THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 20th November, 1979

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

PRESENT

His Honour W. C. B. HINDS, J.P. (Speaker); Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); 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); Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); 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); Hon. L. R. TULL, M.A., (Minister of Education and Culture); Mr. L. L. SISNETT; His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were read.

Rt. Hon. E. W. BARROW, Mr. SANDIFORD and Dr. HAYNES entered the Chamber and took their seats.

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Tuesday, 6th November, 1979.

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

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

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

The Minutes of the meeting of Tuesday, 13th November, 1979.

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

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

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

ANNOUNCEMENTS

Mr. SPEAKER: I have to announce that I have received copies of Accounts and Statements for the month of September, 1979, as prepared by the Accountant General.

PAPERS LAID

Hon. H. B. ST. JOHN: Mr. Speaker, I beg to lay the following:–

The Annual Report of the Child Care Board for the period April 1978 – March 1979.

On behalf of the Minister of Finance and Planning, I beg to lay the following:-

Statements showing Net Customs and Excise Receipts for the months of April to August 1979.

GOVERNMENT NOTICES

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

Resolution to grant the sum of $86,482 out of the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates

1979–80 Part I – Current, as shown in the Supplementary Estimates 1979–80, No. 14, which form the Schedule to the Resolution.

Mr. BRADSHAW entered the Chamber and took his seat.

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

Resolution to grant the sum of $167,992 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1979–80, Part II – Capital, as shown in the Supplementary Estimates 1979–80, No. 15, which form the Schedule to the Resolution.

Hon. H. B. ST. JOHN: Mr. Speaker, I beg to give notice of the following:–

Resolution to approve the Sugar Industry (Rehabilitation, Price Stabilization and Labour Welfare) Order, 1979.

I also beg to report that at an appropriate time today, I will be asking the House to deal with this in all its stages. It is the usual Resolution fixing the final levy and the final cane payments.

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

Resolution to approve the compulsory acquisition of land at Arthur's Hill, Tweedside Road, for the purpose of highway improvement.

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

A Bill to make miscellaneous amendments to certain Acts relating to property.

A Bill to amend the Succession Act.

Hon. H. B. ST. JOHN: Mr. Speaker, on behalf of the Prime Minister, I beg to give notice of the following:–

A Bill to amend the Retiring Allowances (Legislative Service) Act.

A Bill to amend the Governor-General (Conditions of Service) Act.

BILLS READ A FIRST TIME

On motion of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, a Bill to make miscellaneous amendments to certain Acts relating to property, was read a first time.

On motion of Hon. H. deB. FORDE seconded by Hon. L. S. CRAIG, a Bill to amend the Succession Act, was read a first time.

On motion of Hon. H. B. ST. JOHN, seconded by Hon. L. S. CRAIG, a Bill to amend the Retiring Allowances (Legislative Service) Act, was read a first time.

On motion of Hon. H. B. ST. JOHN seconded by Hon. L. S. CRAIG, a Bill to amend the Governor-General (Condition of Service) Act, was read a first time.

SUSPENSION OF STANDING ORDERS

Hon. H. B. ST. JOHN: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5) be suspended for the remainder of the day's sitting.

The object of this is to facilitate the passage of the Resolution relating to the approval of the Sugar Industry (Rehabilitation, Price Stabilisation and Labour Welfare) Order which fixes the final levies to the three funds so that the cane payments can be facilitated.

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

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

12.30 p.m.

GOVERNMENT BUSINESS

Hon. H. B. St. JOHN: I beg to move that Government Business be now taken and that Order No. 3 be the first Order of the day.

Mr. SPEAKER: Government Business is the instant Order of the day. Item No. 3.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT OISTINS, CHRIST CHURCH

Hon. L. S. CRAIG: Mr. Speaker, there are some ten parcels of land set out in the Schedule to be acquired by Government at Oistins for the redevelopment of the Oistins Town.

The appropriate Section 3 notice has been published, negotiations are still going on between the Crown Solicitor's Office and the persons concerned, there have been a number of problems which we believe are all but solved now, and the Deputy Prime Minister whose brainchild I dare say it has been over the years to see Oistins completely developed would have much more to

say on this Resolution that I would have, in the light that the Ministry of Housing is only the Ministry acting on behalf of Government for the acquisition of lands as they come before Parliament.

Mr. Speaker, I foreshadow that in the not too distant future we can all look forward to seeing Oistins Town free from the problems which it has been enduring over the years.

I beg to move that this Resolution do now pass.

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

Hon. H. deB. FORDE: Before this Resolution is put to the vote, I just wish to declare to the House an interest and I had better spell the interest out. In the Eighth Schedule there is a parcel of land which is listed as the property of Gloria Hewitt situate at Oistins in the parish of Christ Church. That land is part of the estate of my deceased mother, I am still the Executor of that estate and it has been left in her estate for Gloria Hewitt and it will be transferred in due course, but the transfer has not taken place and I would not wish it to be recorded in the records of this House that as Executor I had voted, so I ask for the right to abstain from the voting.

Hon. H. B. St. JOHN: Mr. Speaker, these parcels of land all relate to the seaside and they run from the drain opposite the Church, which was a Brethren Church, right down to above the property which is owned by a Mr. Archer who was a well known shoemaker, and whose children we all know. One was in the Auditor General's Office and the other one was in the Police Force. The front only of his property will be affected for a road widening scheme. There is one property on the other side of the road which will be used for the Rates and Taxes Department which will be transferred from Scarborough where it is presently situated, together with facilities for a bus turn around, and the new facilities for a Post Office. The existing Post Office and Library, the Library will be moved to Scarborough, the existing Post Office and Library are to be incorporated into the facilities being provided under an Inter-American Development Bank loan for the expansion of the polyclinic at Oistins. The negotiations, I understand, have reached an advanced stage and it is necessary to bring the compulsory acquisition procedures in view of certain discrepancies between the plot areas and the *de facto* areas of the land.

As hon. members will appreciate, the sea comes and goes on that area on the seaside, and there are some discrepancies between the very old plots and the present plots. In addition to that, there are a few title problems, and it was thought necessary that the best way of resolving these matters was to make use of the procedure, but I understand that negotiations are going along between the Crown Solicitor and the Standing Valuations Committee on a reasonably amicable basis.

This then would provide all the land requirements for the works on the seashore which, as I said previously, are being financed by the European Economic Development Fund, and it consists of the road widening to prevent the bottle neck of traffic which starts essentially from where the present bus shed is, opposite the gas station, and it goes down to the front of the Archer's residence. All the balance of the land from the drain right up to where the standpipe was, right up to the gas station, is Government property, some of which has been acquired earlier. The people have been removed and resited within the area of land under the Oistins Hill. I understand that there are a few residences here, and I know that on the landward side the Planning and Priorities Committee has commissioned a detailed study of the development of the land side, and that is now being undertaken by Messrs. Gill Associates in conjunction with the Ministry of Communications and Works. So that it is quite possible that a few other areas on the land side will be needed to accommodate any people who were displaced on the sea side.

There are three shops in the area, one of these shops has been removed already, but it is the intention of Government, and the plans which have been approved for the sea works and the reclamation of the sea by the European Development Fund does make provision for the provision of three shops also, but of a new design to be as part of the terminal building and fish marketing complex, and obviously they will be offered to the owners of the three existing shops who are there.
12.40 p.m.

The land side, as I said, other than Scarborough, the plans for Scarborough have been finally approved by the Town Planning Department and the Scarborough section will consist of the Court, Police Station, Library and the Ministry of Health complex, together with a pathway going between the Oistin Plaza and the road which was previously closed to accommodate the then Coast Guard facility. There will be a turnabout at the end of that road, together with a Parks and Beaches facility on the crest of the bank there so that people who are using the Enterprise Coast Road will now have a means of turning around; it was made into a cul-de-sac previously at great inconvenience to the public, and that inconvenience will now be removed.

All of the funding for the sea work has been obtained; the prequalification notices have received the approval of the European Economic Community representatives and the tenders committee here are now studying them. It is hoped that these pre-qualification notices will be out before the end of this month, and

this time the consortium of engineers who have done the design – namely C. U. P., Halcrow and Mahy and Chatterton who were awarded the contract for the sea works have been fully commissioned and the detailed plans will be ready to go out to bid in the first quarter of next year. It must be appreciated that this is being financed by the European Development Fund and that the final designed plans – as opposed to the working drawings – have to receive the approval of the European Development Fund Committee in Brussels. This approval was achieved on October 23 this year, so that we can expect construction will start in this area in the first quarter of next year.

As far as the Scarborough section of the development is concerned, that is being financed mostly by Government funds. This House has already passed a Resolution for the Police Station and the Courts. The Scarborough complex is being designed by Captain Tomlin, who hon. members will recall, was responsible for the design of the original medical facility there together with the Post Office and Library. He has been commissioned by the Ministry of Health to carry out the plans for the Inter American Bank in order to ensure that there is proper coordination of that area. Captain Tomlin was also hired to do the design of the Courts, the Parks and Beaches Complex and the pathway. That also will go out to bid in the first quarter of next year.

The land slide will take a little longer because the Town Planner is most anxious that the plans which are created for the land side will be plans which will take into account likely developments in the Oistin area up to the year 2000. All of that will not necessarily be executed immediately, but the basic position is that a proper physical development plan has at the present moment received the approval of the Town Planner, so that planning decisions in that area will be taken in the light of the long term needs of that area. This development is one which I myself personally have advocated for many years and I remember inserting it myself in our 1966 Manifesto.

I have great pleasure in seconding this Resolution.

Mr. WARD: Mr. Speaker, I am sure all hon. members are very pleased at this further step in the development of Oistin. We are all quite aware that Oistin has been neglected for a number of years and the development of Oistin will now have a wholesome effect on the Island insofar that a great deal of traffic that now drives into Bridgetown will be able to get their business fixed in that part of the Island which so far has been undeveloped.

While on this subject of the development of the coast line I would like to draw to the attention of the House two portions of land on the coast which could be purchased by the Government for the further development of the coast line. One of these parcels of land is in Hastings. There is a portion of land opposite Pavillion Court which should be purchased by the Government for use by Barbadians living in that area. Inland of Hastings there is a very high density of population and these people ofttimes have to get permission to cross private property to get to the beach. Now I know we are going to hear that the land is very expensive. But if we start casting our minds forward to the year 1995 we are going to find that the present price of the land will be considered ridiculously cheap; so I hope that the Government will find it possible to purchase this land.

There is another piece, Mr. Speaker, in Fitts Village in St. James which, for identification is where a Mr. Mings has a shop. It is a very narrow strip of land unsuitable for building and I think the Government should purchase it for the residents of the area to get to the beach. Again they have to cross other people's land to get to the beach.

It is unfortunate, Mr. Speaker, that as a result of the way Barbados has developed most of the sea coast land has been bought by people and as a result Government will have to have a policy of buying some of these lands to give people proper access to the beach. Two other pieces that I would like to draw the attention of this House to are the property of the Government. On two occasions when the Estimates have been before Parliament since I have been a member of this House, I have mentioned that the Government owns a very valuable piece of land at Bats Rock at the border of St. James and St. Michael. The former Government agreed to exchange the existing road or right of way going through there for another one which is very short indeed. Bats Rock is, I would think, if not the finest beach in Barbados, possibly one of the finest in the Caribbean, but you cannot get to it unless you break your shock absorbers or springs or something else. I think the Government should fix this piece of road which it exchanged with the company that owns that land. I have spoken on two occasions on this in the Estimates and I do not know what to do to get some movement in this direction. I have been wondering whether I should throw a beach party for members of Parliament to let them go there to see what a magnificent beach it is so that some action could be taken. Cave Hill, Paradise Heights, Wanstead, right up into St. James; Barbados would love to get to that beach, but to get there, if you walk you have to walk through a lot of bush and if you drive you must destroy your car to get to the beach. I do not know what we can do to get action for a road to Bats Rock beach. I would give hon. members some idea where the new access could be. We have recently widened the road to the back of

what was the Leper Asylum, and right across from that there could be a very short road to get to Bats Rock beach. 12.50 p.m.

Now, Mr. Speaker, there is another piece of land I would like to draw attention to and this is in Holetown. The land behind the Police Station at Holetown is now being used by a Restaurant. Now this Restaurant was built on that land on a coast when the area in Holetown was very undeveloped. I understand that Parks and Beaches have plans for building a Restaurant on that land.

Mr. Speaker, for the information of the House, there are 10 or 11 Restaurants within walking distance in the centre of Holetown therefore for Parks and Beaches to remove the existing Restaurant and build one there would be a waste of public funds. I have made this known to a member of the Parks and Beaches Commission.

When the facility was built it was correct because the place was undeveloped but in an area where 12 Restaurants already serve the area I cannot see Government putting money into another Restaurant. What the Government should do is to put down an arcade for the small people in this country to sell their merchandise to the Tourists.

I do not say this as an education to the members of Parliament because every member of Parliament on both sides of the House know well that the small man must be brought in to benefit from the Tourist Industry in this country. That is nothing new. I am sure every member knows this.

This is an ideal place to put an Arcade where small people can sell their ware on the beach to the visitors of this country. If you build a Restaurant you can only rent it to one person but if you were to build 12 shops, an Arcade, you can rent them to some of the small people of this country, something similar to what is at the Deep Water Harbour.

Mr. Speaker, I am happy that the Minister is here today. It did not occur to me to speak on this until I got here and I hope that I will not see Government put money in a Restaurant to rent to one person when that land can be developed to serve the small people of this country who justly deserve a part of the action in the Tourist Industry.

Rt. Hon. E. W. BARROW: Mr. Speaker, it is usual when the Government plans some large scale development such as this, as the previous Government did when we brought in plans in here for the Oistin's Development, no matter how sketchy these plans may be to give members of Parliament the benefit of an overall prospectus of the Development that is taking place.

When the Minister of Communications and Works spoke in the House some weeks ago on the proposals for the road from Spring Garden to Black Rock, I remember well, Sir, that consideration of the matter was postponed in order to give the Minister an opportunity to bring a plan of the road.

I am glad the Minister has taken his seat because he can confirm what I said, and the Minister did turn up on the next occasion with the outlined plan of the road so that the member who just sat down and I who happen to be persons who possibly could be affected and members of the general public could see what was being done.

Now the Hon. Minister of Trade, the Deputy Prime Minister, is not the only person who is interested in Oistins. As a matter of fact, Sir, some years ago, I cannot remember when it was, we set up a Committee for the Development of Oistins and Speightstown and the Minister himself, the Deputy Prime Minister, was made a member of that Committee which the then Deputy Prime Minister, Mr. Talma, was Chairman and as far as I can remember, he served on the Committee.

Some kind of outlined plan was made for the Development and we approached, when Mr. Maurice Hurley came down here after the First Lome Convention, the European Development Plan for financing of this Project at Oistins, and we did secure approval through Mr. Maurice Hurley for funds for the Development of Oistins.

My recollection at that time was that we proposed reclaiming approximately three acres on the seaside, the widening of the road in order to relieve congestion to which the Minister of Trade and the Deputy Prime Minister referred to in the closing part of his speech.

We also proposed a by-pass road which would begin somewhere at the end of what the people called Thornbury Hill running along the base of Maxwell Hill and coming out somewhere in the Top Rock area crossing Government land in close proximity to Top Rock entering upon the Land to Graeme Hall and coming out somewhere, not directly at the bottom, but certainly close to the bottom of Rendezvous Hill. That was part and parcel of the overall Plan for the Development of Oistins.

Lo and behold, the first time that we knew about the Project at Oistins was when notice was served on the persons on the landside of Oistins. This notice today deals

with the people on the side of Oistins to the South of the road and not people to the North of the road.

The acquisition notice was published some months ago. I do not have a copy of the notice here and the Resolution was passed in this House approving the acquisition of land on the North side of the road removing all those shops from the small Arcade to the West of the Shell Texaco Installation all the way down and stopping at Mr. Edghill's shop, which is a Dispensary/ Pharmacy, a Drug Store or whatever description one might describe it by, without any kind of plan being presented to this House or what the intention of the revised plan for Oistins might happen to be.
1.00 p.m.

Today we come to the acquisition on the sea side. I understand it goes down as far as the land in which the late Mr. Archer used to live. It does not appear to take in the land of the Dowell Estate.

I think the name of the house in Diette-on-Sea. It takes in, I do not know, if the hon. member can correct me whether it takes in Diette-on-Sea, but it certainly is mentioned as one of the boundaries of other people's lands. It takes in the land certainly of a lady called Mrs. Cox. A lady who lives up by Scarborough. She has land – yes, it does take in Diette-on-Sea. But, there is some land belonging to the estate of Dowell Limited, I suppose that may be Diette-on-Sea. The hon. member can tell you whether that is so or not. That is a big upstairs building.

Now, what we would like to see Sir, is a plan showing what the Government concept of the new development of Oistins is. I understand, from what the Minister has said, and from rumours which have been circulating, that it is being claimed by the Ministry of Health, probably legitimately, that the facility at Six Cross Roads in St. Philip is under-utilised and that the proposal is to transfer most of the services from St. Philip to Oistin. Now, that may be a very laudible thing to do, but how are the people in St. Philip going to feel about that? As I say, it may be so.

I know for instance, as far as St. Philip is concerned, that there is a big white elephant in St. Philip called the public market. If you are going to build a market, you do not build a public market where people leave and come to Bridgetown to sell their produce because St. Philip is a market garden area which produces vegetables. You do not dispose of vegetables at Six Cross Roads. You produce vegetables up there. So that market really has been used for a multiplicity of purposes including things like dominoes, sheep stealing and various other pastimes. Let me explain to the hon. member who also lived in St. Philip at one time. I do not know where his fixed place of abode is now. Let me explain to him what I mean by sheep stealing. I think he will check this out. It is a transfer centre that the sheep were taken there as temporary boarders and then moved on to another station and all kinds of activities like that, other than a market place.

