole scheme of things.

The Deputy Prime Minister and Leader of the House in introducing this Bill indicated that there is agreement on both sides about the need for occupational training. That is a fact; the Democratic Labour Party is as concerned as the Barbados Labour Party on this particular matter. It is also contained in our Manifesto under the title "Youth, Sport and Culture." There you will find the following: "Over the next five years we will create more job opportunities for young people, establishing skilled training institutes at different centres throughout the island in order to provide out of school practical training for young people. These institutes will stress competence in a number of skills, crafts and discipline, responsible citizenship, co-operation and pride in work." 6.10 p.m.

It is a matter of record, Mr. Speaker, that I believe in 1974 or possibly slightly before that, the former administration, the Democratic Labour Party, was able to get Dr. Oxtoby under the Commonwealth Fund for Technical Cooperation to come down to Barbados and to do a study with the specific intention of revising the old, antiquated and archaic apprenticeship system under the Apprenticeship Act 1928, and it is very clear that this was a matter which was concerning the attention of the Democratic Labour Party, and I am sure that one would be aware, and I think the Deputy Prime Minister has indicated this, that the Barbados Workers' Union has also been very consistent and insistent that we need in this country to promote a greater degree of skills training, and certainly as the Deputy Prime Minister has indicated when the Bill was circulated to us, we made our comments on the Bill and I will give some of them because it is true one or two of the suggestions were incorporated but not all; but the point is that this is something which I would imagine that people who are really concerned and organisations and political parties that are concerned with the developmental process must recognise that this cannot take place and certainly we cannot be moving into the 21st Century without a well coordinated, well-balanced and proper skills training programme.

Now there are a number of matters I would like to refer to in my presentation here on this Bill. The first matter relates to the levy. I believe that the whole question of having a levy specifically for the purposes of training is an important one. One has to bear in mind of course that when the employment levy was introduced it seemed as if the question of training came as an afterthought, but certainly the idea of imposing a levy specifically for the purpose of training was canvassed in this House as far back I think as 1973 or 1974 as far as I can remember, but certainly during the time I was here in the last session, because I recall myself raising this matter when we were discussing the Estimates for

that financial year under the question of training, and I recall vividly being taken to task by one of the columnists, one E.L.C. for making this suggestion. But the point is that I think basically it is a sound idea, and certainly from the money which the Minister of Finance has already collected under the employment levy and most of which he has indicated will be used for training, the training fund has already got or should have already a fairly large sum of money earmarked to get it off on a good footing.

I think that we have to recognise that under the Act it would seem as if there is provision made for exempting some employers from the payment of the levy, provided of course that they do not have apprentices or employees above a certain number. I would think that this is a matter which we have to look at in a fairly broad and general way, because it is conceivable that there are some employers who in order to avoid the payment of the levy would keep their numbers at a particular level so as to avoid the levy, and I believe this is a matter which we should look at.

I believe, Mr. Speaker, that the question of training is so important that employers should as a matter of course be made to make a contribution towards this particular aspect of our national development and no matter how small a person is, I believe some sort of contribution should be forthcoming. I had the opportunity some weeks ago, probably about two months ago, to speak to a group called the Small Businessmen at a seminar which was organised by the Manufacturers Association, and I was rather shocked to hear one of these businessmen arguing very forcibly that as far as he was concerned there was nobody who was going to get him to train any person, that what he was going to be doing was that he would wait until another businessman trains a particular worker and then he would offer him a better rate and be able to get him that way, but he was not training any person. I think this is a matter which you have to look at very carefully, and I would hope that there is some provision made in the Act for this.

The other point I would like to make, Mr. Speaker, relates to section 2 where there is an interpretation of apprentice and trainee, and I have some difficulty in trying to get some distinction between a trainee and an apprentice. The only distinction that seems to apply is that for an apprentice a period of training is not less than four years and not more than four years for a trainee. I was wondering if there is any particular reason for making the distinction between the trainee and the apprentice. Certainly the Act does not give any indication of that, and I wonder if the Leader of the House in his response could give some indication on this.

There is provision made in the Act for the creation of a position of Director of Training. It is obvious that if we are going to really make any impact on this as far as this skills training programme is concerned that the organisation must be properly established and the Bill seems to bring some kind of order to this establishment. What I would like to say, however, is that one has to make sure that the person who is going to be appointed as Director of Training must be a person of quality, must be a person whose capabilities are such that he would be able to, let us say, take up the point which the Deputy Prime Minister made about being able to make proper manpower projections. The Bill will be administered by the Ministry of Labour under the guidance of the Department of Labour, and I would think that there is a very sound case certainly for having it under the Ministry of Labour, and secondly I would want to join with the Deputy Prime Minister in imploring that the Ministry of Labour and certainly the Director of Training must be able to produce some carefully prepared realistic calculations about our manpower requirements in the future. This is crucial, because if we are going to be involved in training people, we would not want to have a situation where on the one hand you are either under-training people or not training people in areas where there might be a need in another four or five years, or on the other we do not want to be in a situation where we over-train and have too many people on our hands who have skills but who cannot utilise these skills in our developmental effort. This would be in my opinion somewhat of a waste, even although skills as such are not wasted, but I think this particular problem can be avoided if we have people who are capable of really making the kind of projections which are necessary for the Government in any of its long term developmental planning and developmental goals.

Now notice from the Bill, Mr. Speaker, that there is provision under section 35(1) where the Board may with the approval of the Minister make regulations (a) prescribing the form and terms of any contract of apprenticeship or training.
6.20 p.m.

Now I would have hoped that in these schemes and forms which are going to be worked out that no attempt would be made to limit or indeed prevent the fundamental rights of the apprentices and for all of our workers also, the apprentices and trainees to be members of the Trade Union.

