
THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

<HOUSEOF ASSEMBLY

Tuesday, 5th August, 1980.

Pursuant to the adjournment, the House of Assembly met at 10.10 a.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, JP., (Speaker); Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. C. L. BOLDEN, LLB., (Minister of Communications and Works); 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; Mr. DeL. O. BRADSHAW; Mr. L. L. SISNETT, and His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were said.

MINUTES

Mr. SPEAKER: I am advised that there are no Minutes ready for confirmation.

ANNOUNCEMENTS BY HIS HONOUR

Mr. SPEAKER: I have to announce that I have received copies of Accounts and Statements for the month of April 1980 as prepared by the Accountant General.

Hon. H. deB. FORDE entered the Chamber and took his seat.

CONGRATULATORY AND/OR OBITUARY SPEECHES

Hon. L. S. CRAIG: Mr. Speaker, I rise to extend on behalf of my colleagues in the Cabinet and of my party our deepest sympathies to the hon. member for Christ Church North Central whose mother, the late Mrs. Iris Kate Ward, passed on to the Great Beyond.

Mrs. Ward was born in the parish of St. Lucy, she was educated among some of the first students at the Alexandra School, she lived to a very very ripe age, the age of 86, and for her family she did whatever a mother and a wife could have done during her years. In the past years, Sir, I myself was relatively familiar with Mrs. Ward whom I referred to as Mother Ward when I paid the occasional visit to my colleague, the member for Christ Church North Central, and though ailing as she was she always had a very kind word to speak to me and to speak of others. I can say, Mr. Speaker, for those persons who had the opportunity to associate themselves with Mrs. Iris Kate Ward during her life time, and in particular in her years when she was ill, I have had the opportunity to talk to some of the people who worked with her and they would always tell me that she was still a very cheerful and generous old lady.

We know that grief is not what we always look forward to, yet we accept it and we know it is to come. I am quite sure, Mr. Speaker, that my colleague, the hon. member for Christ Church North Central, can take hope in the fact that his mother lived a life of which he can be justly proud and of which also Barbadians can be justly proud. She has gone to seek greater moments and spend greater hours in our Master's Kingdom and I can only extend on behalf of the Front Bench, the Back Bench and members of the Barbados Labour Party our deepest sympathies to the hon. member.

Rt. Hon. E. W. BARROW entered the Chamber and took his seat.

Hon. H. deB. FORDE: Mr. Speaker, I rise to second the Resolution and to associate myself with the remarks by the hon. Acting Leader of the House. I myself was not privileged to know the mother of the hon. member personally but I have known of her by repute and I am sure that her passing is of course for him and his family a very sad occasion indeed, and we would all wish him in his time of grief to recognise the contribution that she has

made not only to her family but the many acts of kindness which she **has** performed in this island.

Rt. Hon. E. W. BARROW: Mr. Speaker, I should like to associate the Opposition with the sentiments which have been expressed on the passing of Mrs. Kate Ward. The hon. member has been known to me for many years ever since I was attending school, I did not know his mother so well. He happens to be a neighbour of mine and she was at one time a neighbour of mine as well. I am sure that my colleagues will join in the expression of sympathy which has been expressed by members on the Government Benches.

Mr. SPEAKER: I should like to be associated with those sentiments expressed by both sides of the House with respect to the passing of the mother of the hon. member for Christ Church North Central. I did not know Mrs. Ward personally but from what I have learnt she was what the Barbadian characterises as a member of the old school, but it so happened that she seemed to have acquired the art of mellowing with the age so that she was able to **mix** a little of the old and adapt it to the present and in doing so she has left behind her a record of which her relatives and perhaps **all** of us can be justly proud.
10.30 a.m.

She was of the employing class and the way in which she dealt with her workers is indeed heartening. I have learnt that she was an able Counsellor and this she did to the assistance of many a family until almost her dying day.

But, if she had done no more than leave behind her son, the hon. member for Christ Church North Central, I think that he is in himself, a shining example of what contribution this goodly lady has made to our society.

I wish that hon. members would pay final tribute by standing with me for one minute, in silence with respect to the late **Mrs.** Ward.

Hon. members stood for one minute in silence.

Mr. SPEAKER: **As** is the accustomed, the Clerk will be **instructed** to send to her relatives, copies of the Resolution of condolence passed by the Hon. House.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the Instant Order of the day.

Hon. L. S. CRAIG: I beg to move Sir, that Standing Orders **Nos.** 6, 16, 18, 20, **42(5)** and **44(1)** be suspended for the remainder of today's Sitting.

I can assure hon. members on the Other Side that what Private Members' Business and so on which they will have to raise, they will have assistance.

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

Mr. SPEAKER: In accepting the motion of the Acting Leader of the Hon. House, I have the assurance that the time for break will be honoured and not in the breach.

Hon. L. S. CRAIG: Sir, it is not often that we sit at 10.00 a.m. and I can assure the hon. members that they will not be denied of their lunch, Sir. At 1.00 o'clock, I am quite sure Sir, that we would have our Luncheon.

Mr. SPEAKER: If there are no objections, those several Standing Orders will remain suspended for the remainder of today's Sitting. (PAUSE). Those several Standing Orders are suspended for the remainder of today's Sitting.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move Sir, that Item No. 7 be the Instant Order of the day.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT OISTIN, CHRIST CHURCH FOR THE PROVISION OF A FISHERIES TERMINAL COMPLEX

Item No. 7 was called – to move the passing of a Resolution to approve the compulsory acquisition of land at Oistin, Christ Church for the provision of a Fisheries Terminal Complex.

Hon. L. S. CRAIG: Mr. Speaker, of course Sir, the Ministry of Lands once again, we are the only Ministry which looks after the actual acquisition of land, Sir. It is a known fact that Government is prepared to carry out at Oistin, a complex which embodies a Fisheries Terminal, Sir and other supporting factors in the Oistin area. We therefore set about, Mr. Speaker, to acquire this portion of land which is quite clear, as set out in the Addendum of the Resolution, Sir.

I do not **think** that there is very much more for me to add to this, in the light that my Ministry is primarily responsible for acquisition of land Sir and I beg to move, Sir, that this Resolution do now **pass**.

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

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

Rt. Hon. E. W. BARROW: Mr. Speaker, this is not the **first** Resolution that we have had in connection with land at Oistin. What we are concerned about Mr. Speaker, is that up to now, no comprehensive Plan showing the nature of the developments which will be inaugurated in this area, has been submitted to the Hon. House and I should like the Hon. Member to show precisely what developments are likely to take place, in the Oistin area and whether any further acquisitions either on the land side, or on the sea side of Oistin, will be undertaken so that we would have some idea of the comprehensive development for the Oistin area.