It is not surprising to me that the facilities have been discovered to be inadequately used or under-utilised and the polyclinic is going to be transferred to Oistin. The Minister of Health can enlighten us on that. At the same time, we have to be careful that we do not change the whole concept of Oistin Town itself, and create a situation of congestion in Oistin, or in other words, we remove the congestion from the cars lining up on the road or trying to get a few flying fish, dolphin or sprats or jacks or whatever may be going and then create another kind of congestion by bringing the Public Library, the Police Force, the Polyclinic and all other things and concentrate them into one small area, because it is a limited area.

Now, if the Government plan is still to build the by-pass road – I do not think that any land up under Maxwell Hill is sacrosanct – there is still a large amount of land at the back of Maxwell Road and I think that if you spread our the facilities a bit, along the new development, along the route of the proposed new road, we would gain a better service than destroying the traditional and ancient site, let us say, of the Mermaid Tavern. Nobody knows exactly what the site of the Mermaid Tavern was in 1652 when the Articles of Capitulation were signed between General Asque and the Commander of the Local Forces after the unsuccessful War of Independence which Barbados was raising against the Commonwealth Government, nobody knows, but Oistin is the site of the first colonial war fought by a colonial people. It is obvious that it could not be the Salvation Army hut, it is obvious that it could not be the delapidated shed that passes for a fish market. Fish market is only a location. It is not the shop formerly occupied by the Federal Banker because that is a recent architectural vintage; or any of the other small places or even Diette-on-Sea which could not be more than 50 years old. Therefore, it would have had to have been one of the places on the opposite side of the road. I would like to think that it is Mr. Flemming's shop, where the fishermen buy their rope and other commodities. All of the shops on that side of the road are worth rebuilding. Every one of them and I would strongly suggest that the Government bring a report showing us the feasibility of removing all of the buildings that they probably, for removal and acquisition, in the course ordered, which is not included in this Resolution here today. What I am saying is this: we would like to see the overall plan for Oistin. If we are reclaiming three acres of land, it is still the intention of the Government to do what the former Government intended doing, reclaim three acres of land, build a jetty for fishing boats and so on, so that they would not have to drag their small bateaux all through the surf. Is it still the intention to build a jetty and a cold

storage facility for the fishermen of Oistin. We want to know that.

Turning Oistin into a Government complex with a lot of shops and boutiques such as you have, say now, at the Grantley Adams International Airport, is not in character with the neighbourhood. It is not in character with the kind of small or entrepreneurial buildings, of the businesses which take place in Oistin now on the north side of the road. It is a completely different kind of atmosphere which you will be creating at Oistin. Do we wish to destroy Oistin? Would we go into Speightstown and destroy all the three-storied buildings with the Mansard roofs which is the only example that we have now of 18th Century French architecture in the Island in order to put up more Government buildings down there? We are doing the same thing with Oistin. Therefore, I strongly suggest that the Minister postpone consideration of this plan, so that the members of the House will see the overall plan. The general public has not seen it.

The hon. member is not doing the members of his constituency justice by allowing them to see what they are giving up and what they are going to get. The hon. member has told us in his speech that he expects that some of the people will get shops in the new arcade. Are we going to have one-armed bandits in this arcade? People do not go into an arcade to buy biscuits, corned beef and play draughts and have a social evening like they do in those shops in Oistin. You are changing the character of the neighbourhood.

I agree with the hon. member who has just sat down on the question of Bats Rock, that is much closer to where we live but that is only incidental and I feel that something should be done about that. There is no question of lack of access to the beach at Oistin because it is all open up there. So he has dealt adequately with that matter and I support him on that. Furthermore, as you are aware, Mr. Speaker, some time ago the Government proposed coming just to the south of the canal not far from where you resided at some time or, I believe, you still reside there, in order to acquire public access to the beach there because of the Cave Hill Development. I am not aware that anything was ever done about that, or that the public is aware that something was done. All the more reason why, on the crowded St. James coast you should have access. There is no problem of access at Oistin.

What I am concerned about, is that from the historical and from the architectural point of view, that we seem to be setting out deliberately to destroy our heritage and change the whole character of our localities which has been one of the more attractive features of Barbados. I take no quarrel with the acquisition of these properties on the seaside. I see no particular or special merit in them, but I will strongly suggest to the Minister, that he allows the people of Barbados to know what is being done about the attractiveness of the buildings on the land side of Oistin. Whether we are going to preserve them, or whether, we are going to destroy them. I am telling him that it is no substitute to any of the shopkeepers. I am not singling out any individual shopkeeper. I know all of them, Sir. Mr. Woodroffe was moved for a development of Southern Plaza and he went up in the back. Everybody else is not going to be satisfied to be pushed up in the back. I have never been able to talk to him since Southern Plaza was built. He has some shop similar to what he may have had before or may be, he is beyond our care now, or probably he is getting ready to retire, his children would be all grown up.
1.10 p.m.

What about all the other shopkeepers who had a particular type of clientele? Is the fisherman going to come off the beach with the legs of his trousers rolled up to his knees and go in a shopping plaza to fire one? You do not know the meaning of the expression! Is he going to come off the beach to go into a shopping plaza in a boutique to fire a drink with his friends after he has toiled all day at sea and maybe caught something that he sold to Baby Dots and Candy and all the people up there? It is completely out of character with what has been going on at Oistin. The next thing you are going to say is "well the fishermen can come into the new fishing port at Bridgetown." So you are dislocating them again. But for what purpose? For the polyclinic? For the library? The library is there already. The Post Office is there already. Put them in the back, but do not take the good people of Oistin, the fishermen, the fishmongers and the shopkeepers and consign them to purgatory and oblivion.

Dr. HAYNES: Mr. Speaker, I should like to make a brief contribution on this matter. First of all noting the excellent performance of the hon. member for Christ Church North Central as though he was performing as Chairman of the Tourist Board in respect of the areas which he pointed out.

However, Mr. Speaker, I would like to draw to the attention of this Honourable House that there is considerable concern not only among the public in general but the people in the Oistin Area and in particular those people who have been served acquisition notices and who have subsequently received certain types of correspondence. In these days of so-called open Government, one would have thought that in a major development of this kind where the present administration is seeking to carry out even if with modifications a major project embarked on by the previous administration, it would certainly as a first step have produced not only for members of Parliament but for the public at large a re-development plan so that when a country is being committed to loans of this kind, they would have to be repaid. It is the responsibility of every citizen in this country and not only the responsibility of the Government, and I feel that before any compulsory acquisition could take place

that such a plan should be produced and made available to members of Parliament and be available to the public in general.

Mr. Speaker, when one's property is being subject to compulsory acquisition it is important that you should know that you are being subject to this process for the overall good of the country, and therefore you should know the reasons for which you are being subject to compulsory acquisition.

Now many people in this area have expressed concern to me. For example, I am aware that not so long ago, in August of this year, a letter went out from the Ministry of Housing and Lands to individuals whose properties are now the subject of this compulsory acquisition assuring them that it was not possible to complete acquisition of their lands in a specified time and that the acquisition may be deemed to have been abandoned. That letter went out, Mr. Speaker, to more than one person who owned one or more of these particular parcels of land which are now the subject of compulsory acquisition. As a consequence of that particular letter at least two persons have assumed that Government was no longer proceeding with the process of compulsory acquisition and have undertaken considerable expenses certainly in terms of architectural drawings and in terms of upgrading their properties since that letter went out in August of this year.

Now, Mr. Speaker, there has got to be some confusion somewhere along the line. It is just simply not fair to do this kind of thing to people, and I believe that all this confusion can be obviated by the simple process of producing a re-development plan letting the people of the area and letting the Parliamentarians know precisely what is going on, and letting these things take their proper sequence in terms of the acquisition process.

I also want to make a further comment, Mr. Speaker. The hon. member for St. John has brought to the attention of this Honourable House the effects on business activities of individuals in respect of compulsory acquisitions. I know of one particular case in the Halls Road area where a person has a wall house, and upstairs building where he lives and a shop downstairs, and no reasonable person could assume that they could offer him $10,000 for his property in compulsory acquisition and that this is being proceeded with.

Mr. SPEAKER: I am afraid the hon. member would not do justice to the individual by reciting his case at this time.

Dr. HAYNES: Mr. Speaker, I draw the comparison to demonstrate that it is absolutely essential when Government is changing the character of a neighbourhood and where people have properties where they conduct their businesses, I think a decision has got to be taken somewhere along the line to recognise that there is a major compensatory element in relation to business dislocation. For example, Mr. Speaker, it is not uncommon in the United States if someone owns a petrol station on one side of the road and the Government authority comes in and makes it a one-way street by simply changing the street from a two-way street to a one-way street thus affecting the business activity of the individual for him to be entitled to compensation for loss of business, but it seems to me that this principal is not being adhered to in many instances, and I would urge that if the Government goes ahead with the dislocation of persons on the land-side in Oistins who have carried on traditional business there for any length of time that this element be taken into consideration in the determination of any compensation in that situation. And so, Mr. Speaker, I should like to support the request made by the hon. member for St. John that this matter be deferred until we can get some access and see the re-development plan of the area even if not in its totality so that we can have some full appreciation of what we are being asked to speak on and vote on today.

Hon. H. deB. FORDE: Mr. Speaker, it has been made to appear in the speech of the hon. member who has just sat down that no provision is made for compensating persons whose business may suffer as a result of compulsory acquisition. Cap. 228 the Land Acquisition Act of Barbados contains adequate provisions to deal with persons whose business may be injuriously affected as a result of the acquisition of land by Government.

1.20 p.m.

In the recent case of Shamrock in the court, part of the damages awarded was specifically under this Head, and it is incorrect for the hon. member to make this House believe that either in the law of Barbados or in practice compensation is not paid under this Head. If, however, the hon. member was adverting to the past Government's acquisition of lands in the Emmerton area and the removal of persons to the Clapham area in which no assistance was being given by that Government for people like Mrs. Simon who needed alternative shopping facilities, then I agree with him, but this Government made provision for Mrs. Simon and others to carry on their occupation in the Clapham area. The past Government had made no such arrangements.

Likewise, the past Government had moved the persons from Halls Road Corner without providing any alternative, and at that time I think the then Minister of Communications and Works, who was then Attorney General, was representing the constituency, and the person was not assisted in finding any similar building to carry on his profession. This is outside of the law of compensation. Now, that is an instance.

Now, I think the hon. member is totally mistaken on the points on which he has spoken. In so far as the removal of people in Oistins on the northern side is concerned, that is nonsense. It is not even down for discussion and it is not even contemplated. It is just a lot of hot air thrown into the discussion to make people believe that the Government did not take into account the needs and aspirations of small businessmen in Barbados, and indeed I will tell you this, that during the last year if the figures are published and so on it would seem that the assistance given to small businessmen in this country by this Government has been more outstanding than any given under the past Government. That is the point, and we had the President of the Small Businessmen's Association making this point in no uncertain terms, and the figures both of loans and of other provisions made bear this point out.

In so far as Oistins is concerned, Sir, I have made my position clear in relation to that bit of land, but let me make one point. In 1966 the Barbados Labour Party's Manifesto included provision for the development and redevelopment of Oistins; since 1966. I heard about some discussions with Maurice Foley. The only discussion was about building cold storage facilities and an extension of a jetty for the fishermen, but no proper overall planning was made for Oistins under the past Government, no proper overall planning was made. A detailed study of the Oistins development was done for the first time under this Government by various consultants. I can tell you what the last Government had. They were talking about a roundabout up by Scarborough, that is what they were talking about. The question of a by-pass road came up in the Physical Development Plan which I brought down to this House, which had been considered and nothing had been happening about it at all, because the Plan was ten years overdue by the time it got to the House, and within a couple of weeks of taking Town Planning in my portfolio that Plan was brought to this House, so we could give you the details on this, but a detailed land use study of Oistins had never taken place, because if it had nobody would have put in Oistins at the time the Esso tank, a highly inflammable enterprise, in the area that it was. The ad hocism of the past Government, nobody would have put the Coast Guard Station where the hon. member put it – if he wants to hear about ad hocism – why didn't he publish a proper plan before he went along with the Coast Guard Station and blocking the whole of Enterprise Road and acting illegally and not even bringing proper legislation before the House? Why didn't he do that? (ASIDES).

Mr. SPEAKER: Let us have some order, please.

Hon. H. deB FORDE: We want to hear about ad hocism under you, you woke up one morning..... (ASIDES).....

Mr. SPEAKER: I am asking the Leader of the Opposition to contain himself.

Hon. H. deB. FORDE: You can give it but you can't take it, but there was tremendous ad hocism. That Coast Guard Station has been a total loss to the country and a waste of public funds; bad planning under you. That is the point, Sir. Even now if you use a tractor out there it gets stuck in the sand, and it has had to be abandoned because you had no overall provision for Oistins at all that is why you did not get one seat in Oistins last time. The road to Enterprise was closed without even so much as the decency of a notice being given to the public who had used Enterprise and who had a public right to pass Enterprise. The hon. member did not even comply with any Town Planning regulations in relation to the Coast Guard station or the closing of Oistins; nothing, not a plan ever passed by him or came into the House on the whole position, so what is he talking about?

All of a sudden he has discovered that things are happening in Oistins that he has been talking about for several years, Sir. He has been talking about them after we published it in 1966, but no action on it. For the first time he has heard that works are going to be executed, and in addition to running around and making all the allegations about people up there who it is benefitting and what not as the Opposition has done, accusations they would not say to our faces, they have no real interest in what happens in Oistins, Sir, none whatsoever, no real interest, but the Oistins development is proceeding by well prepared land use studies, full consultation with the Town Planning and all the other Ministries and segments involved in the exercise, and the people of Oistins.

Sir, it is not true, as the Hon. Leader of the Opposition has said, that the health services at Six Cross Roads are being run down. That is not true, they are going to be upgraded.

Rt. Hon. E. W. BARROW: On a point of explanation. I never said that the services at Six Cross Roads were being run down, I said I understood that the health services at Six Cross Roads are being under-utilised, and that the Ministry of Health would like to see a transference. The Minister is there, she can enlighten me and the hon. member on it or not.

Mr. SPEAKER: Your point is well taken.

Hon. H. deB. FORDE: The Minister will clarify it for his benefit. He talked about Berinda Cox living at Scarborough. The hon. member really does not have a clue, Berinda Cox does not live at Scarborough, she lives at Welches, right behind Hill's shop, not at Scarborough. The hon. member has not got a clue about what is happening up there. He really does not know what he is talking about, he does not know Oistins properly other than

outside of Fleming's shop, I do not think the hon. member understands what happens in Oistins. *(Aside).* Baby Dots is my very good friend, a good family friend from the time I was a child. *(Aside).* I go to her house and I am telling the hon. member she does not live at Scarborough.

Rt. Hon. E. W. BARROW: I wonder if the hon. member could tell me her telephone number, if he knows it.

Mr. SPEAKER: On what does the hon. member rise?

Rt. Hon. E. W. BARROW: On a point of information, Sir.

Mr. SPEAKER: The Hon. Leader of the Opposition must take his seat.

Hon. H. deB. FORDE: It has never been my practice to provide telephone numbers for members, not even hon. members, Sir.
1.30 p.m.

I am saying, Sir, that this Resolution has some urgency about it. We must get on with the overall planning of the area so that when work commences they will be done. The Ministry of the Attorney General had some input, like the Ministry of Health and the Ministry of Education into the overall development. There is no point believing that you can keep either Oistin or Speightstown – two of our sub-towns as mere villages and fishing areas. That is no longer and that is one of the reasons why all of the services that would be expected of a sub-town will be put in those areas. The police station will be upgraded into a proper sub-regional police station and headquarters and we will make sure that there is proper housing accommodation for the police force in this country. The last really acceptable police station was built under the former Labour Party Government and it has taken us to come in again to begin upgrading the physical circumstances which should be available for the police in Oistin and the Southern region.

In addition, we are building a complete Courthouse. It has been made out for years now, even prior to 1966, and I believe when the hon. member was still at the Bar and in Opposition it was made out that there was need for a Court in that part of the island. I remember when I was Secretary of the Bar, sending communications to the hon. member's Ministry on behalf of the Bar, pointing out the necessity for proper Court facilities at Oistin. Half the people have to go to town and come back to St. George in order to attend the Court in St. George. People from up in Charnocks, up in Silver Sands and Enterprise have to come to town, catch a bus to get to St. George at South District in order to get to Court. And the case has been made out. The hon. member had the Judiciary under him, for the 15 years he was in power and never even brought the beginnings of a plan for this sort of thing which should have been done years ago. I would like to tell him that detailed plans have been drawn up by Mr. Tomlin and that with luck if we can get enough masons and carpenters – we are running hard on artisans as so much construction is going on in the country – but if we can get enough carpenters and masons to do the work, construction will begin in the first quarter of 1980 and will be completed within a year. So the hon. member will have the pleasure when next he comes to Oistin to speak, of seeing some proper development which will not be like the white elephant known as the Coast Guard which he constructed without proper planning.