I think this is a matter which we have to be very careful about and I have been perusing this legislation to see what provisions were made for the apprentices or trainees to be represented by their representatives if they had a problem and there is only one instance where this is noted and it is in the situation where if there is

some attempt by an employer or the Board to terminate the contract of a trainee or an apprentice.

I would have thought that it would have been useful to extend this area and this provision for representation. I do not believe in the kind of power which is placed in the hands of the Director of Training. I feel that some attempt should be made to ensure that the apprentices or trainees have some possibility of being represented in the case of a dispute.

I would have thought that in the Bill that the Government would have seen it fit to have taken note and to have made some provision for the recommendation which was made by the Barbados Workers' Union when it was asked to comment on the Bill. We indicated that basically we agree with the concept of the Bill but there were some areas which we felt could have been modernised and could have been brought more up-to-date because we are looking at having enlightened legislation hopefully in 1979.

If one were to look, for example, at the functionary and industrial training base in Israel and the Hon. Attorney General refers constantly to Israel particularly for pieces of modern social legislation or even in the Scandinavian countries, one would find that there is provision made for representation and the suggestion which we made was that we felt that a Section should be included in the Bill along the following lines.

Sir, I would think that it is not too late for this to be incorporated if the Government takes the point. There is a Section specifically dealing with the settlement of disputes and here it would read:—

"In the event of a disagreement or a dispute between an employer and an apprentice or trainee as to whether the relation may be severed or suspended, the Director of Training or the person appointed by him for that purpose shall decide after him the parties or representative of the employee or employers representative Organisation to which the parties belong.

A dispute not settled under an agreed procedure at the time expendable to the Director of training should be settled in a manner described by regulations. In this section a dispute means a dispute or disagreement as to the terms of an apprentice arising between the Employee and Employers Organisation to which the employee belongs and an Employees Organisation to which the apprentice belongs and is likely to cause interruption of the apprentice's work."

I would have thought that something along that line should have been included in the Act because there will

be situations, Mr. Speaker, where these kinds of difficulties and problems can arise and I am suggesting that in fairness to the apprentice or the trainee that some provision should be made for representation for them.

In Section 19(10) I have some difficulty in understanding what is the intention here. It says that "A contract that is terminated under this Section is terminated for all purposes; but without limiting or affecting any right of action that may have accrued before the date of termination." I would like to think that the Deputy Prime Minister and Minister in his reply would give some explanation on this particular matter because it certainly is not understandable. I should certainly like to find out the whole reason behind that Section of the Bill.

Section 27 deals with the Training Schemes of apprentices or training. I think in a way it covers a particular point which I made about a particular employer who indicated that he had no intentions of training anybody but that he would, as it were, stand one side and entice already trained people or partially trained people away from the persons who would be making their contribution to the developmental efforts.

I notice in Section 21 which relates to the probationary period that the Government has taken the point which was made by the Union about the inordinate length of the probationary period which was in the original draft indicating that the probationary period would be for six months but this is now being reduced to two months.

I would like to see some provision made where even the two months period which would be used for probation that this would be counted towards the training of the person who has satisfied the probationary period rather than counting after the two months. In that case, he would go back to the time that the person started to work once they had completed the probationary period. We have to be very careful, I know, on this question of the probation period because it can be over-worked and taken advantage of.

As far as Section 27 is concerned, which deals with the Training Schemes and Schemes which the Training Board would, by regulations be given directives to have establish, I believe that these should be tailored as much as possible and I would have hoped that provision would have been made in the Bill in a number of areas. They were not mentioned specifically and I would think that some very close attention has to be paid to this.

Mr. SPEAKER: I did not want to interrupt the hon. member. The hon. member is certainly taking us through the Committee stage of this Bill but we are on the Second Reading.

Mr. GREAVES: I want to make this point that the Bill falls short of making provision for up-grading all skills. I believe that we are in a situation where our people have gone through a particular system of training. Because of technological advances it means that people would have from time to time constantly to up-grade their skills and I feel that some definite provision should be made in this Bill where the skills which were acquired by workers 10 or 15 years ago could be up-graded.

There is no provision here for that. Furthermore, we have a provision where redundancies take place from time to time again as the result of technological changes. If you take for example down at the Port where once upon a time loading and unloading cargo was done manually but nowadays much of it is done by machinery and because of this many workers will be thrown out of work and will be made redundant and some provision should be made in the context of this legislation for that kind of person to be able to learn new skills so that they would be able to continue to make their contribution.

I also, Mr. Speaker, would have like to see some provision made in this Act for the training of workers who are physically handicapped or persons who are physically handicapped or persons who may have some difficulty in following the statutory occupational training regulations. Some kind of provision should be made for that.

6.30 p.m.

Some kind of provision should be made for them, and I would like to think that if it cannot be incorporated here that certainly under the schemes which will be coming out from time to time that some consideration will be given to this. In addition, it would seem to me that there has to be some more co-ordination between the whole set of governmental agencies in this effort.

The Deputy Prime Minister referred to the support which must be forthcoming from the employers' organisations and the support which must be forthcoming from the workers' organisations, but within the governmental structure itself there also has to be some co-ordination. If you take, for example, the whole question of career guidance or the services which are at present lacking within the entire system, I would think that if we are really going to make a fundamental change, or turnaround, in this particular matter, that we have to have some policy on this question of career guidance in the school system to as it were give some assistance to youngsters leaving school, pointing out to them the kind of areas in which they could engage in the whole process of training, and I would believe that if this could be generated along with this kind of legislation that we would be heeding the call for ensuring that we would have provision made for youngsters to be able to

acquire the kind of skills which are of importance, and certainly a first in this country in the many years ahead.

I think, Mr. Speaker, this is all I want to say on this Bill.