As you know, Mr. Speaker, the whole idea of developing Oistin is not a new one. A Committee was set up under the Chairmanship of the former Hon. Member for Christ Church and the former Deputy Leader of the Hon. House, to go into the whole concept of the development of Oistin and of Speightstown and a Report of that Committee was submitted. We further solicited, when I say we, the Government of which I was Chairman of the Cabinet solicited the assistance of the European Development Fund specifically, for this area.

If there has been any departure from the original scheme, not **only** the Hon. Members of the Hon. House, but I am sure that the inhabitants of Oistin itself and the general public will like to know the nature of the developments which are now contemplated.

Hon. H. deB. FORDE: Mr. Speaker, the Government has had made a Physical Development Plan for Oistin and in addition to which work is being done by the Town and Country Planning Department. They have had the benefit of Consultants, Mr. Richard Gill, a Town Planning Consultant, together with CEP Engineering Ltd. and together with another firm of Consultants whom I understand were approved by the European Development Fund.

10.40 a.m.

Various physical planning has been done for the area and I believe that there have been two major reports so far and the consultants **are** on the final report for the whole development of Oistin area and the **surrounding** areas of Scarborough and Oistins Hill, areas like **Ashby** land. As I understand it, the major public works in the area **will** involve the development of the fisheries complex and the **fisheries** terminal, and of course this Resolution is specifically concerned with that. But in addition, on the Scarborough area the Government intends to build a new polyclinic and I believe that planning in respect of this is very far advanced and the contract **has** gone out to tender. It intends to build a new Police Station with the headquarters for the southern division as well as a police station to replace the existing Oistin. It intends to build a new law court which would decentralise part of the work at present done at District "B" and District "C"

because eventually in the long term planning we intend to move the District "B" Court from its present location to Charles Rowe Bridge where the Government **will** be involved in doing the sub-town development in the whole of the Glebe Land and in that region.

In addition the Government intends to expand and extend the Library facilities by the construction of new library facilities on the Scarborough complex, and in the centre of **Oistin** in **particular** the Government will be building new offices for Rates and Taxes. I believe that there will be new welfare facilities and there will be facilities for the Child Care Board. There will also be a reorganisation of the road system, the long term intention being to push some of the **traffic** off that main highway right across to the upper level of the Oistin Hill. It is not the Government's intention to develop Oistin in such a way that the traditional shopkeepers and **traditional** small people who operate commercial or other businesses in those areas should in any way be removed. If they have to be shifted they **will** be given alternative sites. The Government also intends to acquire, and I believe that these acquisition notices are already out or soon in the process of going through this House if they have not already done so, additional lands for the **resiting** of tenants who may in any way be affected by any removal from the seaside or other places, and it also intends to upgrade the road and other facilities and amenities for tenants in that area.

The instructions given by the Planning and Priorities Committee to the consultants included a direction that in every way possible the traditional character of a typical Barbadian small town should be preserved and enhanced, and **all** steps should be taken to improve the cultural aspects of that area whilst upgrading the aesthetic and other facilities. Mr. Speaker, I would expect that at an appropriate time the **actual** model of the buildings to be constructed by the Government will be made available, and I am sure that at the appropriate time we would be prepared to make the actual physical reports available. I understand that the reports in so far as the European Development Fund is concerned are now being approved by the European Development Fund. I **think** that the detailed plans for the fishing terminals have been sent back to the people at Brussels and they are awaiting the final approval of that before going out to final tender on the **fishing** terminal complex.

So far as the police and court facilities are concerned, we are now hoping that we can start construction between November and January. Mr. Speaker, the consultants on Government projects are at the moment saying that the work is quite a lot and I think they are behind hand in some of the detailed drawings on some **of** the major projects because of the limited number of skilled expertise and personnel, but in so far as my Ministry is concerned and any work that that Ministry

is concerned with, I **can assure** the Rt. Hon. member that the plans for the law courts and the police station **will** in due course be made available. There is one Permanent Secretary, Major **Sam** Headley, who is coordinating Government works on a special assignment and we **will** in due course make **available** the detailed plans on which the Rt. Hon. member spoke.

My understanding is that on the seaside most of the land which had to be acquired has already been acquired and indeed other than some additional lands for road widening near Mr. Archer, this is further to town side of Oistin, the Government would not wish to acquire any additional lands on the seaside. However on the land side I believe that at the back of the supermarket which was known as Hill's Supermarket, in that area, the Government proposes to acquire some additional lands for the siting, of tenants, for the improvement of the amenities of the tenancies in those areas and for the proper regulation of traffic flow up and down Oistin Hill. I believe that is the information of which the Rt. Hon. member spoke.

Mr. **BRADSHAW**: Mr. Speaker, I wish to lend my support to this Resolution and I would like to say a few words on behalf of the representative and member for Christ Church South Central who is presently out of the Island on Government business. I am sure that were he present he would have welcomed the Government in bringing this Resolution to start or to pave the way for the starting of the new fisheries terminal and he would wish to assure the people in that area that the physical development which **will** take place is on its way. I know that there are a number of people who live in the Oistin area who have been **making** enquiries as to when the work will actually begin, and I would wish to say on behalf of the hon. member who is absent to those people in Christ Church who have been asking those questions that it is a question of some delay in the acquisition of some properties. I **think** that the Minister has said that the question of acquiring some **properties** have always posed a problem and I **think** it obtains in this particular case. However I am glad to associate myself with this Resolution because it will lend to the physical development of the Oistin area which has been traditionally a fishing area. The fishermen **will** be anxious to know and to see this project get on the way and on behalf of them I hope that everything **will** be done at this point in time to expedite the acquisition process and getting the projects started.

As far as the Court is concerned, I am sure this too will be very much welcome by the people in the Christ **Church** and surrounding areas because there has been a great deal of inconvenience caused by the people in that area when they have to travel as far as Boarded **Hall**.

10.50 am.

In some cases they have got to catch two buses coming from Bridgetown and then catch another one to go to St. George. Though one does not like to be on such subjects, a question of people going to court, I know in other areas the idea is that people should keep away from the court, but that is not the point, the point is that there are some inescapable **things** like going to court. Sometimes you are even right and you are being drawn into the court, and I **think** that we should **all** be concerned when the question of transportation is one of those problems, so that I would like to say on behalf of the people in Christ Church and particularly on behalf of the Minister, the Deputy Prime Minister, that we welcome **this** Resolution and hope that everything is done to see the start and the quick completion of the development of the Oistins area.

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

RESOLUTION TO APPROVE THE LEASE OF LAND
TO HOMEX CONSTRUCTION LIMITED AT
PRESCOD BOULEVARD, FONTABELLE,
ST. MICHAEL

Mr. **SPEAKER**: Item No. 8 standing in the name of the Hon. Minister of Lands, Housing and the Environment and it is to move the passing of the Resolution to approve the lease of land at Prescod Boulevard, Fontabelle, St. Michael, to Homex Construction Limited.