Mr. SANDIFORD: Mr. Speaker, I rise to pay tribute to a very well reasoned and logical presentation, a very sensitive presentation, from the hon. Leader of the Opposition on this particular Resolution before us. He made a very definite plea for the retention of the character of Oistin and we would like an assurance that the developments which are to take place at Oistin will be in keeping with the character of that area. We certainly would hope that because of the historical importance of Oistin and the developments around the year 1652 that whatever development takes place there would be a tribute to the people of Barbados and to our historical traditions. Of course we all welcome development in the area and there is no question of the Opposition voting against this Resolution. We are in favour of the development at Oistin because we are a responsible Opposition, and we are a constructive Opposition and it is from that position of responsibility and from that very constructive approach that as the Government of this country we initiated the studies and the planning for the development of Oistin, and nothing that is said on the front over there and nothing said by those with short memory can obliterate or erase the fact that it was the Democratic Labour Party Government which initiated the study and which set up the re-development committee and started the whole process going for the re-development of Oistin. There was a change of Government in 1976 and as is your duty as the present Government you are now further developing and carrying out these plans. But from the way this Resolution was introduced and from the way the various speakers made their contributions one would not think that the Democratic Labour Party had anything at all to do with this particular measure. Now normally the Leader of Government Business, the hon. member for Christ Church South Central is quite particular in documenting the contribution of the previous Government to progress and development in this country. He took up that stand, I recall very well, after I had to draw it very sharply to his attention that he must not try to rewrite history and try

to obliterate what has happened in the past. But I must say this for him that he has been attempting to remedy this in the recent past; today is an aberration. He has been attempting to give the Democratic Labour Party what credit is due to it for the work it has done in the past; I do not know why on this occasion he forgot to mention it; it may be that he was anxious to get in a political plug because Oistin is in the Christ Church South Central constituency and I know he had festivals and things like that up there in that area. I know he has a particular interest in the area; that is part of the political give and take. But I have a very humble request to make. I would like to see here and now a copy of those plans for the re-development of Oistin. It is not an unreasonable request; if work is scheduled to be started subject to the availability of carpenters and masons and other artisans some time in 1980, when we come for the acquisition of land, if we know of a polyclinic that is to go up there and other facilities, I would really like to see the plans; not because I do not believe there is a plan but because it is customary for hon. members to be given copies of these developmental proposals so that they may see what is being proposed and can therefore make up their minds on the matters before them. It happens day after day; it happened in previous Government (ASIDES) Send them across; let me see them.

Mr. SPEAKER: Please address the Chair.

Mr. SANDIFORD: Yes, Mr. Speaker, I do hope you will use your influence to ensure that the customary procedures are observed. This is just a humble request to see the plan *(Asides)* I am waiting on you to send the plans; that is what I am waiting for.
1.40 p.m.

Mr. SPEAKER: Let us have order in this Honourable House. There must be no cross-talking.

Mr. SANDIFORD: Mr. Speaker, this is open Government? Look at the secrecy surrounding all of these measures. I consider it a matter of discourtesy on the part of the Government Benches.

Mr. SPEAKER: I too, I too. This is discourtesy. It is very much unbecoming the dignity of this Honourable House.

Mr. SANDIFORD: Yes, Mr. Speaker, it is very much unbecoming. I am not carrying on any cross-talk. I am addressing you, Mr. Speaker, but not accusing you of any discourtesy because you always ensure that the proceedings in this Honourable House are conducted with the utmost decorum.

I do not understand how it is that a Government which has done all of its planning finds it impossible to take the House, the representatives of the people, into their confidence to send the plans across here so that they can be seen. I wonder if it is that we will be able to identify any changes which have been made, if there are any, to the previous proposals that were made. Anyhow, we will see that we have open Government in words, but not in actual practice as the actions of the Government seem far from that of one practising open Government.

I am not certain what is the position in respect of the Polyclinic for Oistins. I have heard some Statement about one going up at Oistins and I hope, I do not want to get the position wrong because here again we support the establishment of a Polyclinic, a Multi-purpose Clinic at Oistins, but I certainly hope that it is not at the expense of the Multi-purpose Clinic or the Health Clinic at Six Roads. I hope that there is no such proposal.

I am not saying that there is but I am expressing the hope because I am slightly confused as to what was actually said on this particular matter. I know that there is a relationship between the Six Roads Clinic and Oistins. One acts as a kind of subsidiary or some type of relationship with the one at Oistins and if there is the intention to establish a Clinic in its own right, independent of any other Clinic at Oistins, that meets our support and is in accordance with our proposals for the development of the network of Health Clinics throughout this whole country.

Mr. Speaker, again I conclude by making that humble request. Let the Minister send the Plans across. He is looking at them. I wonder if he understands them.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, it amazes me and I am sure it amazes all the other hon. members to hear this terrific begging from the hon. member for St. Michael South.

If the Oistin's Development Plan is their Plan and it is their idea and they drew it in the first place, what is it they want to see from over here now. I expect the hon. member to burst out crying any moment now. He is begging, he is begging – to see what? He says it is their Plan and all of this talk about consultation. I do not know anything about consultation, Mr. Speaker, Sir.

I know that the people in the City of Bridgetown got down on their knees and begged to be told about the arrangements which were being made for those people who were going to be removed from Emmerton to Clapham. They begged but nobody informed them. I do not know anything about consultation.

I know that I had to go up to Clapham and stop them from building privy pits in 1976 and 1977 for Barbadians to accommodate themselves with. That is what I know.

I know that I had to go to Cabinet in 1977 and insist that people should have proper water-borne toilet systems. That is what I know.

I know that I had to go to the Ministry of Housing in 1977 and demand, demand, Mr. Speaker, that accommodation should be made for a shop which carried on business at Emmerton and had to be moved and that special loan arrangements had to be made for Mrs. Simon there to be able to move her retail business from Emmerton to Clapham. That is what I know and what those people know.

Mr. Speaker, I would venture to suggest to this Honourable House that what is being implied by the hon. member for St. John and the hon. member for St. Michael South Central is a delaying tactic. We know on both sides of this House that the funding for Projects of this kind takes time. We know that feasibility studies take time. We know that the drawing of architectural drawings, quantity surveying studies have to be done and the like, urban development planning planners have to be consulted with this Oistins Project. We know that all of this takes time. We know that the business of land acquisition takes time.

What are we hearing now, Mr. Speaker, that at every single stage of a Development that the Government has to come with Plans and drawings and the like and consult members of the Opposition and members of the public. Is that really what the hon. member for St. Michael South Central is putting to us? Well that kind of courtesy was never accorded to us when we were in Opposition and I am not promising anybody that I am giving them step-by-step any Plans I have for any Polyclinic.

The drawings are ready. The people who should have been consulted have been consulted. That is what the Government was put here to do, to develop this country. If we mind the suggestions of the hon. member for St. John and the hon. member for St. Michael South Central, Speightstown, Oistins and Bridgetown would remain depressed forever.

We are now going to see Oistins developed in a way it has never been dreamt of in my life time and it is not our intention that we are going to have another six months or a year extension of this because people over there are looking to see how they can angle their commercial interest to fit in with any development. Oh no, Mr. Speaker.

Now in respect of the business of the Polyclinics I want to make it quite clear. People get up over there and make Statements.

Mr. SANDIFORD: Mr. Speaker, I rise on a point of order. I think it is contrary to the Standing Orders of this House to indicate that speeches from any member or all members over here are made from the point of view of trying to orient their business with Government plans. I think that is imputing improper motives to members and I would ask that the words be withdrawn.

Mr. SPEAKER: Now I do not propose asking the Minister to withdraw, but I give my reasons. When a member observes that there has been a breach of our Standing Orders, the member must rise immediately and not allow the Minister to carry on or continue his or her speech as the case may be.

The Hon. Minister may proceed.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, as I was saying urban planners have been consulted with this Oistins Development, Guild Associates.
1.50 p.m.

I have seen the plan. A model is going to be made and the whole of Barbados including the Opposition is going to get a chance to see all of that. Anybody who cares now to go upstairs the Central Bank to see a model of what the new Central Bank and what Church Village is going to look like can go now this minute and see it.

There is a model of the Sewerage project which anybody can go down in Fontabelle to the office and look at and it has been there long before Stonewall ever moved.

A model of Oistin is going to be done. I would like to think that the Hon. Minister is going to see fit to put it in some public place where people can go and look at it. I am hearing words about the Police Station in Oistin and the fish market where it is going to be on display and where people will be able to look and see what their taxes are going to pay for and what they must expect of this development plan.

I want to make the business of the polyclinics perfectly clear. People have a habit, and this includes the Press, Mr. Speaker, Sir of making statements which they have no faith in the truth of those statements and they have a habit of making these statements in public and all the statements serve to do, is to confuse the public's mind. If you do not know, make yourself knowledgeable and do that privately, but do not come out on a supposition to confuse people. This is the position with the polyclinics for the South. At St. Philip, we have a Health Centre which was built during the regime of the first Barbados Labour Party Government. It is still there, offering the services which health centres have offered over the past years. It is our intention, Mr. Speaker, that we shall upgrade the health centre at Six Roads. We want to bring the dispensary from the District Hospital which is really quite inaccessible to Six Roads. In that way it is going to be upgraded and will fall almost in line with a fullblown

polyclinic. Population shifts and other developments have shown us, beyond any shadow of doubt, that Oistin is the natural headquarters, the natural capital of southern Barbados. We are going to build a polyclinic at Oistin. It will go to tender in February. Tenders for Warrens and Wildey are going out on the 19th December this year and for Oistin in February of 1980.

I have to phase it down simply because workmen will not be available to do the construction work. That is the position, Mr. Speaker. I would love to have made three concurrent charts, Mr. Speaker, but I cannot, I cannot. There are no artisans to build. I have to appeal now to the women of Barbados, Mr. Speaker, Sir, to move into other non-traditional areas. They must go into carpentry, they must go into masonry. I am bringing them into sanitation from next month. The men of this country are employed, Mr. Speaker, Sir, but there is still significant unemployment among women and we cannot sit down any longer and expect that expansion is going to occur in the traditional areas. They have got to move into these non-traditional areas as they are already doing. We see, that they are into the Mounted Police, Sir. That is the latest. They will be, I believe, driving and managing the Sanitation Service Authority's new vehicles. There is a vehicle which you will see shortly, Mr. Speaker, known as the Ant. I am hoping that they are going to run those vehicles, but they have got to move into the construction industry if our development is going to continue to move at a pace which it is moving at now, Mr. Speaker.

At Oistin, we are going to have in that polyclinic, Mr. Speaker, Sir, the headquarters for the Public Health Inspectors for the entire southern area. It is no longer practical for us to operate the headquarters for the Public Health Inspectors for the south, out of Six Roads in St. Philip. They are going to have their headquarters at Oistin. The Sanitation Service Authority is going to have a depot at Oistin, but the trucks will move out of Oistin. The old myth about having sanitation trucks in the City centre is long dead, Mr. Speaker. The headquarters is moving to Wildey, and we are trying to get ahead with that. Again, we are suffering from a lack of workmen to get ahead with the building of new headquarters for sanitation at Wildey, which is going to house trucks for the south and central. But a depot for the paying of bills, for enquiries and other short term workers, such as the people who will deal with the clipper cutters and so on will be headquartered at Oistin.

At Oistin Polyclinic, we are going to have an X-Ray facility. At Oistin Polyclinic, Sir, we are going to have a mini laboratory, indeed all the polyclinics will have mini laboratories. So Oistin is really going to become a kind of Headquarters – a medical complex for the South and like the Deputy Prime Minister said, Mr. Speaker, Sir, that whole area at the head of Scarborough is going to become a medical complex. We have got the district hospitals. I was up there on Friday morning Sir, looking at the roof of the district hospital eaten away by termites. If the Nation wants to go and take photographs of that, they can go now. We are going to have to remove some of those people from the Oistin District Hospital and house them somewhere else until we can fix the roof there. But with the District Hospital, the maternity unit, the dispensary, the Sanitation Depot – what I want to see in that immediate area, is a medical complex. I disagree with the idea that we are going to crowd Oistin with Government offices. That is not what the plan will show and the hon. member for St. Michael South can rest assured, you are going to see the plan, but I do not want anyone to go away from today's sitting of the House, Mr. Speaker, with the idea that we are closing down a health centre at Six Roads in St. Philip to build one at Oistin. What we are doing is upgrading the St. Philip centre and putting a whole new complex at Oistin.

Mr. Speaker, Sir, I want to make it clear that the Resolution before this Hon. House is really only dealing with properties on the seaside of Oistin. On to the land side of Oistin, I believe one member is travelling so fast he even got down to Hastings, and somebody else took a short cut and got down to Bats Rock, Holetown, and Speightstown. I think we reached Speightstown too, Sir. I believe something is happening at Speightstown. I know that something is happening at Speightstown Sir, and just as we are going to take care not to destroy the historical character of Oistin, so too, Sir, we are taking great care Mr. Speaker, Sir, not to destroy the historical character and the historical nature of Speightstown. Thank you.

Mr. SPEAKER: The question is.....

Hon. L. S. CRAIG: Mr. Speaker, this Resolution is in my name and although it is for the actual acquisition, I was at a loss when I heard members of the Other Side asking for a plan because the member for St. Michael South Central who is supposed to be the son of Sanford, the Leader of the Opposition asked for a plan of the polyclinic, then to my amazement, the member for St. Michael South, Deputy Leader of the Opposition spoke and he was talking about 1981. That seems to be a nightmare.
2.00 p.m.

I was amazed to see that the former Deputy Leader of the Opposition now sitting on his way out did not get into the act led off by Sanford. I am sure the Leader of the Opposition reminds me of Sanford, and therefore seeing his son I was amazed to see that that son did not have anything to say.

The only plan which I can give them is a plan which I thought they would have asked for referring to

the acquisition of the land at Oistin, but they were asking for plans for the polyclinic, for the post office and all these things. I am not responsible for such things. As I understand from the Leader of the House, there is going to be a model on display. I heard from the hon. member for St. Michael South Central about people getting their lands taken away and not getting any kind of compensation. I can give a classic example here that in 1974 lands at Sion Hill in St. James were acquired by the then Government and the matter has only now been settled in 1979 with Mr. Massiah. They took away people's land; all these things you did, and all we have done is to carry out to the letter of the law the acquisition. We have published the notices in the papers. What else are you asking for? If you need a plan for the lands under acquisition, I will ask the Clerk to pass it to Mr. Sanford, I mean the Leader of the Opposition, so that he can show it to his sons.

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

SUSPENSION OF SITTING

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

Mr. SISNETT: I beg to second that.

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

On Resumption:

Mr. SPEAKER: This Sitting is now resumed.

PRIVATE MEMBERS' BUSINESS

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that Private Members' Business be now taken.

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

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

RESOLUTION RE REVISION OF TREATY OF CHAGUARAMAS

Mr. SPEAKER: Order No. 1 stands in the name of the hon. member for Christ Church East to move the passing of a Resolution urging Government to sponsor a revision of the Treaty of Chaguaramas to establish a Code of Human Rights and a Court to hear matters involving violations of the code.

I do not now see the hon. member for Christ Church East in his place.

Order No. 2 stands in the name of the hon. member for St. Lucy to move the passing of a Resolution calling upon Government to take steps to ensure that the bus service in St. Lucy is improved without delay.

I do not now see the said hon. member in his place.

That brings us to end of Private Members' Business for today.

GOVERNMENT BUSINESS

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that Government Business be now taken.

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

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

Hon. H. B. St. JOHN: Order No. 1.

Mr. SPEAKER: Order No. 1 stands in the name of the Hon. Leader of the House to move the House into Committee of Supply to consider the grant of sums of money for the service of this Island.

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee of Supply on a number of Resolutions.

Hon. L. S. CRAIG: 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 of Supply, Mr. ODLE in the Chair.

SUPPLEMENTARY ESTIMATES 1979–80 No. 13

Head 2 – Parliament – was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, this is furniture for the Members' Lobby, that is the lobby on the Western side. Some of it was made by Her Majesty's custodians and I imagine that it is of a relatively inexpensive character.

I am aware that the room not being air-conditioned lacks one of the amenities which is now considered desirable and certainly comfortable for hon. members. That matter is under consideration. The Leader of the House, Mr. Speaker and I inspected the room two weeks ago and although it might mean sacrificing the ceiling, we are contemplating for next year's estimates some air-conditioning of the room and

even indeed trying to use any space occasioned by the insertion of a ceiling, and trying to use the limited space for the purpose of storage and usage of that sort. We looked at the partition wall to see if it is possible to continue the staircase that now goes up to the Library to be able to use that landing to continue through into the Members' Lobby. I think the amount of money is reasonable and no provision was made in the Estimates at the time.

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.

3.00 p.m.

RESOLUTION TO AMEND THE NOTE TO ITEM 6 – HEAD 116 MINISTRY OF EXTERNAL AFFAIRS

Hon. H. deB. FORDE: Mr. Chairman, this is a very simple request of the Committee of the whole House for permission to change the note so that the money provided in the Estimates to provide a station wagon for the Mission at Caracas can be used for providing a motor car for the Permanent Mission at the United Nations.

It is a term and condition of the contract of the Deputy Permanent Representative that he should be provided with an official car at the expense of the Government. His terms and conditions are similar to those of the Consul General, and since we are coming very soon to next year's Estimates we thought we would use existing finance for this purpose.

We have not provided a station wagon at the Caracas Mission at the moment, we are still relying on the existing station wagon and we will seek to change that perhaps in the next Estimates.

I beg to move that this Resolution do now pass.

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

Mr. SANDIFORD: Mr. Chairman, I do not think there is any quarrel with the provision of a station wagon for the Permanent Mission to the United Nations, especially in view of the statement by the member for Christ Church West and Minister for External Affairs that this is part of the contractual arrangements for the person holding the post, but what concerns us most of all here is why there is a change in the provision for the Mission at Caracas. Is it that the man there is no longer in need of a station wagon vehicle? At the start of the Estimates this House would have approved the provision of a vehicle for the Caracas Mission, and I am really wondering, Mr. Chairman, what has happened that that vehicle is not now being provided, but that the United Nations Permanent Mission appears to be taking priority over the Mission at Caracas.