Mr. TAITT: Mr. Speaker, in view of the very expansive and exhaustive comments by my colleague, the hon. member for St. Lucy, I do not have very much more to add on this second reading. I just wish to make a few broad statements regarding three areas.

First of all, let me say that the concept of a basic skills programme is one which is bound to find acceptance among any progressive thinking people in this community. That is why we indicated it, and my colleague said that it found its way into both Manifestoes, and I recall, the hon. member for St. James does not seem to recall, and I will refresh his memory that the Manifesto of the Democratic Labour Party required that there shall be, and I repeat, established skills training institutes...

Mr. SPEAKER: I hope the hon. member is not now reciting what the hon. member for St. Lucy...

Mr. TAITT: No, Sir, reading from perhaps the same document.

Mr. SPEAKER: Not the same thing the hon. member has already read.

Mr. TAITT: No, Sir, I am refreshing the hon. member's memory. The point is that it is clear, and it needs no qualification, that both Manifestoes — and certainly I can speak for the Democratic Labour Party's Manifesto which I have read thoroughly and carefully — that we intended to have a basic skills institute. I recall when we were putting together this Manifesto that this was an issue which loomed very large in the minds of the persons responsible, but seriously, Sir, I do not believe that we can reach our full potential in the area of basic skills unless we take the requirement of the production of a professional manpower development survey in this country.

Mr. Speaker, I know that the last eight years — I think it was eight years since I was back from North America — I was trying to impress some of the officials in this country that the mere speculation as to how many of a certain type of people we may need for ten years is not a substitute for an in-depth professional manpower development survey. That in itself requires a specialised skill. To the best of my knowledge there is not a person in Barbados who has been trained in the field of manpower protection and manpower development. There are some persons who because of the discipline in which they have been trained are familiar with and are capable of understanding and contributing to such a service. With the greatest deference, Mr. Speaker, I myself have been trained in

public administration, we are required to be familiar with interpretation of manpower development surveys, but I would not lay claim to being able to prepare one except I was doing it as part of a project team, and it seems to me that this is something which people cannot get in their heads, that you must get a professional person to come in and do a manpower development survey. One such has been done in the entire Caribbean and it was done about seven years ago.

We had a man here from the OAS, I think he came from the University of Pennsylvania, whose area of study was manpower development and at the time he was about to return an effort was made to get him to do a manpower development survey in conjunction with some other professionals, and Mr. Speaker, it is on record that a number of other professionals in Barbados managed to convince the policy makers that to retain such a person was unnecessary. I repeat that it is going to be entirely impossible for there to be any effective forward planning for the most efficient use of our human resources in this country until we have a proper manpower development survey which would serve the needs of our entire planning area. It will deal with the planning of our social services, it will deal with the planning of our physical resources, and I am sure that the Minister responsible for Industry and Tourism would be happy if he could look with some certainty and project the number of hotel rooms they are going to need in Barbados in 1995 and the kind of skills which we hope to institute now in order to serve that period effectively. It is not a question of uttering words, it is a question of understanding what is required for the forward planning when most of us perhaps will not be involved in it, in the year 1995 and in the year 2000.

Concomitant with that is the question of vocational guidance in schools. I do not believe that there is any question but that politicians generally recognise the need for this kind of thing. It may please one politician to get up and say look what my party has recommended, or it may please another politician to say my party recommended that before your party, but it is common ground that politicians generally recognise the broad areas in which they would like to see some movement in the modernisation of the community.

Mr. Speaker, it is in the area just below the promised policy making that we need to change the attitude and the approach to project for the next 20 to 25 years. It is useless to talk about the cost of providing vocational guidance in schools, it is no more a burden than it is to provide teachers. We must get a change in the concept that a vocational guidance counsellor is somehow second in importance to a teacher. A school, if it is a good quality school, and especially if it is a school that is concentrating on the development of technical training, must have as part of its total approach provision for vocational guidance.

6.40 p.m.

Now there is fallacy in this community that unless you align yourself with education in some way you are incapable of either thinking about, speaking about or understanding education. I believe that you Mr. Speaker, more than anyone else, know what a fallacy that is because in order to understand the educational needs of a community one needs only to spend some time looking at what one would wish the community to be and analysing what one sees. And I contend that vocational guidance is one of the neglected areas of education in this country and I maintain that such neglect has been the result of a false approach on the part of a number of persons deemed to be experts in the field of education. In most of the so-called developed countries you will find that in their secondary training and indeed in some cases coming towards the end of primary training a tremendous amount of effort is concentrated on guiding the child in the particular direction of his aptitude, not in terms of an examination like the Common Entrance Examination but in a series of observations made on that child in its process of growing. Educational Guidance Counselors are professional people. If we look at the national scholarships offered in our community we are unlikely to see any for vocational guidance. I recommend to the powers that be that if they have not yet done so they take a fundamental look at guidance counselling in this community and do so without reference to experts, because the only way experts seems to refer to the community is how much more staff or how much more money will be needed. If the Ministry of Education had ten Guidance Counselors they might form a team that could be shared throughout the community. Ideally, each secondary school should have a team that includes a vocational guidance counselor, a librarian, etc. I believe this is ground that has been covered before and I do not intend to go over it.

I come to another point. Mr. Speaker, for about three years of my life in this country during the last ten years I took the trouble to devote some of my spare time when functioning as a Minister to preparing and organizing a handicraft development plan. In 1974 that plan, modified to a large extent, was declared and promulgated by the Industrial Development Corporation. To the credit of the Government of 1976 it has examined that handicraft plan, found it acceptable and has continued with its development. I wish to appeal to the Minister ultimately responsible for that plan that there are some aspects of the plan not going according to plan. In the first place it is impossible for handicraft development to proceed in the right direction if persons involved in handicraft development themselves cannot feel it is a worthwhile exercise. It is useless for a handicraft Committee to announce that it has made a profit if that profit cannot be passed through to the persons engaged in its production.