Hon. L. S. **CRAIG**: Mr. Speaker, this Resolution seeks to lease an area of land at Prescod Boulevard for the purpose of Homex Limited, Sir. Along Prescod Boulevard, Sir, at the back of the Nation, the Advocate and lands owned by N. E. **Wilson** I **think** you will recognise, Sir, that the area is very very narrow and it cannot be used for any other form of industries which Government would have thought of using, Sir, and rather than allowing the land to remain there not being in use we are inviting these small business houses to lease the land, and it is for this reason that this Resolution is before **this** august Assembly.

I beg to move that this Resolution do now pass. You **will** observe that there is another Resolution, I **think** two more, of this same nature, Sir.

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

Rt. Hon. E. W. **BARROW**: Mr. Speaker, again I should **ask** the Hon. Minister about the plans. Particularly in **this** area, at the back of Fontabelle there is an area down there at the back of Tartan Metal Company

very close to this area, which I know about, in which there has been a dispute and which the former Minister of Communications and I had to go down there, me personally as knowing the area well where boats used to be hauled up and which the adjoining owner, the proprietor of the Tartan Metal Company originally was claiming as his own. When he was confronted by Captain Fergusson and by myself and some of the fishermen who used to help us to haul up boats down there, he then caved in literally and said he was prepared to meet his Maker and that he had to agree that the land belonged to the Government. We then had a detailed survey carried out. The point which I am making is this, Sir, that it is, all very well and good for us to come in here and say that we are going to lease a parcel of land, we do not have a system of land registration where boundaries can be easily identified in Barbados. Some land was leased to Motor Services, some land was leased to the Advocate Company Limited on the same stretch and some land was also leased on the other side of the entrance to the Advocate Company to another company down there, but I am suggesting to the Minister that unless he has a detailed plan of the whole area to be very careful how he goes about leasing land to people down there, because a lot of encroachment has already taken place. The Hon. Minister mentioned that land adjacent to Mr. Wilson. I happen to know as a fact and I can bring the inhabitants of the area to prove that in that stretch a lot of walls have been moved back.

There is the property of Mr. Leonard Cheeseman adjacent to the drain, there is Mr. Wilson's property, and as you go down that stretch, in process of time, since nobody was taking notice except Captain Fergusson and myself or watching these encroachments, people were easing back their walls. You know Barbadians, there is no such thing as uninhabited land in Barbados. There was a favourite saying, I think in the Balkan countries, which the gypsies had, "what I nail down is lost"; well, the Barbadians have an equivalent saying that what is not fenced around does not belong to anybody, so what they do is that if they see a piece of vacant land, particularly near to the sea, is to ease back their guard walls or pailings, as the case may be, and with the process of time they acquire possessive rights to the land, and sometimes they do it innocently, not knowing where the boundaries are, because very few of the boundaries to the sea are known. For instance, Mr. Speaker, if you go up to Rockley Road, by common law they say that your land goes to high water mark but it does not mean that if the sea recedes from the land that high water mark moves back with the beach, and what has happened at Rockley is that people have acquired large areas of land because the Government has not been vigilant in saying that high water mark in 1928 was here and that is where high water mark is, but what happens is this, that if the sea comes in and encroaches you are entitled when the sea

recedes to go back and find your line mark or high water mark. This is the way I see it.

I do not want to be invidious, but you take Accra Beach Hotel. We all know, Sir, people of our generation — I think you are almost my generation — but you remember when the water used to wash in the road there at Accra, the house that was there was practically in the sea, now it is a couple of acres and a great big hotel is there. My respectful submission is that the Government should have staked out its claim that high water mark was there and all the rest of the beach would naturally accrue to the Government, but what we have been doing is allowing people by default to push back their boundaries so that one of these days by some miracle the land between here and our neighbouring islands, if the sea rolls back, that they would say they own halfway between here and St. Vincent. I am just trying to do the *reductio ad absurdum* to show you how acquisitive Barbadians are when it comes to this thing of their boundaries and the zealotry with which they regard high water mark, and they think wherever high water mark is that is where their boundary is, but let me return specifically to the Fontabelle area.

There is no problem where the old Cable Office used to be, but from the time you come to what is called the Emmerton drain and the property adjacent to Motor Services, which as I said just now Tartan Metal Company actually started building on Government land, we may find that the people who are now gratefully leasing this land from us may be already our tenants for a greater area of land, and I am merely suggesting to the Minister — this is not a controversial matter between Government and Opposition — but in the interest of the taxpayers and people of Barbados a careful survey should be carried out of the area perhaps to ascertain precisely where the Government boundaries existed before the deep water harbour was constructed before we rush into giving these people the areas which they may now seek to lease from the Government, so that we establish proper boundaries.

A proper survey should be done, and this is one of the dangers of coming in here with just describing areas by quantities and by neighbours' boundaries when the whole line of boundaries actually may be squatting on Government lands. I suggest to the Minister that if he has a plan that he have it carefully scrutinised and let the House have the benefit of a view of the plan, because there are people in the neighbourhood, there are people actually in the House, members of the House who might be able to assist the Minister in this matter.

11.00 am.

Hon. L. S. CRAIG: Mr. Speaker, in a sense, Sir, it is said that after the hurricane, there is the calm and I sincerely hope Sir, that the mood of this Hon. House

would continue all **day** as it is **Sir**. The Hon. Leader of the Opposition no doubt is in a relatively mellow and calm mood today and I sincerely hope that we would have this during the entire day.

I appreciate all that the Rt. Hon. Member and Rt. Hon. Leader of the Opposition has said, I can also assure him, Sir, that we, in the Ministry of Lands are examining every considerable aspect of these problems which we are having on the seaside where the people, as he said, would move back every time they get an opportunity Sir, a yard or two back hoping that some day the sea would be further back and they would have additional land.

Mr. Speaker, I am sure that the Rt. Hon. Leader of the Opposition is involved right now in a matter with land right in my Constituency where a Columnist – I think that I **am** right in saying this Sir – and **Attorney-at-Law** showed a man a piece of land Sir, he is a former Hon. Member of the Democratic Labour Party. The man went and had the Plans drawn and erected a house, I think what would be worth at this present time about \$100,000.00 and it is incomplete. My story Sir, is that when the Hon. Leader of the Opposition went down to look at his friend's land, who he is working for, a very wealthy coloured American, I **am** told, the Architect said **to** him, Skipper, do you like how she looks? He said, I **do** not know how she looks, but I think that it is on the wrong land. I do not know how true this is Sir, but this is what I **am** told. So here, we have this problem with land and it is an Attorney-at-Law. Now, this is the danger, Sir. Maybe, **this** is where I always get a bit confused with the advice of the Attorneys-at-Law because here **it** is that a qualified Attorney-at-Law of very long standing and a very public columnist Sir, a critic you could really **call** him, took it upon himself to show a young group of businessmen in Barbados, land, not their land, another man's land, Sir and the people went on and put on it a house worth some \$110,000.00.