I have heard something, Mr. Chairman, about confusion. I do not believe there is any confusion myself, because I know the Minister of External Affairs and this Government would not preside over confusion either in Caracas or in New York or at Dodds or any place else, for that matter. I do not believe there is any confusion, but what I would like to know is if there is some change of emphasis in the direction of the external affairs of this country. This shows up in a number of ways, and those who watch External Affairs closely and the foreign affairs of countries have to detect these changes in various ways, and now we are noticing that transportation which was considered to be desirable and necessary for the Caracas Mission is being postponed in favour of some other Mission, and I am really wondering if this implies any change in the emphases as far as the foreign affairs of this country may be concerned. Is it that Caracas is no longer as important a Mission as hitherto? I think we are entitled to ask these questions. Is it that they no longer need the transportation? What is it? We have not heard any explanation or exploration in this particular area.

I do not believe myself that there could be any downgrading of the Caracas Mission, especially in view of the fact that Venezuela has been a good friend of Barbados, and I believe it came from the lips of the Foreign Minister himself that Venezuela was among the countries supporting Barbados in the elevation of a distinguished son of Barbados, if I may use the words of the Foreign Minister, the second most important position in the Organisation of American States. I am really seeking some information in this particular regard. I know there was an agreement some time ago – at least, let me say I read it in the papers, because up to this time this House has not been privileged to see the text of that agreement between the Government of Trinidad and Tobago and the Government of Barbados arising out of a top level Mission between Barbados and Trinidad undertaken by our distinguished Prime Minister in discussions with the distinguished Prime Minister of Trinidad and Tobago – and I maintain that in the interest of open Government, indeed I maintain as a right of Parliament as the people's representative, the place where the people's representatives meet, that such agreements should be debated in Parliament or be laid in Parliament. There is no point sending me to any newspaper or sending me to any Registrar's Office or anything like that when I seek information in here. I know the time must come..... (Hon. C. L. BOLDEN: You made those rules). But you are the Great Combination and you can improve on them.

I think the time has come when the foreign affairs of this country can no longer be considered as any part

of Her Majesty's prerogative and be conducted on that basis and nothing to do with Parliament except in so far as you need to change a note or to seek funds once a year, not as any part of any prerogative. In the United States it is by and with the consent of the Senate. (Hon. H. B. St. JOHN: You are talking on a Constitution amendment?) That is for you to bring. If it comes in the terms I can support I will support it. I notice now that the station wagon is to be provided and I wonder if the Minister can explain why it is that the Mission seems to be downgraded in this particular way. We know that the Assistant Secretary-General of the Organisation of American States was at one time assigned as Ambassador at Caracas.
3.10 p.m.

And that is only a part of the package. We are also proposing that the National Health Service general practitioners should have available to them certain laboratory services. Certain investigator procedures have to be done and it is felt that these services should be part of the incentive package we should offer the general practitioner. Very few, if any, of them now offer their patients that. I do not know of one general practitioner who when he does a urine test or a blood test or that kind of procedure turns it in to the tune of $10 or $15 which the patient pays at the end or sometimes at the beginning of the visit; there is always an extra charge for it. All this is built into the package, so the hon. member does not need to have any fears about doctors or professionalism being compromised or about a lesser quality of care by general practitioners in the National Health Service.

The hon. member went on to draw attention to the fact that health is part of a larger package; that development in this country, generally speaking, presupposes certain inter-locking relationships. I am fully in agreement with that. There are areas where health and housing must work closely together. There are areas where health and agriculture must work closely together. But there are certain things which cannot always be taken for granted.

The hon. member made much of proper housing and improved housing and described how certain contagious and other diseases might be better controlled. But the hon. member must know and must not overlook and forget to mention that improved housing also brings with it its own dangers and problems. Improved housing, per se, does not necessarily improve the health situation. For instance we have had the continuing situation in this country over a long period of time now where as people become more and more prosperous they begin to convert their wooden chattel houses into stone and wood dwellings and then into a stone building. They have water services run. We are seeing, for instance, in certain backyards which now have water run in an environmental problem arising which was not there in the days when there was no running water on the premises. Improper disposal of waste water often leads to pools of stagnant water in the backyards which are sometimes partially paved and there is no where for the water to run off; so you get this build up of stagnant water and you get a mosquito problem. So do not let us be carried away by these sweeping generalizations about improved health and housing.
3.15 p.m.

Mr. TAITT: On this whole question of the employment of more Barbadians in the International Agencies, it is very ironic. Mr. Chairman, a couple of days ago I came across some information and it is very ironic that while we are talking about the achievements we get in the International Agencies overseas, those Regional Agencies that are centered in Barbados find that for entirely different reasons there is a diminution of the number of Barbadians who are able to find employment at the professional level at these Agencies.

I think that, for example, at the Caribbean Development Bank for reasons which are not too difficult to understand a number of professional Barbadians who are employed in the CDB is lower on a per capita basis than any other of the IDC's with the possible exception of Trinidad and Tobago where they are unable to recruit anybody from Trinidad and Tobago because no matter what salaries they pay at the CDB they cannot match up to what is paid in Trinidad.

The point is that here we are talking about getting employment for our people in the United Nations and the United Nations has about 10,000 employees at Headquarters and another 10,000 around the World and we have two or three posts and we talk about that but here we have the Caribbean Development Bank, right on our doorstep and we are not able or we are not taking the necessary steps to ensure that more professionals in Barbados get to work at a place like the CDB.

I use that to emphasise the point, Mr. Chairman, that it is unnecessary for us as a country to be going around bragging about simple, childish things that do not mean anything to the people who know about them and can only mislead those who do not know.

Mr. Chairman, there is another aspect of our Foreign Affairs which I feel we should pay some attention to. It is the question of our Mission overseas and the employment policies of them. Perhaps the Minister is going to fill us in on this but I noticed recently that the Tourist Board which now forms part of our Overseas Offices, if my understanding of how there are established is correct.....

Hon. H. deB. FORDE: On a point of order, the administration of the whole of Tourism does not come

under this Head. Nothing of the Tourist Board comes under this Head. It is under the Ministry of Trade and it has its special Head so the hon. member, with respect, Sir, I submit is irrelevant.

Mr. TAITT: Mr. Chairman, I can explain what I am doing. I am using the Tourist Board which, although it does not fall under the particular Head, forms parts of the functional missions overseas. The Mission overseas is responsible for the Tourist Board by arrangement.

Now if he wishes us to get technical – he himself told us in here that they had some new arrangement by which they were making their diplomatic missions overseas responsible for all the Agencies overseas functioning for Barbados overseas. Now he gets up and tries to stop me from asking a question on a technical point. Thanks. Fortunately, Mr. Chairman, you are wiser than he on this occasion, Sir.

The point I was asking, Sir, I wanted to know if there is a new policy for persons employed in the Missions and the Agencies of Barbados Overseas with regard to Education. Do we have a new policy in the handling of Scholarships? I read in the Newspaper that somebody or some number of persons have been give four or five year Scholarships by the Agency. That is what I read in the Newspaper.

Since, as my colleagues on my side said, we are not vouchsafed to the information regarding how this is done I have to take the opportunity as it presents itself to find out through you, Mr. Chairman, whether it is a new procedure. Whether this is within the Ministry of Education that such Scholarships are granted, whether the Ministry of Education has any input in the granting of these Scholarships or whether these are Scholarships offered by places like the Tourist Board and the Industrial Development Corporation and places like that.

While I am on that, Mr. Chairman, I am told that a certain gentleman, I suppose it can be said he is in the Public Service so I cannot call his name but he resides in Washington. I believe he is attached to the Mission in Washington. I am not sure as I have no information on it but I am told that the vote from which he is paid that there has been some question as from where he is to be paid. What is certain is that he was to go to Washington and to be paid by the Washington Mission.

I wonder if the Minister is in a position to tell us if he has anybody looking after Tourism out of the Washington Office and if that person is looking after Tourism how that person is being paid, if that person is being given travelling allowance, if that person is using an official car similar to this one here or what are the arrangements that have been made.

I notice that as my colleague said, we have down-graded Venezuela which, as I understand it, was one of first offices that used to send tourist to Barbados and we have up-graded Washington from which we get the least tourists. Now there must be some reason in that madness.

I do not know if my friend, the hon. member for Christ Church North Central who has information and knowledge about these things and who is now no longer presiding over matters of this kind, I do not know if my colleague and friend over there will enlighten us or if the Minister responsible for Foreign Affairs will enlighten us and tell us if we have up-graded the position in Washington or if it was only convenient to find a political job for a person and we therefore sent him to Washington because the Tourist Board said they had no place for him.

Now if our offices overseas are coming to the point where they can be used for nothing more than political patronage of a certain kind, then, Sir.....(ASIDES). Yes, recruited in the proper way, through the public office and recruited on the basis of qualifications which was demonstrated subsequently in the brilliant performance of which the hon. member over there talks about so often when he is not in this Honourable House.
3.30 p.m.

The one that went up to Washington, who, on having lost his political seat down here and could not get a position in Barbados was superannuated to Washington at a substantial cost to the taxpayers – Charlie Hinds. I do not believe the remarks that are being said out there. I will not put them in the record of this House. Well, I must be stepping on some toes now, because they are letting loose the dogs at me any minute now – I must be stepping on toes, because I see that any minute now – Mr. Chairman, I beg you to protect me from those hon. members. I asked about a simple policy, while it is a new policy, on the question of skills, if there are, I would like to know and I should also like to wish to know from what vote one Charlie Hinds is being paid in Washington and furthermore, since he is working from outside the mission in Washington, has there been any visible improvement in the position since he has been posted in Washington. I see the Deputy Prime Minister nodding his head. The Government should consider the use of the taxpayers funds when it comes to these kinds of appointments. I am accusing the Government with regard to the appointment of one Charlie Hinds, regarding the Washington Mission. It keeps respectable members.....

Mr. CHAIRMAN: Order please. The hon. member may continue.

Mr. TAITT: I am having a little difficulty hearing myself. Yes Sir, we feel that appointments such as these

ought not to be done in the manner in which that one was done. We should have some indication as to what happened in Washington. I have a few more questions to ask them but I should stop at this point.

Hon. H. B. St. JOHN: Mr. Chairman, never have I heard such a speech in my life in here. The hon. member is going to come in here and say that he would like an explanation of things in relation to the appointment of Mr. Charlie Hinds because he wants to know, whether the things that have been alleged are true, without saying what have been alleged.

This Government has no apology to make, absolutely none. No apology to make. If you really want to talk about political patronage, the hon. member was appointed under political patronage.

Mr. TAITT: On a point of order, Sir. The hon. member is misleading this House. In the first place, I have never worked at Washington. Secondly, the hon. member must know that I was appointed a Civil Servant in Government by the Civil Service authorities and what he does not know, he ought to know.

Hon. H. B. St. JOHN: The United Nations had quite rightly wanted offices physically situated together, but because they were two khaki kings, the whole office had to move from New York and go somewhere else. You want to talk about political patronage? How did Faith Marshall-Harris become the manager in London? How did Clarke – Mr. Chairman, Sir, I believe in leaving very well alone. When the Constitution of Barbados was being drafted it was insisted that with respect to overseas appointments of a very high nature, that there must be political input by the Prime Minister's Office. I remember that good enough.

Mr. CHAIRMAN: Order.

Hon. H. B. St. JOHN: Cyralene Gale, how much experience did she have before? I have no doubt, the lady had talents. I can go through all of those offices. Mr. Chairman, Sir, the matter is that my Ministry is responsible for the creation of a Commercial Attaché to the Washington agency for the simple reason that we are pursuing a programme of diversification of surveys of visitors to Barbados, not only diversification in the sense of visitors from different countries, but also, within a different market area. Washington happens also to be the place where the Civil Aeronautics Board meets and it is very important, that the Ministry of Aviation is fully kept up-to-date in respect of the activities of the Civil Aeronautics Board. The post of commercial Attaché was created, and Mr. Hinds was appointed. I am more than satisfied with his performance. That is all he has been but Sir, I want to say more. The arch priests of inventors are now going to say that he is my cousin.

Under the Tourist Board vote and Export Promotion vote contributions are made to the Ministry of External Affairs for this post.
3.40 p.m.

I have no apologies to make; I do not need any. It is perfectly regular, perfectly within the Constitution and Financial Regulations of Barbados, and what is more Mr. Hinds is on a contractual appointment.

Mr. TAITT: If the hon. member would give way.....

Mr. CHAIRMAN: This cross-talk must cease. Has the hon. member given way?

Mr. TAITT: On a point of explanation, one of the things I sought to elicit from the Minister was not so much about the appointment, but whether the appointment was made in the face of overwhelming objection by the Tourist Board.

Hon. H. B. St. JOHN: Mr. Chairman, the hon. member obviously has access to information that I do not have, because as far as I know there was no objection by the Tourist Board; so I do not know where the hon. member gets his information from. It does not matter to us. I know that this year Barbados will receive approximately 370,000 visitors and when I came into office it was receiving 229,000. The diversification of programme and the new initiatives which have taken place since this Government has borne fruit in the economy of Barbados.

Mr. TAITT: On a point of order, and with all that you still removed the Chairman of the Board?

Hon. H. B. St. JOHN: Mr. Chairman, the hon. member is persisting with this. He has not even grasped the fact that the former Chairman of the Tourist Board is now Chairman of the Tourism Development Corporation and the Caves Authority, both of which projects bring in something in the vicinity of $23 million to $25 million. It is because of the fact that we feel the hon. member understands the mechanics in that area that I made the recommendation for him to go to them, and I do not have any apologies to make for that either.

Mr. CHAIRMAN: Let us have some order. *(Asides)*

Hon. H. B. St. JOHN: The hon. member should be the last to talk about chasing away. The Leader of the Opposition chased him down in that corner. He thought he had done so good in the Budget debate and despite how he did in the Budget debate he got chased down in that corner.

I just want to make it clear that the area of Washington D.C., Virginia, Maryland, Boston together with the North Eastern corner of the United States is

an area of great source of visitors to Barbados. All of us are disappointed in Barbados over the fact that Caribbean Airways went in and came out, and I want to tell the hon. member that in the CAB Caribbean route three airlines from the United States have applied for and have provisionally by the Administrative Law Judge been granted permission to fly these same routes, and we have been monitoring that situation because as hon. members will know, there is de-regulation in the United States and the Eastern Caribbean is the subject matter of a special route area. A preliminary hearing has taken place and we now know what the recommendations are. We have put in a brief on it not only from the point of view of Barbados but the Caribbean Tourist Research Centre. All of them are putting in a brief because all of us have got to watch the impact of de-regulation. I want to tell the hon. member this: In St. Kitts the Government has been fighting for a long period of time to get an airline to be able to fly direct from St. Kitts to the United States. They made arrangements with ALM and after a lot of problems they managed to get a position where they are now stopping in St. Kitts on the way to St. Martins and Curacao and immediately they granted that, four airlines from the United States were granted the same route and ALM dropped through because they could not survive with the competition. So all of us in the Eastern Caribbean have got to watch the situation. That is why I want somebody there to be able to keep me fully up to date because the Ministry's team in Washington is a very small one and is taken up with State Department, the OAS and things of that kind, and it is because of the fact that the Minister of External Affairs has a new thrust and a new inspiration and we are being better represented at the OAS and these Inter-American Organisations that this takes up the time of the Ambassador and his small staff; so it is not a question of political jobs. What are you talking about?

Mr. Hinds is a man who has gone through the discipline of education and training not only at secondary level but also at the post-graduate level. The former Minister of Education would say at a tertiary level. So what is the hon. member talking about? I am satisfied and confident. What we say is that he is very satisfactory to me. As a matter of fact the gentleman is down here now because he had a manager's conference of the chief salesmen and so forth on tourism, and I look forward to his presentation of the report for the area for which he is responsible in the New York office. He is responsible to the Ambassador because nowadays under the Vienna Convention no agency of Government independently can set up offices abroad; they must come nominally under the consular authority of the Ambassadors. In Canada the same thing happened. Mr. Carter was appointed by the Tourist Board on special contract. He used to be able to operate on his own, but now the Canadians have passed a law saying that never mind an agency was in existence before or was independent, the point is that he must come under the jurisdiction of the High Commissioner.

Now, Sir, on the question of scholarships, the hon. member knows that he spent more time studying at a University in the United States than doing his work for the Government. It has been an old practice for people to look for overseas postings in order to do a degree. Now there have been some outstanding examples of that in the organisation that the hon. member was connected with. There have been some outstanding applications.....

Mr. TAITT: If the hon. member would give way, he obviously misunderstands the gravamen of his speech in regard to this point. It was not a question as to whether persons.....

Mr. CHAIRMAN: On what has the hon. member risen?

Mr. TAITT: On a point of explanation. It was not a question as to whether persons who are working at overseas offices can study or are studying. It was an announcement which I saw in the newspaper that some person working in the Tourist Board is getting a new scholarship, and I wanted an explanation as to the kind of scholarship it was and what is the policy. There is no need for him to go down the road about who went to school and who did not go to school. I wish at the same time that the hon. member would not mislead the House that he has given the information, because he is not known to tell untruths and I do not wish to see him start today.

3.50 p.m.