Handicraft in Barbados constitutes one of the indigenous areas in which we as a community can make

an input, and the whole concept of training in the handicraft field must be an integrated approach. But the first and foremost consideration must be that he who is using his hands must come to feel that it is worthwhile both socially and economically. Skill in handicraft is not to be considered as something that is an alternative. Basic skill in handicraft should be seen as a professional skill, worthwhile in terms of aspirations — indeed more worthwhile because it requires a degree of skill which many of us as professionals cannot achieve because we do not have the talent. So we need, if necessary, to turn some of our values upside down so that those engaged in artistic production can feel it is a worthwhile activity.

I do not propose, Mr. Speaker, to speak at greater length on that subject as I believe I have pushed an open door as far as some of the points I have raised are concerned. But it cannot be right that an apprentice in handicraft cannot get sufficient remuneration in the course of training as to make it worthwhile for a young person to live, say, in St. Philip and come to Bridgetown five days a week without feeling that he is at the mercy of somebody else. To put it another way, we are going to have to make a sacrifice and pay them a worthwhile stipend, and I will say that if members on that side come to this House and ask for a grant to assist with handicraft and in the context of that grant it means giving a stipend without reference to accountability, they can count on my support because it is only when we put the whole question of training in handicraft outside the normal scope and make it bigger than life that people will focus on handicraft skills, not in terms of social misfits but in terms of productive activity, which is the objective of this Bill.

6.50 p.m.

This is to make Barbadians have the feeling that through the development of business skills they can develop their potential and become useful members of society. With those few remarks, I am happy to say that I will support this Bill.

Hon. L. R. TULL: Mr. Speaker,.....

Mr. SPEAKER: I take it that the hon. member is winding up this debate. We have six minutes before the break.

Hon. L. R. TULL: I do not know if I can do it in six minutes; but one of the problems has been the inherent inertia of the educational system of Barbados to any type of change. For a long time, I believe, that there has been this relic of colonialism. We in this country have slavishly upheld what is known as literary education; and it is so deeply enshrined in the consciousness of the people of this country, that every effort to move away from the preponderance of literary education is greeted with some doubt. Only a few years or little more ago,

Mr. Speaker, it was a deliberate and conscious decision of the Ministry of Education to offer 1,100 fourteen to fifteen year old children a situation in which they would be able to do things with their hands.

There was not a word of approbation from the members on the other side; but they were prepared for a lot of criticism both at the political and parliamentary level; but now today we hear members on the other side stressing the need for training for development. It was not for some cynical reason that persons of the age of 15 were put in a situation that a new and progressive administration determined to have these people trained along those lines. It was the realisation of the urgent and pressing need in this community to provide skilled workers for an expanding economy; and this is precisely what was done.

They were not trained in literary subjects, but in masonry, carpentry, plumbing, electrical installation, basket work, weaving and a whole range of activities which hon. member on the other side are now praising; and we were tremendously successful in that vision, because, as I will keep on saying those children who are given two years of such training, but who had been rejected by members of the other side as having nothing to contribute, those who were turned out of school with no plan by the Government that these people, based on research done by my department were able to get jobs more easily than those with two or three certificates because those children were trained in an area to fill the needs of the development of Barbados in the technical field; and this is the whole policy of this Government as set out as far back as 1971, to make sure of training for youth for useful employment to have them prepared for jobs that the country has a crying need for as an integral part of our educational and training programme. We repeated it in 1976, and we have delivered the goods.

A lot is said about what is promised in this manifesto and the next manifesto, but this Government is concerned not so much with the promises, but with the performance; and it was not long before this Government which made the promise set out to perform it. I heard the hon. member for St. Michael South West talking in elaborate terms about the need for professional development.

SUSPENSION OF SITTING

Mr. SPEAKER: This sitting now stands suspended until 8 o'clock p.m.
7 p.m.

On Resumption:

Mr. SPEAKER: This sitting is now resumed.

Hon. L. R. TULL: Mr. Speaker, on the suspension I was making the point that the training of young people in skills had been started in earnest by the Government early in its term when we began to put through craft courses for a number of young people who were turned out of school, and this new venture in the Ministry of Labour in occupational training harmonises with that policy of trying to prepare young people for work. Now one of the fears in this regard, Mr. Speaker, is the lack of harmony in the number of programmes in training institutions in Barbados, and it is going to be necessary in the Ministry of Labour to try and do some coordination of all the adhoc and special training courses by various Government agencies in this country. It is also necessary, Mr. Speaker, that there be some relationship between training for occupations in this regard, the total educational system and the coordination with the national needs of this country. As I said, the hon. member for St. Michael South West raised the question about professional development manpower survey and he was very careful to pass the buck, because if I remember correctly he was saying that there are people in private business in Barbados who did not seem to understand the need for a professional manpower survey.

Mr. TAITT: On a point of elucidation, Mr. Speaker, I was not referring indeed at all to the private sector. The point I had made was that there are a number of persons at a professional level who did not acquiesce in the concept and did not seem to understand what a professional manpower development survey entailed. I was not casting aspersions on the private sector at all; I do not even think they have given thought to the idea.

Hon. L. R. TULL: The point I am making, Mr. Speaker, is *apropos* that very point, that if you are going to have a national professional manpower survey, it must be done by Government, not by people in private business, and the hon. member, as I maintain, is passing the buck when he says that these people did not understand the need for such a survey apparently in their day to day business. When we came into Government we immediately made plans for the taking of a manpower survey, because we knew it was impossible to have any proper planning without a survey; and as I had occasion to mention in this Honourable Chamber only this year we have succeeded in getting a manpower survey out of the Barbados Institute for Management and Productivity. The hon. member says it is a joke, but I am saying it is a fact that the only manpower survey that was prepared for Government was prepared by BIMAP and was produced by this Government within the past year. The hon. member cannot challenge that, and any Government that does not understand that for national planning you need to have the type of survey we are talking about is a Government that is operating in the dark.