At **this** point, I **am** told that the Hon. Member for St. John is doing his utmost to **see** what he can do. I am also told Sir, that the owner of the land, or, the Power of Attorney, whom I **am** told the Rt. Hon. Leader of the Opposition is supposed to **be, can** tell people do not even come on the land now. This is what you call a real vortex. **The** house, I am told, is worth \$100,000.00. The people are my friends, Sir, Mr. Speaker, I hope that the Rt. Hon. Leader....

Mr. SPEAKER: I would be glad if **the** Hon. Minister would come back to the Resolution now.

Hon. L. S. CRAIG: Yes Sir, **this** is the Resolution because the Rt. Hon. Leader of the Opposition drew it to my attention that we should pay very careful attention to these aspects of land, where you have people claiming land which is really not theirs and I am only showing you

how involved he is with **this** and it happens to be in my Constituency.

So, I can assure him, Sir, that we have in our Ministry, Mr. **Allan** Jones, who is now the Chief Housing Planner and he is looking at **all** the aspects, along with the Chief Town Planner to make sure that we have a picture of where the high water mark is and where it is not, Sir. We are having these problems with the area of erosion where people are making claims to lands which they never had before. So, we take his advice, Sir and I would like to assure him Sir, that the Plan, or Plans, or the Survey which we have for that land, I would bring to the Hon. House on some other occasion. I would give him this assurance, Sir.

Rt. Hon. E. W. BARROW: I wonder if Your Honour would let me explain what my request was Sir.

Mr. SPEAKER: I am very sorry, the Standing Orders of the Hon. House do not permit this.

Rt. Hon. E. W. BARROW: On a point of elucidation, Sir, of something which I said. What I wanted was that we should **bring** the Plans in before we pass the Resolution, so that we would know what we are passing. Briefly, that is my point, Sir, not at some future date. I wonder if the hon. member would care to postpone the matter so that we can see the whole area and what it looks like.

Hon. L. S. CRAIG: I appreciate the hon. member's point Sir. It is not a matter which we have to do **immediately** and I would succumb to the Rt. Hon. Leader of the Opposition's request, Sir, that we postpone **this** matter. I will have a word **with** my Ministry and even if, during the course of the day, I could get the plans, Sir, I am prepared to do this Sir.

I beg to move Sir, that this matter be postponed and the other two items Sir, for acquisition relate similarly so I **am** wondering Mr. Speaker, Sir, if you can guide me. I know that the other items are not before the Hon. House and therefore, I wonder if I could ask that these items be all postponed.

Mr. SPEAKER: The proper thing is **that** you now move that further consideration of this Resolution be postponed.

Hon. L. S. CRAIG: **This** particular Resolution, Sir be postponed?

Mr. SPEAKER: Yes, further consideration.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move Sir, that further consideration of Item Eight be postponed Sir.

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

The question that further consideration of Item Eight on the day's Order be postponed, was put and resolved in the affirmative without division.

Hon. L. S. **CRAIG**: I beg to move, Sir, that Item Six be the Instant Order of the day.

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

RESOLUTION TO APPROVE THE WATERWORKS
(GENERAL) (AMENDMENT) REGULATIONS,
1980

Item No. 6 was called – to move the passing of a Resolution to approve the Waterworks (General) (Amendment) Regulations, 1980.

Hon. C. L. **BOLDEN**: Mr. Speaker, sometime early in 1976, the then Government of the day made an Agreement with the Inter-American Development Bank in respect of a loan for **sewering** of Bridgetown. A condition of that Loan was that within three years of completion of the Project and during the life of the Loan, such rates for water and sewage should produce revenue at least sufficient to cover **all operating** expenses of both water and sewerage facilities, administration, operation, maintenance, etc.

Later in the Session, the new Water Authority Bill will be introduced into Parliament, Mr. Speaker, which also follows on the heels of the agreement from the Inter-American Development Bank.

This Resolution seeks to move water rates gradually to a point which would fall in line with the terms of that agreement. These were the rates which were handed down by the Hon. Minister of Finance in the Budgetary Proposals earlier this year.

I believe Mr. Speaker, that it would be appropriate of me to make certain statements at this given time. In the first place, there have been some complaints and I believe that the Opposition has been shouting around the Island about the high cost of water in this **country**, not telling the people that the reason for the movement in water rates, have been because of the Agreement in the first place, and secondly, because of the cost of pumping water.
11.10 a.m.

I would like to quote certain figures to show what the cost of pumping water has been throughout the years, and I must say that water today is still cheaper in Barbados than it is in any other Caribbean or Latin

American territory. As a matter of fact despite the fact that the rates are being raised in 1981 and 1982 there will be a deficit between 1980 and 1981 of some \$7.1 million in the cost of pumping water to residents in this country.

In 1976–77 Barbados was paying \$3.2 million a year for pumping water. In 1977–78 it was **\$3.4** million; in 1978–79 it was \$3.2 million, in 1979–80 it was \$4.8 and between 1980 and 1981 there is an estimated \$7.7 million in water based on the energy charges which we cannot escape because the charges for energy are controlled by outside forces. I think we should be proud of our performance, Mr. Speaker, in water in this country. Despite the high cost of pumping water, despite the problems we have, Barbados has maintained a good and sufficient water supply throughout the country. Our water is the best in the Caribbean. We have the most houses in the Caribbean with piped water supply. I do not want to call the names of other Caribbean territories, but there is one Caribbean territory not far away from us where only 25% of the houses in that country have piped water supply. Barbados has an estimated figure of between 78% and 84% of the houses carrying running water. There is a difference because as you take it, if you include the commercial houses, you find that our percentage of piped water in houses will go up to 84% or 86%. If you take the domestic houses only we come down to 78%, but I believe that despite what we say, despite what the Opposition says about the cost of water, this Government is putting some 52% subsidy into water this year to satisfy the water demands of the people in Barbados.

I would like also to take this opportunity, Mr. Speaker, to make certain announcements about water. On Sunday evening Barbados narrowly escaped the ravages of hurricane Allen, but as a result of the disruption of utility lines, many areas will find that they are without water. I can safely say that no major trunk line carrying water has been disrupted. The reason for the non supply of water is simply because there is no electricity power available in the various places to pump the water. The areas affected will be New Market and **Hanson**, and that will cover areas of Wildey, St. Barnabas, Clapham, Clapham Heights and the surrounding area which is served by the Fort George reservoir.