Hon. H. B. St. JOHN: As I understand it, the hon. member has no objection to a person who is overseas in a job being facilitated to improve himself educationally by being given time or even by encouraging them by paying the normal fees that are necessary, because that is a practice that has been going on for a very long time. As a matter of fact, the House of Assembly now is adopting the practice, so that in this area I must bow to the expertise of the hon. member, but the position is that as far as I know the Government has a number of scholarships offered to it by various international organisations in the area of tourism. The Organisation of American States has a number of scholarships offered for people who want to do tourism from the point of view of tourism administration and tourism planning. People who are working in the Tourist Board and people who are working abroad have been complaining bitterly that they only hear of these scholarship opportunities after the date has expired. This is the standard complaint, it went along during the time of the Democratic Labour Party administration too, and

steps have been taken through the Government Training Officer who is responsible for the official recommendation to the Public Service Commission to ensure that not only people who are in the Public Service in Barbados are circulated about these scholarship offers, but people who are abroad in statutory agencies. If it happens, and I believe it has happened, that a few people who have been working in the Tourist Board in a few areas have been awarded these scholarships, it is not that the Government objects to that, the Government welcomes the taking up of all scholarship opportunities that are available to Barbados, but we want to widen the net.

One of the good things in some American universities is the fact that they take previous job experience into account and people can very often get credits in the total degree programme for the *de facto* experience they had in working on the job. It is a much more flexible system than the British system, and even in that area they are now changing. Far from that being a criticism of us, the hon. member should be congratulating the Government for widening the opportunities for these various people. We do not appoint them, the OAS is part and parcel of it, they have this Selection Committee. As a matter of fact, the Ministry of Education has a Special Committee and I believe from the University a Mr. Nicholson used to be on it, the Permanent Secretary and Mr. Sam Headley as Training Officer, and I need say no more, Sir, I can sit down. I know the hon. member will be satisfied now that I have outlined the system.

Dr. HAYNES: Mr. Chairman, this Resolution before this House at the moment, along with many other matters which have been mentioned, is but symptomatic of the mal-administration, the discontent and the incompetence which find expression in the Ministries of the Attorney General and External Affairs presided over by the member for Christ Church West. One has heard of the advocacy of the hon. member for Christ Church South Central in the law courts of this country, and all I can say, listening to the case he has put up for the erudition, the competence and the intellectual defence of Mr. George Hinds, all I can say for that presiding officer is that any jury listening to that case would only come to one conclusion. It is one of the poorest defences I have ever heard.

However, I do not wish to enter into this business of political facts and what is happening in the various areas, because I might even degenerate into an area where I referred to a water hose going through a kitchen window not so long ago in New York, the water going on a particular person. Nor do I want to get into the market square and other places, that business should be kept out of a debate in the House. But what I would say, and this is an important concern, is that it would seem to me that there are certain problems emanating from the combination of these Ministries – the Attorney General and External Affairs. The previous administration had a similar arrangement but there is no reason why that should continue in future, because there is no doubt, judging from the quality of the legislation coming down before this House, members on both sides, some of the front bench, some of the back bench over that side, members on this side, members of the public, and recently the ridiculous apologies presented before this House in the form of legislation would mean that the Attorney General of this country could have been fired.

Hon. H. deB. FORDE: On a point of order. The hon. member will talk a lot of foolishness and I will deal with that in due course, but this is a debate..... *(Asides).* Because the hon. member does not understand Parliament he thinks that his volume makes any excuse for his sense, but this is the Ministry of External Affairs.

Dr. HAYNES: Mr. Chairman, if the hon. member can appreciate that volume and sense are not synonymous he would recognise that despite all the talk on television every other night there is tremendous discontent in every section of the Ministry of External Affairs just as in the Ministry of the Attorney General.

Anyhow, what we are seeing here in this Resolution is nothing but a manifestation of that confusion. If you go to London, to New York, to Washington, to Canada, wherever you go there is the staff of the various Missions expressing their deep resentment at the way in which they are treated, their conditions of service, favouritism in respect of particular Missions and particular individuals, and there is a complete breakdown of morale in the Foreign Service of this country.

Hon. H. deB. FORDE: On a point of order. If the hon. member is making an allegation of favouritism in this House he should do it the right way. It is highly improper unless he is alleging that the Public Service of this country indulges in favouritism, but otherwise I want him to state it specifically, I do not want him to hide from anything, I want him to state it specifically whom he is alleging that there is favouritism towards, how and when and where. I do not want all the nastiness he and Eric Sealy indulge in outside.

Dr. HAYNES: Mr. Chairman, I do not wish to get involved in any kind of nastiness. I happen to know that officers employed by the Mission in the United Kingdom were terribly upset with certain recommendations bearing in mind the levels of inflation that have taken place in the United Kingdom, added to other factors involved there, they did not get what they were supposed to have got and certain allowances were made in the United States when in fact the same kind of pressures were not being experienced in the United States.

4.00 p.m.

We are talking in the context of bringing visitors. The Minister of Education is constantly on television talking about Tertiary Education and the children of this country have come to believe Tertiary Education to be a certain time and he, the hon. gentleman, gets up in here and in justification of the decision they made about Charles Hinds over the objections of the members of the Tourist Board.....

Mr. CHAIRMAN: This has all been thrashed out in the debate already. Let us get back to Item 6.

Mr. TAITT: Imagine the Deputy Prime Minister suggesting that the way in which to become an expert in Civil Aviation is to study to be a Mortician. That is what he is saying to this Honourable House.

Hon. H. B. St. JOHN: Mr. Chairman, what I said about Tertiary Education – *(Asides.)* I am on a point that the hon. member is misleading the House in respect of what I said.

Mr. CHAIRMAN: On what do you rise.

Hon. H. B. St. JOHN: On a point of explanation, Sir. The hon. member has given way. I said the hon. member has a Diploma in Business Administration from a University in New York. In addition to that he has an appropriate qualification in Mortician Science so that he is doubly qualified and I believe he is now studying at George Washington University in Washington.

Mr. TAITT: Now we understand why the hon. gentleman is up there. He could have got up and told us that he has gone to the Washington University via the Embassy and that would have been the end of that.

Mr. CHAIRMAN: Please, please.

Mr. TAITT: Mr. Chairman, I feel that I should be protected from the hon. member for St. James. The hon. member is not on the Floor of this House, Sir, he is sitting down but I can hear him.

Mr. CHAIRMAN: That is a matter of security and I am sure that will be taken care of.

Mr. TAITT: Security? *(Laughter).* Mr. Chairman, I believe on that point I have a point.....

Mr. CHAIRMAN: Order, please. If no other hon. member wishes to speak, the Hon. Minister of External Affairs, please wind up the debate.

Hon. H. deB. FORDE: Mr. Chairman, I am winding up as I began by saying that this is a very simple Resolution merely asking the House's permission to change the Head of a note to permit funds which have been voted to buy a Car for the use of the Mission in Caracas to be used for buying a Car for use in New York.

On that very simple Resolution we have had a far-ranging debate on matters which only marginally concerned the Ministry of External Affairs. While I appreciate your latitude in allowing a debate to be as wide as it has been including a wide range of rather ignorant statements concerning the Ministry of the Attorney General, yet I must say that very few points of substance were raised on this matter that ascertained to Item 6.

If I may be allowed first to reply to the points in substance and then deal with pre quality of the hon. member for St. Michael South Central perhaps we may get the debate out of the way quickly.

Mr. CHAIRMAN: That latitude is granted.

Hon. H. deB. FORDE: In so far as the question of substance is concerned I think the major point of substance in this debate was made by the hon. member for St. Michael South West and that is the nature and character of the Estimates which are presented here in so far as if one wanted to do exactly what is being asked in here, one has to come to the House and take up a tremendous amount of Parliamentary time on a very simple change of a Note to allow the Ministry administratively to use the resources voted by Parliament for exactly the same use.

We have recognised, as the hon. member has quite rightly said, that the Ministry of External Affairs because of its Missions overseas cannot be tied down in the same strict way of the Estimates as other Ministries are tied down and I think the first Permanent Secretary in the Ministry, Mr. Fred Cozier, made the point rather vividly when he said that the best time he was ever able to run his Ministry was when he had a block vote and that was at the time of setting up the Ministry the first two or three years.

Let me give you an example of what can happen. You may find all of a sudden at Washington, in the middle of Winter that we have a busted pipe at one of the Missions or at one of the residences and we have no particular vote to deal with that, yet we know we must deal with this particular matter and when the Officer seeks to use another vote then we get a rough comment on the Auditor General's Report on the matter and I think the hon. member's point is well taken.

As I said, this is the most important point in this debate and I wish him to know that we have been making representations on the formulation of our Estimates on this particular matter in that this strict control which we are exercising here in Headquarters is not possible in all

circumstances with the Overseas Missions and I am hoping that the new formulation of the Estimates for 1980/81 would permit this degree of flexibility so that the Officers Overseas can make decisions on little matters without having to come back to Headquarters to the Ministry of Finance and the Director of Finance and Planning to get decisions because this causes delays.

As a matter of fact, we have been talking to the Ministry of Finance for the past few months on this particular problem arising out of the Report of the Auditor General. I have a long memo from Ambassador Jackman on the criticisms which were made at this Ministry at the time explaining the difficulty in conforming with the particular Heads of the Estimates.

In one case I believe the Mission needed a lock in order to safeguard Government Property. There was no particular item under Non-Recurrent at the time and he used another Head of the Contingency Vote and this was criticised. Those are the sort of problems which occur. I hope that we would be able to put this right with the constructive criticism which was made by the hon. member for St. Michael South West and which I feel could be properly implemented.

The only other point of substance that was made was by the other hon. member for St. Michael South who wanted to know if we were spending the money at Caracas or we were down-grading the Office in Canada. 4.20 p.m.

The point is that External Affairs has been held to a reasonable time budget and it is 65 per cent of the budget it has been planning. Although we have gone up in terms of spending more money than we have been spending last year. Indeed, if you look at the 10 year period, in the year 1976–77, we spent less than we spent in 1975–76.

The established service of the foreign service gets increases at the same time as the general Civil Service and their normal increases on the salary happen to be the same as is given to Civil Servants, because they are interchangeable in so far as allowances are reviewed from time to time, and 1972 was the last review of overseas allowances prior to the review which took place last year under this Government. So that, between 1972 and 1977, there had been no increases to the overseas allowances paid to diplomatic staff. Before that review took place, the Chief Establishments Officer, an officer from the Ministry of Finance and Planning and the Head of the Civil Service visited every mission and, of course, checked all of the information available on the cost of living in various other countries. Washington may differ from New York and New York may differ from London. We also took into account, the inflation which may occur. It was on their recommendation that the Government eventually increased the overseas allowances. They cover entertainment and they cover, for instance, education allowances of officers serving overseas, up to the limit of tertiary or university education. At the moment, I have not got the figure of how many children we are paying for at university level, but I think the public ought to know that in excess of 65 per cent of the foreign service vote is spent on paying salaries and allowances – not on anything else, other than providing residences for people to live in and this should be known.

It compares extremely favourably with the allowances paid by other Caribbean countries, as well as the allowances of New Zealand, Australia and Yugoslavia.

In so far as the number of established staff is concerned, they are normally recruited overseas. All of them are Barbadians and they are paid usually, be it London New York, Ottawa or Washington for work of a similar nature. Those also were reviewed this year. Again, before the allowances were agreed on the Head of the Establishments Division, and the Head of the Foreign Service went to each capital, took evidence from the officers, made recommendations and those recommendations were accepted *in toto*, without change, either by me, the Minister of Finance or Cabinet.

There has been no favouritism shown to any particular officer or anybody else in that grade. The statement is wild as he is wild and lacking in any sort of analysis. It is founded in ignorance and a volume of noise and without any regard to the truth. If the member wanted he could have written a note to my Permanent Secretary and he would have made up a report. The only thing I would like him to produce is his own personal affairs, so that anybody can see what he is. Let him produce it and make it a Document of the House, if he wants to. He is a crook. *(Aside: Criminal).*

Dr. HAYNES: Mr. Chairman, on a point of order. I ask that the hon. member's statement be withdrawn.

Hon. H. deB. FORDE: He makes a point and when there is no basis for that, he runs off on another point. That is cheap political foolishness.

Dr. HAYNES: Mr. Chairman, once again, you have heard the hon. member. In your capacity as Chairman, do you consider what he has said to be parliamentary? Otherwise, I ask that it be withdrawn.

Hon. H. deB. FORDE: The hon. member went on to say that this Resolution for the Ministry of the Attorney General and External Affairs has neither sense, analysis, or anything in it. It is empty.

If the hon. member wants to see whether or not there has been performance, he can check the figures. 4.30 p.m.

If he wants to see, he can pay as many Eric Sealeys as he likes or anybody else, let him come. Why did the hon. member run away from me in 1976 and refuse to come to Christ Church West if he does not think I have the ability to run the Department? Why did he run away?

Dr. HAYNES: On a point of order, maybe the hon. member is inadvertently misleading the House in suggesting that I ran away from Christ Church West in 1976. I wish to make it clear that there was never any proposal on intention on my part to run in Christ Church West, and this kind of nonsense that he comes out with from time to time to boost his ego is total rubbish.

Hon. H. deB. FORDE: The only body who goes on an ego trip is the hon. member. He always has a piece of paper; somebody is always giving him something; he is always being told something that is untrue and he repeats it as though it is true, and that is one of the reasons why I challenge him if he has any information of any favouritism in the Department of External Affairs to let him make it known here on the floor of the House or hereafter hold his breath. I would not even victimise the hon. member for talking foolishness.

Sir, the hon. member had better not talk about victimisation you know. I hate to get into politics at a personal level, but if he is going to raise victimisation, I can name the hon. member for the dismissal of his own messenger because he had a different political faith from his. He had better not drag me into this; he had better be careful how he speaks. Some people are good, but when you chase away your messenger because he has a political faith from you, it is a different matter.

Dr. HAYNES: On a point of order, the hon. member is again deliberately misleading this House. Firstly, I have never had a messenger. Secondly, there has been.....

Mr. CHAIRMAN: That is no point of order.

Dr. HAYNES: I have to make this matter clear; it must be clarified. I have never employed a messenger in my entire life anywhere.

Mr. CHAIRMAN: You have made your point.

Dr. HAYNES: I have to clarify this.

Mr. CHAIRMAN: You need not make a speech.

Dr. HAYNES: I am not making a speech. I am going to clarify it, because when I hear this kind of nonsense, that is utter rubbish. There was a messenger employed at Delaware Clinic which has five directors. After being warned on several occasions during three years, he was eventually dismissed. I am in no position to dismiss a gardener or a messenger of the Company, so it is a complete and total lie.

Mr. CHAIRMAN: This is not the place for vendettas or personal business to be aired.

Hon. H. deB. FORDE: When Tyrone Edwards comes on the platform you will see what you did.

Mr. CHAIRMAN: Order please! I will not have these interruptions.

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

Mr. CHAIRMAN: On what has the hon. member risen?

Hon. L. R. TULL: On a point of order. The hon. member for St. Michael South Central is misleading the House, and I want to put the facts straight if you will allow me.

Rt. Hon. E. W. BARROW: How did you get into the debate?

Hon. L. R. TULL: The way same you got in.

Mr. CHAIRMAN: I must find out if the Hon. Attorney General has given way.

Hon. H. deB. FORDE: I have given way.

Hon. L. R. TULL: I am saying, Mr. Chairman, without making as much noise as the hon. member over there that he dismissed Tyrone Edwards from his employment against the wishes and the advice of all the other directors of the company, and I am going further and saying that he dismissed a maid the following week, and both of them came and complained to me about it. I challenge the hon. member to get up and deny that, because if he does, I will give more details.

Mr. CHAIRMAN: These are matters which should be dealt with in another place at another time.

Dr. HAYNES: Sir, you have to hear me on this. I wish to say again that I have never employed a messenger. I am stating the circumstances in which an individual on whom there is a record for three years of forbearance was eventually dismissed by the manager of Delaware Clinic, and the matter was ratified by the Directors of Delaware Clinic. The hon. member gets up and says I dismissed a maid. I do not wish to discuss the matter here except in so far as to say that I have never yet dismissed a maid.

Mr. CHAIRMAN: This is not the place to discuss these matters. Will the Hon. Attorney General please continue? Order please on both sides of the House.

Hon. H. deB. FORDE: All I want to say is that when one gets up and talks about favouritism, there is nothing that I have to tell the hon. member in here that I will not tell him outside.

Hon. L. S. CRAIG: On a point of order, is the hon. member saying he did not dismiss the maid?

Mr. CHAIRMAN: That matter has already been settled.

Hon. L. S. CRAIG: On a point of order, you cannot direct the Chair from there. You are like Sanford at the end of your days. He dismissed Dr. Mahy, Dr. Jordan and Dr. Esther Archer. Is that so, yes or no?

Dr. HAYNES: Mr. Chairman, I am not going to allow lies of this kind that are being made in the Chamber..... *(Mr. Chairman rose.)*

Mr. CHAIRMAN: The Chair is standing. Order please, on both sides of the House. Has the hon. member risen on a point of order?

Dr. HAYNES: I am on a point of order.

Mr. CHAIRMAN: On a point of order arising out of a statement made?

Dr. HAYNES: Mr. Chairman, Delaware Limited, a building in Jemmotts Lane, consists of two storeys, a downstairs and an upstairs. Because of serious structural defects in the building and the need to replace the entire roof which is being done, the need to completely replace the interior structure, the entire top floor of Delaware Limited has had to be vacated including one of the directors of Delaware Clinic. All the tenants on the top floor have been vacated. As a matter of fact, according to reports from three independent sets of engineers and architects it became a matter of public danger to have allowed that to continue in the state it was, and therefore we have had to vacate the entire top storey of the building including one of the directors. *(Hon. L. S. CRAIG rose.)*

Mr. CHAIRMAN: Will the hon. member for St. James take his seat? That is not a point of order, and we are not here to discuss these personal individual matters. Will the Hon. Attorney General continue his winding up?