I am very glad, Mr. Speaker, to support this particular Bill because I see the link between training, education and work, and one of the things that distresses me is that we are in an educational system and a Governmental system that will spend \$30,000 on a student to study the philosophy of Goethe or some strange thing like this and then cannot get a job. They would spend \$30,000 to train somebody in a University to do sociology and then he walks about and cannot get work, but they find it reluctant to come up with the money to train people who are going to make useful contributions to the development of the country. I am very distressed when I see the number of young people butting about looking for work with a few "O" level certificates and can get nothing to do, and at the same time there is a pressing demand in this country for large numbers of skilled workers. Therefore this new Bill with all that it envisages is exactly what is required at this time. But I must caution that it is only in its embryonic stage. One cannot expect that immediately the Ministry of Labour will be mass-producing people with skills; we cannot expect that at the great cost of equipment that is required for this type of training that any wonders will be worked overnight; but I am satisfied that the Ministry of Labour is moving in the right direction.

The hon. member for St. Michael South West also raised the question of vocational guidance officers in schools, and he was obviously speaking against a background of ignorance, because he does not really know what is happening in that regard. The Barbados Labour Party in its manifesto of 1976 promised that a vocational guidance officer would be put in every secondary school in Barbados, and we started in the Ministry of Education to do just that. We have been training vocational guidance officers and we have put a number of them in secondary schools already, and I am convinced that within another two years each of the Government secondary schools in Barbados will have a vocational guidance officer. There is in the Ministry of Education a vocational guidance officer. I accept that the work involved for one person is a heavy load, but at least we are moving in that direction.

His colleague the hon. member for St. Michael South can tell him that the Barbados Community College has recently, a few months ago, got the services of a full-time trained Careers Guidance Officer; so I know the hon. member was not apprised of these things, but I am glad he brought the point so that we can feed him with some of the things we are doing in this regard.

Finally, Mr. Speaker, a question was raised about training in handicraft in Barbados. The programme that

will be set up by the Ministry of Labour as envisaged in this Bill is in harmony with the policy of the Ministry of Education in the execution of its evening adult classes. Only about three or four weeks ago I had the good fortune to go to one of the adult training classes run by the Ministry of Education and was amazed at the quality of the work that has been done by these people. I am sure that the work they have been doing and will continue to do will find a ready market right here in this country.

And one final note, Mr. Speaker, considering that it is absolutely necessary that in all our training in handicraft that attention be paid to the use of local materials, I had the good fortune recently in visiting another country to see how they use all sorts of materials that we throw away in Barbados to do handicraft of an extremely high standard, and I advised one of the people who was on the tour with me to get in touch with the IDC as soon as we got back and have discussions with the Handicraft Officer of the IDC to bring to his attention the possibility of the usage of far greater materials and to spell out those items exactly, so that we can instead of indulging in a lot of waste of materials that could be put to benefit, we can develop a handicraft industry that is based on indigenisation, as the hon. member for St. Michael South West has said, of materials that would better allow people involved in cottage industry to produce in large amounts at lower costs.

Mr. Speaker, I have every pleasure in supporting the Bill before the House.
8.10 p.m.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, the previous speaker has dealt quite adequately with a number of points which were raised by the other side and there is just one area of activity which I would like to reply to and this is the area of Handicraft which was specifically mentioned by the hon. member for St. Michael South West.

I think that the hon. member is quite correct in saying that the basis of the programme which was laid down in 1974 was done under the Development Plan which has been executed and together with a few modifications in the light of certain other areas of activity which we ourselves felt were necessary.

I think I will bring him up-to-date. There are in effect now 4 Training Centres. In addition to the Centre in Bridgetown, there is a Centre at Six Cross Roads in one of the Industrial buildings there. We found it to be very suitable in view of the fact that we are trying to encourage the Furniture Industry in that area and we felt that some of the handicraft workers could do certain work in relation to the trainees after they have finished.

They could do some work in relation to upholstery, caning and a number of artistic areas because furniture is not only carpentry. One has to have training in things like that. This is going exceedingly well.

Secondly, we have to bear in mind that we have an active centre in Speightstown.

Thirdly, we have now a building at St. Bernards in St. Joseph which will come into vogue. This building was an old school and there was some difficulty. There was a question of sewage because there were sewage problems up there. The building has a large yard and a part of the old school which is not in danger can be used as a store-room. It is very near the source of the raw materials across in the Scotland area.

In addition to that, under the 14-16 year old programme a large input was given by the Handicraft Division of IDC. At a number of schools the children are actually being trained in the specialisation of the Handicraft Division so that although we might not have had a large number of centres, we are in fact training a larger number of people. We are trying to integrate our training opportunities and not have dislocation.

We also have one other outstanding area which has special mention. It is the fact that CADEC bought a part of the project we had in relation to pottery and they started their Scheme in Chalky Mount so there will be no point us competing with CADEC. What we have been trying to do is to integrate the voluntary features that we have, the religious features that we have and the part being done by the Education Department.

As the Chairman of the IDC reminded me specifically that it was only last week that they had approved a new scheme of payment which is now unquestionably better from the point of view of the weekly stipend for apprentices in the handicraft work. The amount of money will be implemented soon but last week it was approved and it is up considerably. It is better I understand than what is paid to recognised apprentices in accordance with the scheme by the Union. The skills are very good.

We have now a Centre at Dover. We have a Centre in Bridgetown and we would be having, and hon. members will be pleased to know, that at the new Airport Terminal Building we will be having a very large outlet for these workers who have been trained.