The whole of the north of the Island will be without water for approximately two to three days, that is, **Allendale**, Half Acre, **Carrington**, **Ashton Hall**. The Waterworks Department has a diesel alternator and it will seek to move the alternator between four or five stations in the north so that there will be a limited supply of water available. At Hampton, Bowmanston, Golden Ridge, **Haymans** and **Mollineaux** there is no electrical power, but these stations are equipped with their own

diesel alternators and **therefore** there **should** be no problem in these areas. There is power to the Belle, **Waterfords** and **Carrington**, therefore those stations have not been affested. Because of the circumstances, Mr. Speaker, we are therefore appealing to persons in Barbados to reduce their consumption of water and take all necessary precautions not to waste water at the given moment. The alternators which the Waterworks **will** use to supplement the system will pump a sufficient amount to fill the reservoir and then move to another reservoir, so if there is a heavy call on a reservoir that has been **filled**, it will mean that that area will be lacking in water until the alternator makes its rounds back to that station.

Mr. Speaker, I believe that that statement should settle some of the problems we have had because complaints have been coming in from areas that have been **asking** for water supply. We have started a tank delivery **service** since yesterday afternoon and the tanks will be in operation until the system returns to normal.

As I said before, there is no problem with the Waterworks Department. The water has not been contaminated; our only problem is the restoration of the electricity cables which would put our stations back into full operation.

I therefore beg to move that this Resolution do now pass.

Mr. SPEAKER: Before I put the motion, I am very sorry that the Minister has not decided to make a ministerial statement. What has just been said to my **mind** would have been of greater effect rather than incorporating it in this Resolution. For the benefit of the press it would have been better if the Minister had said he was **making** a **ministerial** statement.

Mr. **BRADSHAW**: Mr. Speaker, I beg to second the motion and would like to associate myself with this Resolution, and at the same time make a few comments with regard to the question of the issue which **concerns** all of us whether we belong to one political party or the other. For some time now people like myself have been very concerned about certain statement. and certain stances taken by political groups in respect of matters like the one which is before this Honourable Chamber, the question of water. The question of water has been handled from the political platforms by some political parties, not the Barbados **Labour** Party, Mr. Speaker, and it has been misconstrued by the public that it is this Government that is responsible for the increase in water rates. In some quarters people have been made to feel that it is this Government because of its lack of concern for the users of water, that has upped the cost of water. I feel that we as politicians, as leaders in this country ought to find time to explain to the public at large that as far as the question of water and other

public utilities are concerned, there should be no partisan approach to them, and that is what has caused me to rise **on this occasion moreso**.

11.20 a.m.

That is what has caused me to rise on this occasion more so, because we should not go about to lead astray the public at large on matters such as these. It should be known to the Barbadian public that it is lucky that it has a proper water system, an efficient water system I would say, and take into consideration that this country over the past couple of hours has been damaged by Hurricane Allen, and yet we were able to use our water, this is indeed a credit to this country and the Water Authority.

What must be borne in mind too, Sir, is that in some Caribbean countries, some countries very near to us, the question of water is one which is so serious that despite the fact that those countries have got a better economic base they are unable to produce and to give the users of water the quality of water which we have at our disposal. We should in discussing or approaching a matter such as water, look at what happens in a country **like** Venezuela where, Mr. Speaker, you have got to buy the water for **drinking** by the bottle. Drinking water is bought, I think it is somewhere in the vicinity of 6 **bolivars** for a gallon of drinking water, and you cannot use the water from the tap for drinking purposes. You are warned against drinking that water. In San Domingo you cannot drink the water from the tap, you are advised not to drink the water, but here it is in Barbados some people are not aware that we are benefiting from a proper water supply, and it must be borne in mind that the water rates will go up.

We sometimes do not take too kindly when we are asked to pay an increase. I know that as a Barbadian most of us are reluctant, it does not go down kindly with us when we are called upon to pay increased rates, but we must be able to look at it from a logical and straightforward point of view, knowing full well that the quality of our water supply is very very good indeed, and I would say it rates among the best in the entire world and certainly in the region. So I do not wish to hear from the public platforms from any political party the attempt to score any political points on an issue such as water. Whether the Opposition **was now** in power or not the question of water is one which should concern all of us, and we must bear in mind that there are some matters where we should and could draw the line, the partisan line, as far as politics is concerned, but in this case we must also understand that the former Government in its wisdom had entered into an agreement to update the health in Barbados by having a sewerage project, and if this was a condition, what we must bear in mind, what we should let the public understand is, I am not going to be critical of the former administration on this occasion because I am sure the sewerage project is an upliftment to the environmental standards of Barbados and some price

will have to be paid, and what must be told to the public of Barbados is that when a Government goes out and solicits loans or sources to embark on projects for the general good of this country or any country, there are certain terms which it must enter upon, and this was one of the terms.

It is a question of how we handle our public relations programme. We should take time, off to educate the public of Barbados a bit more on matters which concern all of us, and this is one of the matters. As I said, it should not be taken out of the context in which it was placed, we must not seek to score any political points on this, it is something which a Government would have had to seriously consider and that is, raising the water rates. If we are going to have an efficient sewerage system which would redound to the benefit of the entire country and to make us one of the most sanitary, health wise, in the Caribbean or in the western hemisphere, then the increase in water rates should not be anything which we should shout about.

I would like to compliment the Minister of Finance for cushioning and examining ways and introducing the way by which we are able to cushion what could have normally been a matter which could get out of hand, because with another Minister of Finance who is not as careful about handling a situation as far as an increase in rates, we could have had the people of Barbados rebelling against the very sharp increase, and I must compliment the Rt. Hon. Prime Minister and Minister of Finance and the Minister responsible for water, the Hon. Minister of Communications and Works, for putting their heads together and coming out with the rates which I am sure are not as sharp as we would normally have expected. It is a tribute to them and I think that we should laud the Government for looking at the rates and introducing these rates which, as the Minister has said, are gradual, a gradual increase.

We must take this point very carefully, because we expect from time to time increases in rates on a number of things and a number of utilities, and I think on this occasion I want to associate myself very much with the Resolution and hope that the same sort of approach with which we just saw the water rates dealt with will be applied to matters in future such as all public utilities, including the telephone and electricity in this country.

With that, Mr. Speaker, I beg to associate myself with the Resolution. I beg to second that.

Mr. WARD: Mr. Speaker, once again we are faced with one of the problems, an increase in the cost of living, that is almost entirely caused externally. A number of people do not realise that the Waterworks Department is the single largest user of electricity in Barbados. The Waterworks Department uses more electricity than any

other Government Department or **any** other consumer of electricity in Barbados.