Hon. H. deB. FORDE: The Government looks forward to the debate on External Affairs. I personally would welcome it and would wish that it be conducted on the basis of policy rather than on the wild allegations that came out of the mouth of the hon. member for St. Michael South Central, the fabricated fears that he brought out for some time and that sort of thing. I have told the hon. member before that he might have been the second most powerful man at one stage, but never for me. He must not forget it; he and I had that confrontation already over in Combermere Street. There is nobody in this country who would run me at any time from anywhere because I have nothing to hide, and I have told the hon. member that. He must not forget it. When he has any serious allegations about public business and he would stop coming into the House with these sort of frivolous statements completely unfounded, then he will get a serious reply; but if he is going to conduct his debate on this trivial level unworthy of anybody who is a serious politician, then he will be dealt with on each occasion in like manner at any time. Let him understand it.

Now, Sir, we are at present taking steps to look at the special London wages which we have given to the non-established staff at London, and this has arisen because the level of inflation in Britain is running in excess of 16% this year, and in addition the increase in that has meant an increase in goods and services provided to those who are working for us in the United Kingdom. Now that complaint has been brought to my attention. Only a few weeks ago the High Commissioner wrote to us on this matter and it has been attended to, that particular complaint. The report was shown to me since I returned from La Paz by Ambassador Babb and we will go through the normal processes of sending it to the Ministry of Finance who have the last word on how much money is given for this type of service. 4.40 p.m.

I can assure hon. members of this House that we will ensure that no one working in overseas Missions on behalf of Barbados will find themselves in any particular bad position.

Now, I am not replying to that part of the debate in so far as it concerns the Tourist Board, because the Tourist Board is only nominally connected with the Ministry of External Affairs. We have no responsibility for them other than in so far as the Vienna Convention on Diplomatic Relations is concerned. They have their own rules and they are in control, and I think the Deputy Prime Minister has answered all on that particular matter, but if any hon. member over there has any question he wants to ask me personally about it I can give him an answer.

So, Sir, I ask that this Head stand part.

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

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

The question that the words proposed to be left out stand part of the question was put and resolved in the negative without division.

The question that those words be there inserted was put and resolved in the affirmative without division.

On the motion of Hon. H. deB. FORDE, seconded by Hon. C. L. BOLDEN, Mr. CHAIRMAN reported the passing of two Resolutions in Committee of Supply, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. H. deB. FORDE, seconded by Hon. C. L. BOLDEN, the Resolutions were passed and agreed to.

THE TREASON ACT, 1979

Hon. H. deB. FORDE: Mr. Speaker, this Bill seeks to repatriate from Barbados the law relating to treason. The law of Barbados dealing with the offence of Treason is contained in the two laws of Britain of 1351, the Treason Act, and 1495, and in Statute laws in Britain prior to the time of the settlement. At common law treason was two kinds, high treason which was a breach of faith due to the monarch and his subjects, and treason which was committed when one subject of the Crown killed another who was his superior, and the distinction between anyone committing treason and murder was abolished by section 6 of the Offences against the Person Act, Cap. 141. The law of treason is defined with very finite limits by the enactment of the British Act of 1351.
4.50 p.m.

I do not propose to go through all of the offences in the 1351 legislation which was encompassed in the term "Treason". If I may quote for a while from Halsbury Criminal Law, Volume 4, it included "levying war against the Sovereign in her realm or being an adherent to the Sovereign's enemies in her realm, giving them aid and comfort in the realm or elsewhere, compassing or imagining the death of a Sovereign within the realm or without, imagining or devising the death or destruction or any bodily harm tending to the death or instruction, maiming or wounding, imprisonment or restraint of the Sovereign her heirs or successors, and anybody who expresses, addresses, declares any such encompasses, devises etc.; compassing or imagining the death of the King's wife or of the Sovereign's eldest son and heir violating the king's wife or the Sovereign's eldest daughter unmarried or the wife of the Sovereign's eldest son and heir; endeavouring the deprive or hinder anyone who is next in succession to the Crown for the time being from succeeding after the demise of the Sovereign to the Crown and the dominions and territories belonging to the Crown and attempting to do the same; Slaying the Chancellor, the Treasurer or the King's Justices being in their places during their offices." And then of course, Sir, the punishment for treason was hanging by the neck.

And then there was the offence of misprision of treason, punishable by a fine and imprisonment as the discretion of the court. That law still applies to Barbados in the wild terms in which I have read it out and we are seeking here really to reform the law of Barbados to limit in some respect the categories of offences which would qualify as treason. And although we have to maintain the expression "high treason," it is being more or less to distinguish the form of punishment which will go for the most heinous of the offences from the form of punishment which would go for lesser offences.

I think I should comment on one novelty in the law, and to this extent it is a novelty and I suppose it reflects the current thinking of third World countries which are developing on their own. We are still a monarchy and therefore it is necessary to maintain this offence in relation to the person of the Sovereign herself. The Queen is still in her capacity in her relationship to Barbados the Constitutional Queen of Barbados, but we have brought down the suggestion that the offence should also apply in relation to the death of the Queen's principal representative in Barbados, and that is why Section 2(1) in addition to Her Majesty the Governor-General or any person performing the functions of Governor-General under the Constitution is mentioned. As I said, it is a departure from the strict institutional form and precedents which have obtained so far in dealing with a matter of this nature, but it is one being recommended by the Government to be used since we believe that more often than not the Head of State who is in place more often is not Her Majesty Herself but Her Majesty's principal representative, and it is for this reason, and for this reason solely that the offence is extended to the Governor-General.

Let me say that the offence of treason, like the offence of murder, carries the death penalty, and although we have retained the death penalty in this Bill the Government intends – I hope before the ending of this year – to bring down a Resolution in order to get the feeling of this House as to whether or not the death penalty should remain as part of the punishment of Barbados. I have been reviewing the number of murders committed in Barbados, and in the last ten years they have gone above seventeen and have been as low as five, and I think we possibly have an average of between ten and eleven murders a year for that ten year period. At the moment I believe that all the persons other than three against whom the murder sentence has been pronounce have obtained life imprisonment or a remission of the sentence. I said other than three because there are three of these pending and until the appeals have been determined it is not possible for Her Majesty's Privy Council in Barbados to advise the Governor-General as to whether or not the sentences should be commuted. But it is true to say that in the last ten years there has been a signifi-

cant decrease in the number of persons who have suffered death by hanging despite the fact that sentence had been pronounced on an average eleven cases per year in this country. As I said, I should hope that the debate here not turn out to be a debate on the death penalty because all we are doing is maintaining the existing legal position as obtains in Barbados today; and although this Bill is in much more modern language than is contained in the Acts of 1351 and 1495, it maintains the law of Barbados with the exception of the change about the Governor General and at the same time it limits or circumscribes the range of offences which formerly qualify the treason, either petty treason or high treason. We have maintained the position where evidence must be corroborated and where there must be overt acts and not merely covert acts, so that there has been no change of the law in this respect.

As I said, the Bill is largely one of repatriation. The Government is quite prepared insofar as there are any constructive suggestions on the Bill to listen to them. It is part of the law reform effort being carried out particularly with the assistance of Mr. Jim Ryan, a UNDP consultant from Canada – I believe he is well known to the hon. Leader of the Opposition – and one of his efforts is to try to repatriate United Kingdom legislation which still applies to Barbados; and wherever we find British Acts which still apply here, we will from time to time be trying to improve that legislation and make it part of the laws of Barbados as a whole.

The other thing we have in mind doing is that after we have done a series of these changes in the law we hope to consolidate the changes into an overall Crimes Act, and I have already had recommendations in relation to offences against a person in relation to the Larceny Act, and these are being looked at departmentally for drafting purposes, and in due course legislation should result from this. But the whole area of criminal law is being revised and reformed. As I said, I am prepared to listen to the guidance of the House on the new concept of placing the Governor General in the same category for the purpose of the law for treason.

It may well be that in a week or so or possibly within another few weeks there should be before this House another Act dealing with internationally protected persons which will give similar protection to diplomats, not in terms of the law of treason but in terms of murder and in keeping with the international convention to which we have become a party.
5.00 p.m.

I believe that my predecessor in Office, Senator Moe in April, 1976 subscribed to the Convention of International Protective Persons and we have recently rectified that Convention in keeping with the accession which took place in April, 1976. We are now taking steps to implement the legislation arising out of that particular Convention.

That is the brief introduction which I gave to the Bill, Sir, and if there are suggestions or amendments in the Committee stages in the Bill we will be prepared to listen to them.

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

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

Rt. Hon. E. W. BARROW: Mr. Speaker, the Objects and Reasons of this Bill are very vague. They state that this Bill will repatriate the Laws relating to Treasons.

I am not going to quarrel with the Hon. Attorney General because of the Objects and Reasons because the Objects and Reasons of the Bill constitute both part of the Law. I have known other Objects and Reasons to appear on the cover of various other Bills coming through the legislation. Some of them have been taken, some have been inadequate, some of them have been used by the Newspapers as the systematic contents of the Bill. Editorials have been written like the amendments to the Constitution which were erroneously placed on the Objects and Reasons for which even Parliament is not responsible so I am not really speaking about repatriation.

The Statutes like the Statute of Limitation do not appear. The two Statutes relating to Treason of 1351, the Law of Edward II, I believe it was, and the other one of 1495 which was under Henry VII were laws which were brought to constitute the laws of Barbados because all the law of the United Kingdom are automatically in a second country deemed to be laws of the country of the settlers. That is a constitutional principle throughout the Commonwealth.

We have the anomaly that in Barbados Laws relating to high Treason or laws relating to limitation are not on our Statute Books at all. If you look from Volume I all the way through to Volume IX, or whatever we have the only limitation Act you will find is related to land. This is a limitation of description and not a limitation of action and fortunately enough, the Limitation Law in England was passed four or five years before the Settlers arrived in Barbados. I believe it was in 1621–1622. Two years before they arrived they were deemed to be the Laws of Barbados so I would expect that the Attorney General's Office would soon repatriate our Limitation Acts because our Limitation Acts are very antiquated too.

I think in personal actions the limitation period, contrary to popular belief, is not six years but only two or three years. That of course is an anomaly which would

have to be rectified very soon and I hope when the Attorney General is looking at the question of limitation that he follows the English precedent and removes the limitation of one year in Crown Proceedings which is something which I had discussed with the Crown Law Officers sometime ago because I think it is somewhat unfair.

I think the reason behind it is that the House votes Annual Estimates and if people wait three or four years to bring an action against the Crown you know that you will have to get a fresh vote. After all, the Government is an organic thing and the same way that a private citizen can be called upon to fork out damages or an Insurance Company for that matter four or five years after some fault has been committed against a citizen, I do not think that the Crown should be in any such position.

I have stated my position in so far as limitation is concerned of actions and Crown proceedings and any measure to repatriate these Statutes and these Laws before they are set.

Let me come to deal now with this Bill particularly. It is true that the Treason Act was passed at a time when the Monarch was absolute. Protection of the Monarch was the main consideration in Government. There were always wars and rumours of wars.

There were uprisings in various parts of the United Kingdom and when they were trying to unite the United Kingdom even with the Royal Families, there was constant bickering right down to the time of the Tudors and the Stuarts and even down to the time of the Commonwealth in the 1940's to 1650's right down to 1659 to 1661.

We did not get the domestic peace and tranquility in the United Kingdom until the late 17th Century and even then they had to bring in people at the turn of the early 18th Century. They brought in the House of Orange from Holland in order to secure domestic peace and tranquility and they had to repatriate some foreigners into the United Kingdom as we all know as a matter of history.

If you study the Act of 1351–1395 you will see that primarily it deals with the offence against the Sovereign. I am saying this for particular reasons and I am warning the House about the dangers of legislation which so blandly and innocently, the learned member for Christ Church West, the Hon. Attorney General is trying to impose upon us today, and I am choosing my words advisably because ever since the Act came into force, there is no question now about the supremacy of Parliament. The United Kingdom, the Mother of Parliament, has never sought to protect the Government under the guise of the revision of the Treason Act as far as I know or can remember.

Let us look at the Act now that we are repatriating. I have in front of me, Sir, Halsbury Procedures and Practices, Halsbury Statutes and I have Halsbury Laws and I have been looking through them since I received my Order Papers on Saturday afternoon. I am not complaining. The Bill is a relatively short one and we do have some knowledge of some ancient Statutes on this side of the House, even those of us who have not yet been called to the Inner or Outer Bar who have some familiarity with it and more than a passing familiarity of it and we are not complaining about the shortness of the notice but it is something which on another occasion I might have again to draw to Your Honour's attention the late delivery of Order Papers.
5.10 p.m.

We are not complaining about this particular measure. But look at the Act of 1351 at Paragraph 811 of the Fourth Edition, I think which the hon. member quoted from. This is the Hailsham Edition. The Act of Treason is defined: "A person being guilty who levies war against the Sovereign in her realm or is a parent to the Sovereign's enemies in her realm giving them aid and comfort in the realm or elsewhere." Basically the cases in the 20th Century have been based on Paragraph 1 Clause 1: "Levying war against the Sovereign in her realm or is a parent to the Sovereign's enemies in her realm giving them aid and comfort in the realm or elsewhere."

In the case of Roger Casement, the case of William Joyce, in World War II, in the case of John Amory, the brother of a British Cabinet Minister all of whom paid the Supreme penalty. One of them actually pleaded guilty. Certainly, the case of William Joyce excited a great deal of comment in legal circles as to the liabilities of persons who did not owe allegiance to the Sovereign and who were accused of High Treason. So the case centred around whether you were aiding and abetting and giving aid and comfort to the Queen's or the King's enemies, as it then was King George V – whether you were giving aid and comfort in the realm or whether you were giving aid and comfort outside the realm or whether you owed allegiance. With the construction of the words "or elsewhere", I do not want to go into legal history on these matters, and any amendments which have taken place in the United Kingdom to clarify the law, these amendments have centred around the difficulty of construction of those particular words relating to the Treason Act.

The Act went on to be one which we are trying to repatriate. It describes: "Violating the Sovereign's eldest daughter unmarried, or the wife of the Sovereign's eldest son and heir or depriving or hindering the person next in succession from succeeding to the Crown" and strangely

"The Chancellor, Treasurer or the King's Justices from being in their places during their office." All of these were offences under the 1351 Act and the Chancellor of course, does not mean the Chancellor of the Exchequer, but the Lord Chancellor being the head of British Legal System. It goes on to explain that the essence lies in the violation of the allegiance owed to the Sovereign. Allegiance is due from all British subjects, wherever they may be. Local allegiance is owed by an alien under the protection of the Crown, so long as he is resident within the realm, or by a resident alien who goes abroad leaving his family within the realm or goes abroad in the possession of a British Passport. Now that was the argument which was advanced in the case of William Joyce, that he was in possession of a British Passport in 1946. The case went on appeal and is found in the 1946 appeal cases at Page 347 and also in the House of Lords All English Report. The case which is debatable is that although William Joyce had renounced his British nationality and I believe, assumed two different nationalities, they claimed that he had travelled from the United Kingdom before the war under a British Passport.

I do not want to join issue with Lord Joyce who I believe was Lord Chancellor at the time. Mr. Joyce was known as "Lord Haw Haw". He went to meet his Maker at the end of a hangman's rope for having broadcast throughout the war under the name of "Lord Haw Haw" against the successful prosecution of the war efforts by Britain and her allies. He was deemed to be aiding and giving comfort to the King's enemies outside of the realm and the fact that he had a British Passport was deemed to be sufficient evidence that he owed allegiance to the Sovereign.

Now, let me try to relate what we are doing now with what appears in the Bill before us. In the Bill before us, we have taken out all the words relating to Lord Chancellor from the early English statutes and we have inserted in the place of Lord Chancellor and all the other collaterals of the Sovereign, we have taken out. We are not really concerned with them on succession in the United Kingdom. We have put in the Governor General, but as far as I am concerned, Sir, I think that anyone who killed or attempted to kill Her Majesty the Queen would be dealt with by the Statute Law and Common Law of England. That is the first point I would try to make. If Her Majesty, or the Sovereign for the time being, was on a visit to Barbados...

Mr. SPEAKER: There is a little too much noise on the Government benches.

Rt. Hon. E. W. BARROW: If the Queen were here and anybody, whether a citizen of Barbados, any lunatic, or stranger attempted to do her bodily harm, the courts of Barbados would be competent to deal with that person and we do not need a special Act to deal with them because the law relating to homicide would apply in relation to the Queen with equal vehemence or violence as it would to any other victim of a madman – I would not like to say a madman because then you might claim doing Her Majesty pleasure although Her Majesty would then be beyond the position of being able to express her pleasure or displeasure. Unfortunately, these people are given protection by being detained instead of being made to pay the extreme penalty. But let us say, any irrational person who is so stupid as to go and inflict bodily harm on the Sovereign, the ordinary laws of Barbados would apply and if it happened outside of the country the laws of that country would apply. If a Barbadian did it in England, the English Court would not ask our permission to prosecute that person at the Old Bailey or elsewhere.

What we are worrying about is the kind of atmosphere being created because of a few people who go about talking about invasion and that sort of thing, but taking the law from 1351 and trying to repatriate 1351 to 1979, this is the kind of atmosphere that you are creating in this country now. That all of a sudden, in Barbados, there is need to repatriate laws when they were never resident with us in the first place. You are repatriating something that never resided with us. I am saying that you are creating unnecessary fear and trepidation in the minds of people that something dreadful is going to take place. That our laws are not capable of coping with the situations which may arise and I am going to put this to people bit by bit, to show how unnecessary it is. The Hon. Attorney General said, all we are doing is repatriating. This is a cavalier way in which he dealt with it.