Handicraft is an important aspect and I can also tell hon. members that because of the success of the Government Scheme that there is a tremendous amount of activity that is going on. We have really made a significant improvement in that area. I am positive, and the gentleman at the Handicraft Division, Mr. Brown, assures

me that they are far more people employed outside who sell to the Handicraft Division than we may think and that they now come and bring their goods and ask them to sell them for them.

As a matter of fact, we now have a whole group who are doing very well between Norman House and Cave Shepherd. There is a spontaneous market that has been created by the people who have undergone training. We have been lucky in many respects. We have here in Barbados an Expert in leather making from the U.K. his family has been actually making leather products for over 200 years and he has done in his spare time some tanning from the skins of the Black Belly Sheep. As a matter of fact he is so interested in it that he brought down the Chief Scientist from the British Leather and Research Organisation to Barbados to help and he adapted the chemicals to suit it. These are the things that are happening. We are moving in the various areas. I think that if people would register under the self-employed Register that we are trying to get them to do, not for taxation but for the purpose of building up a statistical record, then we can get some statistics to see the real impact.

I am very pleased to note that this Bill has received the support of all hon. members on all sides and with respect to the point raised by the hon. member for St. Lucy, all of the points that the Union have put forward have not been accepted but the great majority of them, as he has conceded have been accepted. This is only the framework of the Resolution. The Industrial Committee people will be entitled to make their input in revising the Training Scheme and the regulations in relation to apprentices and we are hoping that we will be able to attract high quality staff to do this job.

I have had the advantage of reading of the efforts in highly industrialised countries in this same area of activity. They have gone back to the apprenticeship system as a result of their unemployment problem. They have gone back to encouraging areas of activity which hitherto were discouraged under the concept that most of the production in the society would be production for industrial factories and I want to say this. I have seen the work done in the Philippines. It is a very highly competitive area in the World today and if you look at the efforts that are being made in places like Ireland, in the U.K. in special designated places and in Scotland you will know and understand that Barbados has to be really competitive. It really has to train its people in areas to compete with very developed countries and that is why the Government places so much importance on this and we look forward to the co-operation of everybody in this Scheme.

8.20 p.m.

Already, as I have said before, we have had co-operation from specific employers, we have had co-operation from the electronics industry which is going on right now, certain aspects of the garment industry have already promised their co-operation, and things of that kind. As the member for St. Lucy has said, there are some employers here who believe that the best way to train a worker is to attract a worker who has been trained by somebody else.

Mr. SPEAKER: That is what is called poaching.

Hon. H. B. St. JOHN: They regard it as overall inducements which would attract people who are working in a similar industry and they feel that competition expands to the extent that they can induce them by something better, but we would like to train as many people as we can for the requirements.

The point about the manpower development survey is well taken, but that is something that has to be continuously reviewed in the light of development. I have had the advantage of meeting one of the gentlemen who were able to map out for Scotland a ten year manpower projection, and provided we can line up the money the Government is willing of course to put some, but I have absolutely no hesitation in supporting any request from the Ministry of Labour to set up such a body. We need something like that, it is important that people bring in somebody from outside to have a look and to bring in a little breath of fresh air. It is no reflection on the competence of the people here, but sometimes when you look at it from outside you may be able to see things with which we are not so familiar, and having had that help we could then be looking forward to the stage where others would hire our expertise. We have already had requests from some countries, so that this is an area in which there is freedom of movement in the world among very skilled people, and it is no reflection on any particular person.

With those comments, Sir, I beg to move that the Bill be read a second time.

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

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

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

Clauses 1 to 16 were called and passed.
8.30 p.m.

Clauses 17, 18 and 19 were called and passed.

Clause 20 was called.

Mr. TAITT: Mr. Chairman, on Clause 20: "A person is guilty of an offence.....who knowingly induces or attempts to induce an apprentice of training to leave the service of his employer...." My colleagues spoke about this in the context of a particular person, but it seems to me that despite the attempt to be fair it is a very ticklish area at what point does one attempt to induce an apprentice away from an employer. If an apprentice is employed and I come along and casually suggest to him that if he works with me he would get a little more bread — to use the local expression — that is an inducement, but it seems to me that is normal contact in the scheme of things. I would like to hear the Leader of the House on the thinking behind this. It seems to me that the attempt to induce will be very interesting in the offer and acceptance of employment.

Hon. H. B. St. JOHN: I think, Sir, that the "*mens rea*" is clearly set out in the word "knowingly", and that infers that there must be some motive, some degree of moral turpitude involved. It says "knowingly" and "knowingly" has a special meaning there. The word has a *mens rea* effect.

Mr. TAITT: I would like to go on to Part B of the Clause which seems a very serious imposition on the freedom of contract. It says that a person is guilty who knowingly "employs a person who is bound by a contract of apprenticeship or training to any other person". I think I can appreciate what the Bill is seeking to do but this is a very serious piece of legislation because it means that if you have a contract and I know that you have a contract, you cannot break that contract to be employed by me because if you do I would be guilty of a criminal offence. I do not understand that. I think I understand what it is trying to do, preventing inducement away from other people, but the Clause.....

Hon. H. B. St. JOHN: There is again the word "knowingly" that qualifies that too, and it must be remembered that previous sections of the Act have provisions for determination of apprenticeship. For instance, it can be terminated by an agreement in writing or by the director, so that there is a procedure for determination. If the person is an apprentice he would be registered and would perhaps have a card of some sort of registration.

Mr. TAITT: This might be all right when operating within the context of a closed shop; with a closed shop you have to get a union card before you can work. Here in Barbados without closed shop it seems to me, taking usual meaning of "knowingly" that you could employ a person bound by a contract. I am not questioning this

from the employer's point of view but from whether a person is free to offer his services where he wants. Without going into any long drawn-out discussion it seems to me that inherent in the freedom of contract labour, even in the role of an apprentice, you should be free to offer your services to whom you wish whenever you wish. According to this Clause you are bound by a contract and cannot break that contract in the normal way; you can only break it according to the terms of this Bill, otherwise you may be found guilty of a criminal offence.