I am in complete agreement with what the last speaker said, that what is needed in Barbados at this time is a greater concentration on allowing the public to know what is going on. For instance, a number of people do not realise that one of the reasons why Barbados is so highly regarded in tourism in the world today is because of its water supply. Mr. Speaker Venezuela with all its money does not have a good water supply in Caracas as we have in Barbados. Trinidad and Tobago with all its money does not have as good a water supply as we have in Barbados. In some places, in Mexico, you are warned not to use the water, water is actually being sold in supermarkets in bottles because of the possible bacteria that could be picked up from drinking from pipes. These are things, Mr. Speaker, that the Government will have to concentrate on in getting the true picture of our assets across to the people of Barbados.

I have already spoken in Parliament a few years ago about getting the importance of tourism across to the children of this country in a similar way that I feel we should do with water.

11.30 a.m.

Let the youth of this country know what we have. Do not let them take things for granted. Our water supply in Barbados is taken for granted. I do not know if the Hon. Minister has the figures on the amount of electricity and the cost, but I was speaking with the Engineer at the Waterworks Department and he drew this to my attention. How many people know that the Waterworks Department uses more electricity than any Government Department, or any other industry in Barbados. Every gallon has to be pumped up and Mr. Speaker, let us all in this Parliament acknowledge that it is not only the people outside who waste the water, but we ourselves. If we examine the manner in which we use water, we will have to admit that per capita, we use more water in Barbados than they use in New York, or in London.

But, the position is, Mr. Speaker, that we have become so accustomed to this magnificent water supply and in this respect, I would like, in spite of what the Hon. Minister has said about certain places being cut off of water on the West Coast even when the electricity supply was off, water continued in its abundance all along the West Coast right down, as far as I know into St. Lucy and all on the South Coast.

Mr. Speaker, I again emphasise that what is **needed** at this time, and do not take these things lightly, the youth of **this** country need to be told of the magnificent water supply which we have, the high cost of bringing it from the reservoirs under the ground and let the

people know, so that when there is a **wastage**, the youth would be able to turn to other people and say, **listen** that water supply which you are using is costing the taxpayers an abundance of money. I also take the opportunity to say, Mr. Speaker, that I have spoken to Sir Alexander Hoyos about producing a text book in schools for the eleven year olds and that bracket to tell them the benefits of Tourism to be derived. Unfortunately, Sir Alexander Hoyos agreed with me, we had negotiations about it and discussions, but that was pigeon holed somewhere along the line.

But, I say Mr. Speaker, and emphasise that there are a number of aspects which this country has that we have not, the last Government, nor ourselves have not capitalised on, in letting the people of this country know what we have.

Hon. C. L. BOLDEN: Mr. Speaker, before you put the Resolution, I would just like to make one point. Despite the rise in water rates which we have taken care of, I want it to be generally known that the cost of water in Barbados is still generally cheaper than most other places. But, particularly so, these increases will not affect the pensioners in Barbados. I want it to be known, I want people to be reminded that the Government has provided money to pay for **services** like water and electricity rates, for pensioners in Barbados. They have only got to communicate with the Welfare Department and their rates **will** be paid, Mr. Speaker.

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

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

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

Hon. L. S. CRAIG: Mr. Speaker, Item Number 11.

RESOLUTION TO APPROVE THE MERCHANDISE MARKS (AMENDMENT) RULES, 1980.

Hon. H. deB. FORDE: Mr. Speaker, this is a simple Resolution which need not detain us.

It arises out of the Budgetary Proposals for the increase of fees charged under the Merchandise Marks Act, Cap. 319. The Rules were made by the Registrar on 10th April, 1980 and this Resolution seeks to approve those Rules as made.

I would just wish to say that we have completed a new Merchandise Marks Act, or Trademarks Act and perhaps, either in this Session, either by the end of this year, or next year, we should be bringing new Legislation before the Hon. House on this substantive issue.

I move that **this** Resolution do now pass, Sir.

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

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

Mr. SPEAKER: Item Number Four is the Instant Order of the day.

BILL TO AMEND THE STORAGE OF PETROLEUM ACT.

Item Number Four was called – to move the Second Reading of a Bill to amend the Storage of Petroleum Act.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, Sir, this is the usual Act to amend the Storage of Petroleum Act to give effect to the **Budgetary** Measures. It has already been in operation for 10 days short of four months and therefore, I do not propose to initiate a long debate on petroleum. But, I would say this Sir, the opportunity to have a long debate on petroleum will come again, before the end of the year, since the Storage and Petroleum Act is now so antiquated and there are something like three different vehicles for taxing petroleum in our Statute Book. There is a need to place the Mobil Act in its proper relationship to the Storage of Petroleum.

That new Legislation is going to be drafted to consolidate the Statutes on the importation, refining and selling of petroleum. There **will** be three Acts, Sir when the whole matter is over because we have another Bill which relates to specific charges made on persons who deal in aviation spirit. We have that coming up very shortly and Sir, we **will** be having another Bill which has been a long time in gestation which **will** deal with the production side of petroleum; conditions under which petroleum can be explored for and taxation on the production of petroleum. That is the last of the series of Bills which we are bringing.

But, in the meantime, Sir, I am forced because of the August 15th deadline to amend the Storage of Petroleum Act in the usual way which is, just to change the amounts that allegedly are charged when petroleum is removed from the warehouse. This Act really has **served** its day Sir, it dates from the time when there was a Government Warehouse and all the petroleum had to be put into storage in the Government Warehouse and every time you took it out, you had to pay and **you** had to pay according to whether you kept it in 50 gallon drums, 30 gallon drums, or large containers and so on and I estimate that 9/10 of the Act is out of date, and that the only parts of the Act that are now meaningful, are the parts

which allow the Hon. Minister to say that private premises can be a petroleum warehouse.
11.40 a.m.

That is how the Mobil Refinery has been declared a warehouse and to say what the taxes are when the petroleum is released from the Mobil premises, because the Government does not have a petroleum warehouse. It is no longer necessary for oil tankers to stand up and fly a flag until the Comptroller of Customs gives them clearance to land the drums of oil on the pierhead and so on and so forth, and so in all the circumstances as a budgetary measure, I beg to move that this Bill be now read a second time.

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

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

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

Clauses 1 and 2 were called and passed.

Clause 3 was called.

Rt. Hon. J. M. G. M. ADAMS: Sir, I should point out to hon. members that the Bill only has three clauses, but some copies may have numbered Clause 3 as Clause 4. If the copy which Your Honour has has that, perhaps I should move that Clause 4 be renumbered Clause 3,

Mr. CHAIRMAN: My copy does not have Clause 4.

Rt. Hon. J. M. G. M. ADAMS: Look at the last page, Sir.

Mr. CHAIRMAN: Yes, it does.

Rt. Hon. J. M. G. M. ADAMS: There is no Clause 3, Sir, and it cannot stand part.

I beg leave to move that Clause 4 be renumbered Clause 3 and stand part as Clause 3.