5.20 p.m.

It is much more serious than that because until we repeal the Act of 1351 and the Act of Henry II, it is still the law of Barbados. It is nice to have our own laws, but we have other priorities to deal with in Barbados. The Government has not produced a development plan yet. They are still after three years and at least two months and three weeks working on the Democratic Labour Party's development plan, and they show no signs of being able to get through the Democratic Labour Party's development plan before 1981. So why not work on a development plan of your own instead of working on an Act of 1351.

If somebody assaulted the Sovereign in Barbados our laws can deal with it, not necessarily our treason laws. If they assault her in England the British law can deal with it, and we do not even have to apply for extradition because the British Courts will take care of them up there. So we delete Lord Chancellor. Well the British Court will take care of the Lord Chancellor and his successors, so it is unnecessary for us to deal with this. Let us come down now to the Governor-General.

Anybody who interferes with the Governor-General our police are capable of arresting and charging them under the statute law and the common law of Barbados. You do not need special treatment for the Governor-General because he is protected. Anybody who kills the Governor-General is killing a person under the Queen's peace and there is not a different type of hanging if you kill a Governor-General from if you kill somebody down on the water front. It is the same kind of hanging once you are proven to have committed homicide. Homicide on the Governor-General is homicide on the water front of an ordinary citizen. So you brought in the Governor-General and say if you kill the Governor-General you commit treason, and if you commit treason by killing the Governor-General it is the same thing as murdering anybody else, and if you do it to the Governor-General you make sure that you pay what the laws of England say should be the sacrifice which should be meted out to you.

Misprision of treason means concealment. They do not say it means concealment, but we know it means concealment, that if you know somebody has committed treason, then you are under a duty to report that to the Governor-General, the Chairman of the Defence Board who is the Prime Minister, the Director of Public Prosecutions, a member of the Police Force or some other person in authority. Now I am going to come to what I think is the reason for this Bill. Some time ago there was some talk that somebody was going to invade Barbados. I would not even dignify the gentleman by calling his name, and the Prime Minister got on the television and said that two persons connected with the Government were supposed to be involved in this conspiracy; but the Prime Minister himself for a long time was guilty of misprision of treason according to this Act because he would not disclose who were those persons who were so closely connected with the former Government, and then it was subsequently discovered by a statement made by the former Leader of the Opposition that the Prime Minister had confided in him that the two persons who were involved in this plot were the former member for St. Michael South Central and the hon. member for St. Philip South. Well as the former Leader of the Opposition himself said, he would be the last person that you could get involved in a conspiracy because he talks out even his own business far less anybody's business, and he would be the last person to approach. He said that on the floor of this House. He said: "Me! You cannot tell me anything and tell me to keep quiet or tell me a secret because I cannot even keep my own secrets," and the most innocuous person, a law abiding citizen as the hon. member for St. Philip South who has been in Local Government in this country and recognised as one outstanding grass-roots politician in Barbados was accused on television by the Prime Minister of this country as guilty of misprision, because this is what the Act in truth and in fact says, that he would be party and privy to a conspiracy to wage war against this country. It is now being made an offence in this Act, and I will come now and draw a distinction between this Act and the 1351 legislation. That was said on television, two members of the former Government high up in the echelons. We have short memories.

Now what does the Act go on to say? Nowhere in the 1351 Act will you find that it is an offence for anyone if you look at clause 3 of the Bill. Clause 3 of the Bill says "Everyone commits treason..." Let us distinguish between high treason and treason. I say that the laws of Barbados cover the offence of high treason in so far as homicide is concerned; levying war against Barbados; an enemy of Barbados is an enemy of Barbados.

Mr. SPEAKER: Just a point, I was trying to follow your argument pretty closely and you reached the point where you were trying to point out that there is something you would not find in the 1351 Act. I think you broke away from there.

Rt. Hon. E. W. BARROW: And I went back, and I am saying that in so far as clause 2 is concerned my argument was that with the statute law of Barbados you do not need the thing about anybody who attempts to kill the Sovereign or Governor-General because that is covered by the normal law. Levying war is levying war. Anybody levying war you shoot them when you see them because that is the enemy. Anybody who aids or abets anybody is deemed to be a traitor, but I do not see anybody who is a non-citizen of Barbados who is levying war; you can bring them under the law of Treason. There is a difference between a citizen of Barbados in some sections of the Act and a person who is not a citizen of Barbados, and I will draw the distinction in a moment.

Let me come to clause 3 which you are anxious to draw to my attention and to which I wish to draw your attention. In clause 3 of the Act it says "Everyone commits treason who, in Barbados..." Now you must remember that clause 2 does not mention in Barbados, and that is why I said that the statute law of England can deal with a Barbadian, an Englishmen, an Italian, a Yugoslavian or anybody who commits an offence in clause 2, because it does not have to happen in Barbados. If it happens in Barbados our law can deal with it and if it happens outside of Barbados their law can deal with it, because it is an offence against the ordinary person as much as against the Sovereign. *(Asides)* I am willing for the hon. member to correct me, but I am merely showing you what I am a bit concerned about. I am saying that in 1351 there was no mention of Government which is the law you are claiming you are repatriating. (Hon. H. deB. FORDE: If the hon. member wishes me to explain...)

Mr. SPEAKER: I would not like .....

Rt. Hon. E. W. BARROW: I do not mind giving way to the hon. member. I do not want to waste time because I am speaking now as a lawyer.

Mr. SPEAKER: The Hon. Leader of the Opposition might give way but the Chair might not call on the other hon. member to address the Chair.

Rt. Hon. E. W. BARROW: I am just trying to save time because these are points over which I have to be concerned. All right, I will go right through Halsbury; we will spend a lot of time. Halsbury paragraph 811 page 478. I went from 1 to 7. That is the whole thing. If I can have Archbold, Sir.
5.30 p.m.

I am now quoting, Sir, From Archbold, the 39th Edition, Criminal Pleadings, Evidence and Practice at page 3006 where you will find much the same thing as you find in the 40th Edition. It is page 3005, starting at paragraph 3001 dealing with high treason and it goes right down to page 3018, and it sets out all the precedents and the indictments. I am saying it is not any different from Halsbury's, so I return to Halsbury's Laws, the reference which I gave before at paragraph 811.

The point which I am trying to make, Sir, is that if we go to clause 3, the difference between the law which is now being deported or repatriated, we are not repealing the provision of the law which came with the settlers, is that in this thing we are making in clause 3 using force or violence for the purpose of overthrowing the Government of Barbados. I am saying that I cannot find it, that is why I asked the hon. member to assist me. (Hon. H. deB. FORDE: I am willing). Waging war against the Queen in her realm or elsewhere is not the same thing as using these words, using force or violence for the purpose of overthrowing the Government of Barbados. Now let me state right here and now that as far as we are concerned, we are a democratic society, we believe in overthrowing a Government by the ballot box legitimately. All right. That is one thing, but when you bring in legislation like this, are the two words "force" and "violence" in apposition to one another, or are the two words neutrally exclusive? The hon. member knows what I mean.

Let me give you an illustration. You can have civil disobedience and you can say it is your avowed object to bring down the Government by a campaign of civil disobedience. Nobody would accuse you of using force or violence if you have a campaign of civil disobedience. Do you agree with that? At some stage of that campaign of civil disobedience, as happened a few days ago in Barbados, the Defence Force is called out in their numbers and stationed at strategic points to prevent the citizenry of this country from having lawful access to public places. *(Asides).* I know what I am talking, this was at 7.15 in the morning on a Tuesday, I know what I am talking about. The people in exercise of their rights marched in their civil disobedience campaign through the portals of, let us say, Queen's Park which is a public place, and the storm of troopers are there with their bayonets fixed, and the people continued to march through the barricade despite the bayonets which were fixed by those storm troopers. You can call them Defence Force personnel or whatever you like, I know what I am talking about, it has happened in all parts of the world, and the people because they are not standing up singing 'Abide with me', are they deemed to be using force or violence against the Government? They have said that the purpose for this civil disobedience campaign is because they don't like what the Government is doing, but at some stage or other they feel that their rights are being usurped and violated and say we want to go as the now Prime Minister at one time marched to Government House – of course, he said he didn't march, that he walked, although he said that he was marching before, he said that when he realised he didn't have police permission he merely walked and a crowd followed him, and I made the statement at the time that he was like the gentleman who was charged with stealing a cow and he said that he was taking a stroll one Sunday afternoon and he found a piece or rope and when he got home he found a cow at the end of the rope, he didn't really steal the cow. I don't know if it ended up on John's plains, but that was the story of another gentleman on another occasion – but he went to Government House and a crowd was behind him, but he felt that was in exercise of his rights.

Now, let us look at the words "force or violence". If I wish to get from Point A to Point B and you put an obstruction in my way and I say I am coming through, am I using force or am I not using force?

Hon. L. R.TULL: If the hon. member will give way for one minute. The hon. member is inviting comments at this stage.

Rt. Hon. E. W. BARROW: The Speaker indicated that he was not going to allow any interruptions.

Hon. L. R. TULL: He changed his mind.

Rt. Hon. E. W. BARROW: I will bow to the Speaker if he has changed his mind.

Mr. SPEAKER: I don't propose calling the hon. member, because he has the opportunity to address the House. Why I did not allow the Hon. Attorney General to interrupt at the point was because the Attorney General had already addressed the House, and he too in turn will have an opportunity to address the House again. In other words, I am assuming that hon. members have either done their homework or they have not done it.

Rt. Hon. E. W. BARROW: Right, including me, your humble servant. I am asking a question, I do not necessarily wish an answer sentence by sentence, but I am concerned.....

Mr. SPEAKER: Will the Hon. Leader of the Opposition please get to the point?

Rt. Hon. E. W. BARROW: Yes, Sir. I am saying that I was asking something, and as you more than any other person appreciates, I am not necessarily in putting questions rhetorically like that demanding answers forthwith, members must contain themselves in patience. 5.40 p.m.

All I am saying is this: Whatever we say in here, I would just like to remind hon. members that we may have the best of intentions as legislators in here but when you get up to the bench the intentions of the legislators is no concern of the judges; they interpret words according to the canons of interpretation, and the first canon of interpretation is that words have got to be considered in their ordinary meaning. The courts are nothing to do with explanation given by Ministers in extenuations; they are nothing to do with what the intentions were; they say these words mean so and so as far as we are concerned and therefore we can only give such and such interpretation. Do not worry to produce the Official Gazette to tell me that Mr. So and So said So and So in the debate. I think that all of the hon. members here who share the same profession with me are of the same vintage and I do not think that the laws have changed.

Mr. SANDIFORD: On a point of order, Mr. Speaker, we are being treated to a very learned exposition on the law and I think it would be appropriate that there should be a quorum in this House, especially from some of the lawyers over there who understand what the legal position is. There is no quorum. *(Pause – quorum obtained)*

Mr. SPEAKER: There is a quorum present now; you may proceed.

Rt. Hon. E. W. BARROW: I thank the hon. member for drawing the matter to Your Honour's attention, but like one of my opponents in a campaign in St. John, I can address a series of empty chairs and still be on the point legally.

But to return to the matter in question. I am concerned that the expression "force or violence", and then we are introducing – which I cannot find in Halsbury – the idea of the Government of Barbados "force or violence for the purpose of over-throwing the Government of Barbados." We have no intention of overthrowing the Government by violence, but there is a possibility that what might in the initial stages be a group of innocent citizens starting out as a peaceful non-resistance campaign, by the action or instructions of other people be deemed to be forced if a person says "I have a right to walk on the street" and then a person might be charged with committing an act of treason in Barbados. Now of course they could never charge them in England with committing treason because English law would not recognize it as committing an offence.

Section 5 says that not withstanding Section 2 or 3, a citizen of Barbados or a person who owes allegiance to her Majesty commits high treason if while out of Barbados he does anything mentioned in Section 2, while in or out of Barbados if he does anything mentioned in Section 3. In other words, anybody at all in Barbados is guilty of the offence, but any citizen of Barbados is guilty of the offence whether he is in Barbados or outside of Barbados. I think that more or less follows English case law, particularly the question of giving aid and comfort to the enemy in the realm or elsewhere. These are the words which caused a considerable amount of difficulty. And then of course they go on to say and the Learned Attorney General points out – that there has to be an overt act in order for there to be evidence of conspiracy. In nearly all the law relating to conspiracy that is so, so we have no quarrel with that.

So when we look at the Bill as a whole, the points I am substantially raising is whether we need the Bill at all; whether it is a priority. And the third point which I am raising is this: Whether in view of what I have said of an accusation being made of people counselling a conspiracy, especially when you know the identity of the persons who are accused, whether it is not exposing innocent persons of Parliament to extreme danger to introduce a measure such as this when there is absolutely no evidence on any occasion of any overt or covert act on the part of any person inside or outside of Barbados, and certainly not members of Parliament in any such conspiracy. So that the general atmosphere of fear and trepidation which is being generated by the introduction of this kind of legislation is not one which is likely to make the average citizen of Barbados feel other than that slowly and surely his rights are being circumscribed in very subtle ways which when they are all added up, each by itself, until there is some kind of test case, may not appear on the surface to be such an intention; but when they are added up you will wake up to find that you have no rights at all. I am very concerned over such a situation and no amount of reassurance other than a deletion would completely allay my fears. Maybe this is a subjective feeling which I can't get over. But I am not concerned about myself, I am concerned about some people who in the pursuit of their human life may find themselves faced with very serious penalties in pursuit of the assertion of the rights they should find under our Constitution.

Mr. SPEAKER: Is there any other hon. member who wants to address the House before the Hon. Attorney General winds up?

Mr. TAITT: Mr. Speaker, I have been searching very diligently over the past twenty four hours to find any cases of treason which appeared before the courts of Barbados throughout the history of Barbados and have not been able to find any. I wonder if the hon. Attorney General as he winds up would indicate whether or not any such case ever occurred in Barbados. This would assist us in a determination of the relevance of this particular Bill.
5.50 p.m.

I must confess, Sir, that I am a little concerned as being able to determine the priority of this piece of legislation. It would seem to me, Mr. Speaker, that if the Hon. Attorney General is satisfied that there are a number of pieces of anonymous legislations in matters relating to law which were imported under settlement and for which he wishes to see the laws of Barbados reform, I would have thought that it would have made more sense for us to have all of them brought down at one time so that we can see it as part of the reformation of the law.

I, like my colleagues can find no particular merit in the bringing of this piece of legislation at this time when I am sure, as all other hon. members will confess, there are a number of other pressing matters which could require attention of this Honourable House.

In so far as the Bill is before us and the Attorney General has said that he will welcome comments on the Bill, Mr. Speaker, I am a little concerned and in here I make no attempt to discuss the individual Clauses of the Bill, but I am concerned about some of the aspects of Section 3.

I know that other legislation would probably be voted from other jurisdictions to demonstrate that a similar type of legislation has been enacted in some of the jurisdictions. I myself am not particularly persuaded that the mere fact that some other jurisdiction might have been enacted in a piece of legislation is sufficient ground for us in Barbados to enact the same legislation.

I am concerned, Sir, that where one says that any attempt to overthrow a Government by the use of force or violence would be described as treason could in certain circumstances lead to a charge being brought which in normal circumstances would not be contemplated but which in the context of this Bill could see, may be not now, but sometime in the immediate future, someone, some Government using this piece of legislation to visit on the citizens of Barbados a certain kind of punishment.

Mr. Speaker, I recall in a debate in this Honourable House the Prime Minister indicating that in his opinion failure to reveal certain information regarding certain economic factors could be seen as, and I use his words, "economic treason". Now where it might have been an analogy which he was down-grading, I thought it such until very recently I noticed that in one of the African States they have now found a number of persons guilty of economic treason and those persons have been treated with the penalty of death.

The point I am making, Mr. Speaker, is that when legislation with the best of intention of those who bring the legislation down becomes part of the law of the land, one cannot foresee how that legislation, if it is not properly drawn, will be used in the future by Administrations of the future and so it is for this reason that I am concerned about this aspect of Section 3 which seeks to suggest that an attempt to overthrow a Government by force without any description of what is meant by force, could result in a charge of treason.

As it stands now, Sir, the Courts and the Judges are likely to have a certain kind of interpretation but within the Caribbean, we have seen a change in the emphasis, even the Judiciary. I do not think that I am speaking out of turn if I say that in some parts of the Caribbean there is room for questions as to the independence of the Judiciary and therefore I believe that we are not where we can favourably be putting on the Statute Books laws which are capable of misuse and misunderstanding.

The Attorney General in presenting the Bill indicated that very soon the Government will be arranging for a debate in this Honourable House on the question of Capital Punishment and he sought indulgence of the House, as I understand it, that we should hold any discussions on that topic until such time as the occasion should arise.

Now, Mr. Speaker, having myself said on the Floor of this House that it was my intention to bring a Resolution to this House for the same purpose, I would invite the Attorney General not to postpone that piece of legislation until it is too far in the distance. I believe that the time has come for this Honourable House, and indeed for all the people in Barbados to make their views known on how they feel about this question of Capital Punishment.

Mr. SPEAKER: You said Capital Punishment or employment?

Mr. TAITT: I said Capital Punishment, Sir, but it is a fraudulent slip that unemployment would have been likened to capital punishment, as you heard it, Sir, because in my view the effects of Capital Punishment and unemployment are the same. One is a fast death and the other is a slow death.

Sir, to get back to the point, it would seem to me that the time is right in Barbados to express ourselves. Those of us in this Honourable Chamber and other Barbadians should decide for themselves what it is they wish to have as a form of punishment in this community for certain deviations from what is described as the norm.