Hon. H. B. St. JOHN: Under section 17 the "rights and obligations of an employer under any contract of an apprenticeship or trainee, may, with the written consent of the apprentice or trainee and with the approval of the director, be transferred to another employer". So the object of the section seems to me to afford a transfer position so as to ensure that once the person is apprentice they do not want him to terminate his apprenticeship unless he goes through a certain procedure. If the person wants to terminate the apprenticeship there is a procedure and it can be done with the written consent of the apprentice or trainee and with the approval of the director. The employer cannot stop him, so you are not interfering with his right of being able to get alternative employment so I am saying that the employer should go through the procedure. The apprentice must apply to the director for a transfer, the whole object being to encourage the apprentice to stay in the apprenticeship. 8.40 p.m.

On separate motions of Hon. H. B. St. JOHN seconded in each case by Hon. L. S. CRAIG Clauses 20 and 21 inclusive of the Bill were called and passed.

Clause 22 was called.

Hon. H. B. St. JOHN: Mr. Chairman, I beg to move that Clause 22 stand part.

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

Mr. GREAVES: Mr. Chairman, when I spoke on the second reading, I referred to the considerable importance which the Director of Training seems to have in relation to the training of apprentices and trainees. Section 22(1) says: "An employer who is satisfied that an apprentice or trainee who has entered into a contract with him has committed a fundamental breach of the terms of the contract or of any conditions of apprenticeship or training applicable to the apprentice or trainee may forthwith suspend the apprentice or trainee."

Sub-section 2 says: "An employer who suspends an apprentice or trainee shall report the matter in writing to the Director within 3 working days after the suspension; and the Director shall investigate the matter and may

confirm or set aside the suspension of the apprentice or trainee or vary the terms of the suspension."

Mr. Chairman, I think that this section indicates the kind of power which the Director of Training will have. I made the point in connection with another section that it would be much better in this kind of situation where an apprentice or trainee faces suspension or even the termination of his contract, that some provision should be included here for some proper representation. I know that the Minister in his reply will indicate that there is a Board, and that there are representatives of workers on the Board; but one has to recognise that even in that situation there is still need for some kind of provision, so that if for example an apprentice or trainee is a member of the trade union, that the trade union should be able to represent that person. I think that it would be a useful exercise to have a provision for such representation to take place.

Mr. TAITT: Mr. Chairman, we are on section 22. On section 22(4), I really cannot reconcile to that provision that no wages accrue to an apprentice or trainee during a period of suspension because sub-section 5 says that where the director sets aside the suspension of an apprentice or trainee under subsection (2), the employer shall pay to the apprentice or trainee such wages as may have been withheld from him during the period of suspension. It is only when the Director determines the case, that the apprentice would be without pay. It would seem to me that if he was unfairly terminated that he would be entitled to his wage as an apprentice. I cannot understand the provision that no wages will accrue to a trainee during suspension regardless of whether the suspension was unfair or not.

Hon. H. B. St. JOHN: Mr. Chairman, the first question raised was one of representation. I have no doubt that the Board will regard any matter coming before it as a matter of procedure, and that apprentices will have the right to be represented by the union of their choice. As regards the second point, I think that all it says is that during the period of suspension the employer does not have to pay any wages. If the suspension is not upheld, the employer has to pay his wages for the period of time during which he has been suspended. It is like any ordinary rule of work. If you suspend a man and you go before a court, and the court says you were wrong, the employer must pay such wages as were not paid during the period of suspension.

Mr. TAITT: Mr. Chairman, if no wages are paid during the period of suspension — I am just trying to see if I can understand it. If according to subsection (4) no wages are payable during the period, I cannot reconcile it with subsection (5).

Hon. H. B. St. JOHN: The reason why subsection (4) is there is to make it abundantly clear that during

suspension — and suspension is not dismissal. When a person is dismissed, there are no wages accruing. Every trade union agreement has that provision. I know that in respect of the Civil Service, if you are under suspension you get a certain percent of your wages. The position in this Bill is that subsections 4 and 5 must be read together.

When the Director sets aside the suspension of a person, the employer must pay such wages as were withheld from him during the period of suspension. If the suspension is upheld there is no legal obligation to pay the wages. Otherwise subsection (5) would be meaningless.

Mr. TAITT: I think that the Minister should give a bit more clarification on this matter. If his interpretation is the most liberal interpretation that can be put on it, it can be carried far. If you say that no wages shall accrue to an apprentice or a trainee, I do not see the need for subsection (5).
8.50 p.m.

You specifically said that no wages accrued, so it is now left to the mercies of the employer to decide whether he is going to give him a little "thrallia", a little pittance or otherwise, but according to this as it stands here, you are saying that he has no right whatever to look for anything during the period of suspension; anything he gets after the period of suspension arising out of the Director's conclusion that he was unfairly suspended is a question of charity according to this, as I see it. I do not know how the hon. member is able to, unless it is the lateness of the hour, get out of these words "may have been withheld from him during the period of suspension". They cannot withhold something that did not accrue. I do not see how it is possible.

Hon. H. B. St. JOHN: I will draw it to the attention of the Attorney General, but that is not my interpretation of the section as a whole. I will draw that to the attention of the Attorney General as to the law, but as it is I think that my position is very clear. I think that my own interpretation of it is very clear that if the Director lifts the suspension, then he has to be paid anything that the employer did not pay him during that period of time. If he get \$30 a week and he was suspended for three weeks, you have to pay him \$90. That is my interpretation of it.