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

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

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

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

THE AIRPORTS (FUEL CHARGES) ACT, 1980

Mr. SPEAKER: Order No. 3 stands in the name of the Rt. Hon. Prime Minister to move the second reading of a Bill to provide for the imposition of a charge on revenue earned by dealers in petroleum products as a result of the supply by them of fuel to aircraft and for related matters.

Rt. Hon. J. M. G. M. ADAMS: Again, Sir, this is a very simple concept. We have decided to make a through-put charge on the supply of aviation fuel to airlines using the Grantley Adams airport. They were escaping very largely any taxation whatsoever and this has proved to be one of the most substantial revenue earners of the budgetary proposals. I seem to remember that it was projected for \$1.8 million for a full year and will very easily meet that. Those who think that the public would have to bear enormous sums of taxation to have the existing members of Parliament or more members of Parliament or Ministers, they may care to know that the revenue arising from this measure alone pays the cost of all the Ministers, all the members of the House, all their travel abroad and could pay six more members as well. Just one measure in the Budget of this year which Barbadians are not even feeling. One measure which has not fallen on Barbadians at all and can cover the salaries, the lot of all of us in here.

Anyway, Sir, the Bill is a relatively straightforward one and it explains how the tax is to be collected and what penalties are imposed for non-collection. We think it is a good tight Bill and provides adequate safeguards for the revenue.

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

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

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

11.50 a.m.

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

Clause 1 was called and passed.

Clause 2 was called.

Rt. Hon. J. M. G. M. ADAMS: Sir, we have amendments to clause 2, we want to add a **definition**. Instead of the **full** stop at the end of "aircraft" I beg to move that a **semi-colon** be substituted and that the following new definition be added:

"**Minister**' means the Minister responsible for Finance."

I beg to move that Clause 2 as amended stand part.

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

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

Clauses 3, 4 and 5 were called and passed.

Clause 6 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that clause 6 stand part.

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

Rt. Hon. E. W. BARROW: Mr. Chairman, I wish to point out to the Minister that clause 6(1) states: "Subject to subsection (2), a dealer in petroleum products shall, in respect of each month, not later than the 25th day of the month immediately following, deliver to the Airport Manager, etc..." If he looks at clause 6(2) now, "A dealer in petroleum products shall, in respect of each year, not later than the 31st March, or such later time as the Minister approves,...."

If he follows his drafting in clause 6(1) he would say: "the **31st** March in the following year," because it cannot be the 31st March in the same year. I wonder if the Hon. Attorney General and the Minister are with me on that, because if you mention it in 6(1) you should also in 6(2) make it clear that you mean the 31st March in the following year. You see, in 6(1) you say the 25th of the month immediately following, but when you come to the **annual** returns you say not later than the 31st March. I would like to hear the hon. member on that, Sir.

Rt. Hon. J. M. G. M. ADAMS: I am very much obliged to the hon. member for pointing out what is obviously an omission. Whether or not there is something in the Interpretation Act that covers it, which I doubt, the dealers in petroleum will not be aware of it, and therefore I think that the hon. member's point is very well taken, and after consultation with the Attorney

General we will add the words after the "31st March" "of the year immediately following."

The question that clause 6 as amended stand part was put and resolved in the affirmative without division.

Clauses 7 and 8 were called and passed.

Clause 9 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that clause 9 stand part.

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

Mr. SIMMONS: Mr. Chairman, on clause 9 what is the position if the **Airport** Manager serves a dealer with a notice, because he has a discretion whether to deliver a notice or not. Let us assume that he exercises that discretion and serves him with a notice before he leaves the island and the dealer does not pay, what is the sanction? It seems to be a clause that is incomplete in its effect. "...and a dealer in petroleum products to whom a notice under this section has been delivered shall forthwith pay to the Airport Manager the amount specified in the notice for immediate payment." Now, if he does not pay, what is the sanction? I do not believe that it is covered in the effect – mind you, Sir, I have just got the Bill, so I have not been able to give it any **in-depth** thought – but it just struck me as odd, that it is up in the air.

Rt. Hon. E. W. BARROW: Mr. Chairman, I am inclined to go part of the way with the hon. member who has just sat down. There is a penalty clause, in that a person who fails to pay – the person owes money and he fails to pay – he is liable to be prosecuted and to be fined not less than \$250, but this is a special case where a person not only owes the money but is about to leave the island.

Now, in nearly every other Caribbean territory, if you owe income tax or you owe money to the **Government** in many respects, which I do not wish to categorise now, Sir, the collector – I am using the word in a very wide generic sense – I do not mean the Collector of Taxes *per se* but the Commissioner of Inland Revenue or the competent authority might be a more adequate term to use, can actually detain the person in some way, **refuse** to let them leave. I am not trying to specify how he does it, by withholding his passport or in some other way, but I think what the hon. member for St. Philip North is pointing out, that by the **time** you take the due process of law to serve a person with a summons, unless it is a forthwith summons, there is no way to stop him. It is all light to tell the man that he **has** not paid and you are going to give him a notice that he **has** to pay right away,

but you have to back it up with some **kind** of, to use a word, clout, that is, that you must be able to stop the man from leaving in some way and maybe they do not intend to stop the people from leaving the Island, they feel that they can recover the money in some other way. But, there is a point which was made.

12.00 noon

Now, I am not for restricting the freedom of citizens of Barbados, or any other person, but there is no point in putting in a Clause when you say that, where the Airport Manager has reasonable ground for suspecting that a dealer is able to leave Barbados, you can give him a notice for immediate payment, and if he ignores the notice, you just go and wave him bye bye walking up the steps of the aircraft. I think that that is the point which the Hon. Member has made.

If you proceed under Section 12, you **will** normally have to go through the process of taking out a Summons, probably a forthwith summons. But, you know, there is no Police Station at the Grantley Adams Airport and by the time you send to District B and get a forthwith Summons, and then you get somebody to come down and serve the Summons on the defaulter, to use as neutral a term as I can **find** because he is not a criminal, until he is convicted, then the bird may have flown and it may actually be illegal for you to detain the person in the Airport merely because you **served** a notice on him. I think that this is the point Sir, which is very validly taken by the Hon. Member.

Mr. SIMMONS: Mr. Chairman, Sir, I go further. I think that what needs to be put in the Clause, is some phrase, some set of words to the effect that, in the event that a dealer fails to pay, in accordance with the notice, that the failure should be deemed to constitute a charge to which Section 13 should apply. That is what you would have to say Sir, that if he fails to pay, it becomes a charge and then you could have **him** caught under Clause 13, by saying that:

"and that Clause 13 shall apply",
written into Clause nine, unless the Hon. Attorney General has an answer to it Sir. (ASIDES). Sir, I think that they have an answer to it.