I was very happy to hear the Attorney General indicate that all those persons who have had capital sentences have had their sentences commuted to life. That is my understanding of what he said and I cannot find any fault with that particular decision by the authorities of this country because as far as I am concerned, it is not in keeping with a humane society to continue the barbaric acts which were perpetrated by Government and which were perpetrated by rulers who had no consideration whatsoever for the poor classes in their day.
6.00 p.m.

In the last part of the 20th Century, many of us in the Caribbean are still relying on attitudes which were prevalent in the 13th, 14th and 15th centuries. Mr. Speaker, I need not remind this Hon. House that what are now described as petty offences were visited by the death penalty in those days. It is for that reason that it would seem to me that if the Attorney General is attempting to reform legislation and withstanding what we perceive to be the law of the land at this point – that if he is bringing modern legislation in repeal of an Act from 1351 and 1495 that it is unnecessary. I cannot understand the procedural position which would see him bring this Act now as part of a reform movement, and then announce to us that it is his intention to have a debate on the question of capital punishment, while at the same time, bringing a reform Bill, which includes, as part of its punishment, capital punishment. Mr. Speaker, it seems to me that that is a case of putting the cart before the horse.

If we want to repeal these Acts, as I said, there is no particular agency – unless there is something which has so far not been revealed to this Hon. House. He ought to have the subject debated, get the feeling of the country, and then tell us if we must repatriate whatever it is we have to repatriate, before we close laws in accordance with the concensus which would have been reached in the debates here, or in the wider debates outside.

Mr. Speaker, it is not permissible to examine the Act in detail but I worry a little for example, when one looks at an organisation like say a trade union. Let us suppose – it says in Section 3 "Forms an intention to do anything that is high treason, conspires with any person." These are the forms of words that are used. I will not attempt to go into any discussion and the difficulties which are created in such things as forms intention and conspiracy and that kind of problem. But it seems to me, Mr. Speaker, that it is entirely possible that a trade union could legitimately decide that the time has come for a particular Government to be overthrown. That such a trade union may decide on such overthrow on what it perceives to be legitimate means. We are familiar in the 20th Century, with the activities of trade unions in the Latin American countries which have sought to make their political will known, by their actions as trade unions and it could well be determined that failure to perform an act of omission could be seen by a Government, or by the judiciary as force. There is no description of force in this Bill.

I know that I am going to hear about over action, but if one takes the Revolution which occurred in the United States of America on the question of human rights, no one could doubt that the activities of persons like Martin Luther King; and it could be said to be forceful activities, and it could be said that a high degree of force used by persons like Martin Luther King, in the pursuit of what they believed to be a legitimate objection.

Now, Sir, let us suppose that we had in Barbados a regime that had lost total touch with the ordinary masses. I said total. I have no doubt that the hon. members on the other side have not lost total touch, although they have been losing touch very fast. But let us assume, that a regime loses total touch with what is going on with the ordinary members of a society. The members of that society may decide to use moral force and their context of what is moral force in the context of our society, may run counter to what may be decided as force by persons who are amenable to the particular regime. It means Sir, that rights which have been won in this community could be lost and whenever legislation, even remotely suggest that the rights may be lost by this community, it seems that we ought to oppose it, or oppose that aspect of it which seeks to deprive ordinary citizens of their hard won rights which we have come to accept and enjoy.

I would therefore join the Leader of the Opposition in asking the Government to give very serious consideration to revamping entirely if not deleting, this aspect of the Bill before us. I am not happy with the inclusion of a Government. I believe that it can lead to misinterpretation, and I am even less happy with the attempts in that same section to make certain import actions specified or reach up to clearly define unambiguous over-actions.

No legislation has been able so far Mr. Speaker, to devise a set of words, to designate a clear intention. Always, in interpretation, as I understand it, they have had to rely, as they say, on the examination of the mind of the person who is charged and they would have done this via the evidential route. Mr. Speaker, there are some

other aspects of the Bill, but I believe that they can better be dealt with should the Bill go into Committee.

I do hope that the Attorney General would not feel sufficiently strongly – unless he is then going to tell us of something we do not already know – as to wish to have this Bill passed in its present form and that, either he would postpone consideration after appropriate debate or he would permit amendments from the floor of this Hon. House, so that if we must repatriate the English Law, we do not substitute for it a Barbaric Law that is not in keeping with the civilised position in which we find ourselves in the 1970s and the 1980s. Thank you, Mr. Speaker.

Mr. SANDIFORD: Mr. Speaker, I am not on any legal point. I realise, that this measure which is being considered, is a measure for legal people, but I would like to ask a simple question. Has this particular piece of legislation been sent to the Bar Association and if not, why not, in this particular area of law reform as it has been styled?

Mr. SPEAKER: At this time, I want to draw to the attention of the Leader of the House that the noises from the ante-chamber are disturbing the debate of this Hon. House and some action has got to be taken. It cannot continue.

Mr. SANDIFORD: Mr. Speaker, I was making a point, or rather, seeking information as to whether this Bill that is before us to repatriate the law relating to treason has been sent to the Bar Association for its comments and if it has not been sent to the Bar Association for its comments, why not?
6.10 p.m.

I want to know whether there is a studied device to bypass the Bar Association, whether it was an oversight or for what reason that they have not yet been consulted, that is, if they have not yet been consulted. I ask these questions because I would think that in matters of law reform the professional body which will play the most intimate part in the administration of this piece of legislation might be consulted. That is from a layman's point of view.

Hon. H. deB. FORDE: Mr. Speaker, if I may reply to the various points ....

Mr. SPEAKER: I think the hon. member for St. George South wanted to speak.

Hon. H. deB. FORDE: No, Sir. He does not intend to speak. If I may reply to the various points raised by hon. members, and if I may deal with the hon. member who just sat down first merely because that is the most recent in my mind, the Bar Association has been complaining to me that they are overpowered by the amount of legislation which I have been sending them and that they really have a surfeit of legislation. There is at present before the Bar the Defamation Act on which I am waiting for comments, there is the Companies Act which has gone into a Special Committee now composed of some members of the Bar who have volunteered to serve, there is a new Act of the Supreme Court of Judicature, there is a new Criminal Appeal Court Act, Rules made under that Act, Supreme Court Rules, to mention only a few of the various Bills which have been referred to the Bar Association; and they have made representation to me that they cannot keep up with the volume of legislation coming from the Attorney General's Chambers at the moment, and would I hold off crowding them out with legislation. I cite this to answer the hon. member and to say that it is not every Bill that we will be referring to the Bar although we do try to keep the Bar involved in as many Bills as possible, and also to enable the hon. member to tell the hon. member for St. Michael South Central about the performance of the Ministry of the Attorney General of which he has so much problems of comprehending that we are working and working very seriously up there. That is the first reply.

In so far as the point made by the hon. member for St. Michael South West is concerned, the point on capital punishment is a very ticklish point. What we have sought to do in this Bill is to maintain the existing penalties. We have kept the law as it is because we recognise that at some stage we must come to the House to get the guidance of Parliament on the question of abolition of the death sentence – capital punishment. Let me state right away that I belong to the same group of persons as the hon. member does in my feeling on this, that it is a barbaric and archaic form of punishment which we should not keep in our laws, and I feel likewise about whipping and obviously it is an area of the law that we will have a free vote on because members on both sides of the House may have different views about this; but I believe the hon. member and myself feel similarly about maintaining capital punishment as part of the laws of Barbados, but until that debate takes place, it seems to me perhaps legally proper that we should maintain the law without that substantial change, and that is the only reason why I brought down the law as it is without making a change in this regard.

Mr. TAITT: If the hon. member would give way on a point of elucidation, the hon. member seemed only to have taken part of the point I was making. If I may explain very briefly, the point I was making is that in light of the fact that we feel that way, you have to tie it to the priorities for bringing this matter. The point I am making is that you bring this down now when you could have held this for what it is worth until that had taken place whenever it does because the two laws are so related that when that takes place and there is an agreement to abolish, you will have to amend this.

Hon. H. deB. FORDE: The reason why I have not dealt with the question of capital punishment in this Bill is because the main areas dealing with punishment in the laws are contained in the Corporal Punishment Act and in our Offences Against the Person Act. At least on the Offences Against the Person Act I have just received recommendations for reform, and one of the recommendations is really for guidance for Government policy as to whether we will maintain whipping or flogging as part of the law as it is at the moment, and capital punishment, and on both of these I shall shortly be coming with a paper before Cabinet recommending that we should give a free vote in Parliament on the issue of capital punishment. That is really why there has not been a change.

Now in so far as the question of whether we need a new law is concerned, and this is one of the questions put by the Rt. Hon. member for St. John, in my view we do need a new law. As a matter of fact, we started working on the Treason Act in preference to other Acts that we are repatriating because the Director of Public Prosecutions made representations to me that the existing 1351 law and the 1495 law were deficient. Part of the problem we have is this: although it is part of the law of Barbados, a colony such as Barbados could not legislate for itself with extra-territorial effect, and one of the doubts he has in his mind is how far the 1351 and 1495 legislation applies to a Barbadian national who might outside of Barbados do any of the acts complained of under the 1351 law. So that if the state of the law has what he says could be an obvious defect in it, I have obviously to react to a serious suggestion made by the Director of Public Prosecutions, and that is why this particular Act was done ahead of, let us say, the repatriation of the Limitations Act to which the Rt. Honourable member for St. John referred, and that is why it got a higher priority than the Limitations Act for instance. But I can assure the hon. member that we have done the Limitations Act. It is now in its third draft and it is being referred to the Judges for their consultation. We have done a Merchant Shipping Act, a new Act; it is with the Ministry of Communications and Works and we are waiting for their comments for some months now. We have repatriated the Extradition Law; that has already gone through Parliament. We have done a new Civil Aviation Act. I know the hon. member for St. Michael South West is interested in this subject, and that has had the comments of the Ministry of Civil Aviation. That is back to us. We are repatriating the law dealing with visiting forces today as you will notice; we have drafted an Official Secrets Act, but I doubt whether it will get into Parliament any time this year. That is now going the rounds of consultation with various persons because the existing legislation is very rigid. So there is a Series of U.K. legislation which we have been dealing with and trying to get before Parliament. For instance, we have drafted a Copyrights Act and we are in the process of redrafting the Patents Act and an Industrial Designs Act and a Trademarks Act, all of which happen to be United Kingdom legislation.

6.20 p.m.

So it is not a question of picking this one out and giving it any high priority, it is one of the parcel but since it was a simple one to do and there was a specific request from the Director of Public Prosecutions, we have dealt with it.

The Rt. Hon. member also make the point that the emphasis should be on a development plan. That is true to some extent, but the development plan will shortly be before Parliament in any event. It is not that the Government has not given it any thought, the Government's Development Plan is being printed now, it has been approved and it is being printed now, but in addition the Rt. Hon. member just must understand that the Attorney General has law reform and state of the laws, both the civil laws and criminal laws, as part of his portfolio, so in so far as they are law proper I do them, and this is part of the development process of the country as a whole. What I can't originate is that I can't let us say, go to the Ministry of Health and originate a Termination of Pregnancy Act for that Ministry, the ideas for that must come from the Ministry and then we will do the drafting for them. Although it is true that on the company law, although that is the Ministry of Trade, we have started the process for the Ministry because that is probably more lawyers' law.

Sir, the hon. member must understand that when it comes to law reform proper and the reform of the laws that are applicable to the Ministry of the Attorney General, this is only carrying out part of my portfolio, and its relevance to the Development Plan as far as our priority in the Ministry is concerned, is that the Development Plan is a priority of the Ministry of Finance but the reform of the lawyers' law happens to be a priority of the Ministry of the Attorney General.

Now, the hon. member makes another point. He says that one of the reasons why there is no need for a new law is because we had the existing legislation in the United Kingdom which is applicable to us. He and I are not arguing on the fact that there is existing legislation, but it is British law, it is one that I don't believe anybody would be able to find very easily, the 1351 legislation, to read it and it has in some frightening things. For instance, if somebody in Barbados slays the Lord Chancellor of England, he is guilty of treason. Let me give you an instance. If we slay the Lord High Treasurer, we are guilty of treason, and if we slay one of Her Majesty's Judges, not only those in Barbados, but an English Judge, as the law at present stands we are guilty of treason. *(Asides).* Maybe it is murder or it is treason, but it is also treason, that is part of the existing law of Barbados and we feel that we must alter that provision.

Now when we come to the point about section 3 made by the hon. member, I must tell the hon. member that our reading of the law differs on this. The treason of levying war against the Sovereign may be of two kinds; express and direct, and where war is waged against the Sovereign or her forces with a view to injuring her person or to imprison her, or to force her to remove any of her Ministers or Councillors, so that if you levy war or use acts of war against the Government of Her Majesty in order that she should sack the Government, that is treason. Also constructive is where there is a rising – and if the hon. member would listen to this carefully – where there is a rising for some general public purpose. Now what can a rising consist of? Among the risings are, if you rise up in civil disobedience, for instance, to effect an alteration of the law, to alter the religion established by law, to open all prisons, to pull down all meeting houses, it is as wide as that at common law, so that if the hon. member looks at Foster & Hale – Pleas of the Crown, he would find that the acts are wider than merely using violence or force to overthrow a Government. You can be merely using force to open the prisons, you could merely be using force to open the prisons in Barbados today, and this is the existing law, and it would be an act of treason, and it is because of these difficulties. . . . *(Asides).* But the hon. member must know that I am right, he must know that I am right, this is a fact. If anybody uses force of any sort to open the prisons in any way to let out prisoners to stir an uprising in Barbados, on the existing law of Barbados that is high treason. In those circumstances you are at common law according to the existing Barbados law guilty of treason, and therefore when the hon. member says that clause 3 surprises him, I think the hon. member is mistaken, because clause 3 limits the existing law and not widens the existing law, and clause 3 means that we are reducing a whole bundle of circumstances which do not at present exist to a limited number of circumstances.

Further, Sir, I really must try to get my Ministry to bring down when we come with legislation as much as we can a comparative table for hon. members so that they will see that the provision that we bring to this House are not something which we are pulling out of our hats or our heads, but that we have looked at other democratic countries where similar common law traditions are established and have followed as closely as we can their legislation. A lot of this Bill is based on legislation that is applicable in Canada, in Australia, and in New Zealand, and one of the reasons why I will not now go on with the Third Reading of the Bill – I am going to have the Second Reading but the Committee stage of the Bill – is to give the House the benefit of having available, the draughtsmen of this Bill, because it is lawyers' law, a lot of it is lawyers' law, so that if there are any doubts still, including the benefit of the DPP if they want to consult with him on any area, to make him available at the Third Reading stage of the Bill for the clarification of any measures on which hon. members may have doubts. We do not want in changing this law, in repatriating the law, to raise up any fears in the mind of anyone, but if your law is defective, if it is so wide at present that it encompasses almost anything like instances I have cited, Mr. Speaker, which I do not believe that either you or myself would have recognised as part of the law of Barbados, and if we are trying to improve the legislation, then surely this is a matter on which, as I said at the opening, I will take any constructive suggestion, provided we are *ad idem* as to what the law is and what the new law or the change in the law entails, and therefore in the light of the discussion that has gone on I will make the draughtsmen available in the ante-chamber of this House at the next sitting of this House if that is convenient to the House, Sir, so that they will be available to clarify any points of difficulty that hon. members may still have about the legislation, but in my view I will say that my advice is that this is well within the existing legislation and that the changes do not encompass the fears which have been expressed by the Rt. hon. gentleman, so in those circumstances I would move that the Bill be read a second time and at that stage I will ask for the leave of the House to postpone discussion on the Bill before we go into Committee.

6.30 p.m.

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

Hon. H. B. St. JOHN: Mr. Speaker, it is not the intention of the Government to proceed any further with this Bill today. I therefore beg to move that further consideration of this Bill be postponed.

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

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

SUGAR INDUSTRY ORDER, 1979

Hon. H. B. St. JOHN: Mr. Speaker, earlier today I gave notice of a Resolution and I intimated then that I would be asking leave of the House to deal with a Resolution in all its stages today. It is the usual Resolution fixing the allocation under the Sugar Industry (Rehabilitation, Price Stabilization and Labour Welfare) Act. It has to be fixed to permit the final payment to cane growers in Barbados. Accordingly, I ask leave of the House to deal with the matter now, Sir.

Mr. SPEAKER: The hon. Leader of the House is seeking leave to deal with this Resolution which I understand has been circulated to hon. members. If there is no objection, leave is granted.

Hon. H. B. St. JOHN: Mr. Speaker, this Resolution seeks approval of the Order made by the Minister responsible for Agriculture under the provision of the Sugar Industry (Rehabilitation, Price Stabilization and Labour Welfare) Act. Since 1956 it has been the practice to make an order fixing the various levies on sugar and fancy molasses manufactured in the Island, as authorized by the Act and they are allocated between the Rehabilitation Reserve Fund, the Price Stabilization Reserve Fund and the Labour Welfare Fund. The Addendum sets the wage history of the amount of levies. The levy that is proposed this year is the same as in 1979 and the amount of the levy for payment to the Crown will be for the benefit of the Labour Welfare Fund and the Provident Fund in the following proportions. $12.20 for the Labour Welfare Fund and $12.40 for the Provident Fund. The only distinction between this year and last year is that the levies have been calculated in metric tons and in litres for the fancy molasses, but I am advised that the amounts are exactly the same. Accordingly, I beg to move that the Resolution do now pass.

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

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

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, that concludes Government Business for today and I beg to move that this House do now adjourn until Tuesday, 27th November, 1979.

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

6.40 p.m.