The question that Clause 22 stand part was put and resolved in the affirmative without division.

Clauses 23 to 26 inclusive were called and passed.

Clause 27 was called.

Hon. H. B. St. JOHN: I beg to move that Clause 27 stand part.

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

Mr. GREAVES: Mr. Chairman, under Clause 27, this deals with the training scheme. Now if one were to examine Clause 27(3) (a) it says:

"There may be contained in a scheme, in respect of any occupation to which it relates,

- (a) the qualifications, including the age and educational standards required for apprentices or trainees;"

Now I think we have to be very careful about the way in which this particular aspect of the legislation is dealt with, because we are essentially dealing with a situation where we are seeking to impart skills to persons, and yet we are coming back to what could easily be interpreted from this particular subsection a situation where you are going to be demanding certain educational standards, and in the Barbadian context we know how that could be interpreted. Now it would indeed be extremely difficult to determine what would be the ability of a person to acquire a particular skill when on the one hand you are dealing with skills training and on the other hand you may be demanding qualifications which might be more of a literary and that kind of nature, and that in my view will impose certain difficulties and problems.

For example, we have a situation now where we have operating the Samuel Jackman Prescod Polytechnic which presumably is designed to train as many people as possible in various skills on their programme there, but one of the complaints which seem to be levelled at the Samuel Jackman Prescod Polytechnic is the kind of standards and the insistence on people who are going into their programmes having completed a certain level or having had a certain level of educational attainment, and this in a way can stand somewhat between a person and his desire to acquire a skill. I am not at all saying that we would want to encourage a situation where you would have people who cannot read or write and who cannot appreciate the fundamentals of what would be involved in a skills training programme, but the fact of the matter is that we have to be very careful about the kind of standards which we will be insisting on here, because I know that this could run into difficulties, and I know that this is one of the difficulties the Polytechnic faces at the present and one of the criticisms which could easily be levelled at the Polytechnic because rather than trying to get across the skills aspect as much as possible, they have been insisting on people having a school leaving certificate and the various things which they want to do there. Then of course the examinations which they set are to a large extent a more literary type examination than the one which one would expect would be applicable to this question, and we have also to be aware that it is possible that

some of these people who might be going into this skills training programme might very well be people who would have left school years ago and who might very well be undergoing a retraining programme, and they might not have the kind of qualifications or might not be able to produce the kind of qualifications the Board might be demanding. I think that some other kind of standard should be set so as to determine a person's ability to be able to benefit from this kind of programme, and I hope that the Minister in his reply will be able to throw some light on this because I think it could pose some difficulties and some problems.

MOMENT OF INTERRUPTION

Mr. CHAIRMAN: I must now report progress and ask for leave to sit again.

Mr. CHAIRMAN left the Chair and Mr. SPEAKER took the Chair.

Mr. SPEAKER: The moment of interruption has been reached. Is the matter now under discussion controversial?

Hon. H. B. St. JOHN: No, Sir.

Mr. SPEAKER: Before the moment of interruption was taken, the House was in Committee. To that it now reverts.

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

Hon. H. B. St. JOHN: The point that was made is a well taken point, but I would hope that the Board and the Minister would bear in mind that what we are trying to do here is to impart as much skill as possible to as many people who are capable of benefiting as possible. I suppose that it had to be worded in this way because the apprenticeship schemes will be very varied and the qualifications would also vary.
9.00 p.m.

I know of one area in which a person is usually trained by apprenticeship; the area of Marine Engineering, the area of Seamanship and that kind of thing. One would hardly expect that a person would be able to be a successful apprentice in that area unless he had certain educational attainments.

The qualifications in respect to the Scheme for Marine Engineers or the scheme for Seamen would be different from the qualifications in respect of a person of a masonry skill or for a person driving a tractor or a vehicle of that sort or motor mechanics or anything of that kind so that the onus of insuring that the qualifications are tailored to suit the particular type of scheme falls

upon the Board with the approval of the Minister and I do not think that we need to worry in that direction as the Trade Unions will be represented on the Board as well as the Employees Organisation, as well as independent people so that bearing in mind the framework of the Board that we need not have to find any money bearing in mind that we have an infinite variety of schemes. The Act has a degree of flexibility which will permit regulations dealing with each and every particular scheme.

Mr. GREAVES: Mr. Chairman, there is just one other point. I did mention in my opening speech on this Bill that some provision should be made in the schemes for the training of persons who might be physically handicapped but who might still be able to benefit from the skill-training programmes. We recognise that they are some persons who might have some difficulty in being able to follow the statutory training requirements.

I am wondering if in these schemes the Minister envisages that some provisions will be made for that kind of persons to acquire a skill because as you will recognise he can be a useful citizen provided of course things can be tailored to suit his particular situation.

Hon. H. B. St. JOHN: I think, Sir, that this Section, sub-section 4, specifically envisages that situation. It says "different conditions of apprenticeship or training may be specified in a scheme in respect of different classes of employers, apprentices, trainees or occupations". I think that this is flexible enough to cover that.

Clauses 27 – 40 inclusive were called and passed.

The First Schedule was called.

Hon. H. B. St. JOHN: I beg to move that the First Schedule be the First Schedule to the Bill.

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

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

The Second Schedule was called.

Hon. H. B. St. JOHN: I beg to move that the Second Schedule be the Second Schedule to the Bill.

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

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

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

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

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, we have come to the end of business for the day. I beg to move, Sir, that this House do now adjourn until Tuesday, 31st July, 1979. I expect that on that day we should be able to conclude Government Business which we intended to proceed with in this Session. We will deal with as much Private Members' Business in that particular time. I believe that Order No. 1 is usually given priority and that we will be able to have a recess of a sufficient period of time that hon. members will not be called upon to be here until at least the last quarter of this year.

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

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

9.10 p.m.