Hon. H. deB. FORDE: Sir, unless the Executive Ministry wishes a different policy, the policy followed in respect of Section nine is that normally, even if the amount were not payable when he is about to leave the Island, the amount becomes immediately payable and failure to pay, as the Rt. Hon. Member for St. John says, immediately constitutes an offence under Section

13(1) although the date for payment might not normally have arisen by then.

There are no instructions to stop such persons from leaving the Island. Indeed, under the existing Income Tax Act, Section 74, you will see that similar provisions **are** contained under that Act and penalties under that Act are set out at Section 79 which are similar penalties. The reason for this Sir, is that it is generally unconstitutional to stop a person from leaving Barbados, or to deny them a passport and that unconstitutionality exists at Common Law.

Given the fact that we have a written Constitution with a Fundamental Right Clause, if we are going to want to stop people who are not on criminal charges before the Court, then, we **will** have to do so with a specific Clause passed in accordance with Section 49 of the Constitution which would set their rights under Cap. Two or Cap. Three of the Fundamental Rights Provision of the Constitution.

There is a lot of mistaken belief in this country, that the Executive Government, either by Police Authority, or Tax Authority, or anyone else can stop a citizen of Barbados from leaving this country. I just ask those who are under the impression, including a past President of the Bar Association, I would strongly advise reading Professor H. W. R. Wade's recent **Hamlin** Lectures where the position at Common Law is clearly set out and the Common Law position has been in force by the independent Constitution passed in Barbados in 1966.

That is why you will see that we have followed the pattern in the Income Tax Act in this respect leaving the other remedies to pursue in the manner in which the Rt. Hon. Member set out in speaking on the **measure** Sir.

Rt. Hon. E. W. BARROW: Mr. Chairman, I am very strong on the freedom of the citizen and I have deliberately, during my tenure of office, declined to impose any restrictions on people leaving the Island because of failure to pay Income Tax. I think that the Income Tax Authorities ought to be **vigilant** in the collection of their taxes, so that people will pay taxes all the time, be free to travel and that they would not mount up three and four years arrears in tax.

We have been very negligent for instance and here I must depart because it does not deal with the freedom of the subject. We have allowed people to owe taxes for 11 and 12 years and we have not levied on their properties. I enjoin the Local Government Authorities to use their powers under the Local Government Act, not so much to levy on people's properties, but to do what **Port-of-Spain** City Council used to do. Not maybe in the first year of default, but when you have people who were recalcitrant. Let us say that on the 30th June, we are going to publish

a **List** in the newspapers, that is **all**, just publication of Lists. A lot of people do not like to see their name in the newspapers because their neighbours would then say, 'hey, I notice that you did not pay your taxes.' In the same way, that Barbadians do not pay their Property Taxes, but they will always pay their Rediffusion because when their neighbours are going to work and they do not hear the Rediffusion playing, they say, 'hey, look you did not pay the Rediffusion **last** month,' so they will always pay Rediffusion so they do not like neighbours to know.

I suggest Sir, to the three Local Government Authorities, do not deal with the person who is in default for one year, or so, but you have some people who for five, **six**, seven, eight, nine years refuse to pay their Property Taxes. Tell them that every year, on the 30th June, we are going to put a List of those people who do not **like** to pay their Property Taxes, like they used to do in Trinidad. You would be surprised how many people would rush in to pay their Taxes.

But, when you are dealing now, with the liberty of the Subject, it is a different thing altogether and I agree with the Hon. Attorney General with this respect. The Hon. Member for St. Philip North has raised a very valid point. Here, we have a Clause saying that the Airport Manager can serve Notice on a dealer in petroleum products who he suspects, or has reasonable grounds to believe is about to leave the Island, to serve him with a Notice and then the Tax immediately would become due. Well, as long as we mean that that is a paper tiger, well, let us pass it and get on with the business. It is a paper tiger because he served the Notice and the man said, thank you for the Notice, I am working for Shell, or Texaco, or somebody like that, I gone, I will see you next year, or some time and unless you can get a forthwith Summons served on **him** right away, there is no way that you can stop him from leaving once you understand that that is the position.

I do not **think** that any one of us who have the fundamental rights of the Subject at heart and knowing all the implications once we start this kind of restriction, are really asking that we put anything here which would violate the provisions of the Constitution.

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

Clauses 10 and 11 were called and passed.
12.10 p.m.

Clause 12 was called and passed.

Clause 13 was called.

Rt. Hon. J. M. G. M. **ADAMS**: Clause 13 is the clause which would operate Clause 9, as I am advised, Sir,

and it would **be** possible if you **have** information that somebody is about to leave the **Island** to **get** the issue of what is called a forthwith summons at District 'B' Court and if he does not appear at the regular hour, you **will** have a **JP.** standing by so that a warrant for his arrest **can** be sworn out, and the person removed from the aeroplane as the case may be. Whether it will be done is a different matter.

I remember on one occasion a client of mine who was on bail was leaving the Island. Now there is nothing unless the bail bond specifically says so to prevent a person on bail from leaving the Island because in theory he can return, and I was very distressed to learn that a Pan American Airways aeroplane was called back from the end of the runway and the police went on board and removed the person concerned. In fact it was done perfectly legally because not only lawyers know the law, the police know a thing or two as well and the police are well aware of the fact that a person who is on bail is under the permanent custody of his bailor and the bailor can at any time arrest the person whom he has bailed and they got the bailor who indeed was the father of the bailee to agree to take him off the aeroplane. I just tell the story to indicate that it can be done. 'Aeroplanes can be called back and people taken off and there are procedures, but I would really have to agree entirely with the Leader of the Opposition that we do not do it in Barbados, just as we very seldom sell out properties for taxes. I have been fighting a three year battle to sell out some properties for taxes in Barbados, and I said I want you to start with the parish of St. Thomas. I want you to sell out every property in St. Thomas that owes taxes so that nobody accuses me of favouritism. I said don't **worry** with the people in St. John, just deal with the people in St. Thomas, and as far as I know none of the properties have as yet been sold, and selling out for taxes sometimes is beneficial to the people who are **actually** in possession of the **properties** because it is a means of getting title to the property if the heir at law is in distant parts and would not pay the taxes, so all of us know that where finances are concerned the Government really as a matter of policy – it is not inefficiency, it is not that we do not know how to go about it – do not wish to crucify debtors by prosecuting them at the airport. It has brought no good to those Caribbean countries where it is done and where people go to, and I would not name our **Cari-com** brethren where people go and are there for a couple of weeks and have to present an income tax clearance before they get on the aeroplane, where citizens of the country we harassed when they want to leave the country by having these notices served on them for immediate payment and then taken off the aeroplane and arrested, even though it is well known that a person is going away, say, for a 17 day trip on vacation to Barbados, you still present him with the notice so as to keep **him** in the country. Those places where it has happened are places that have **governments** that regularly get abused for

human rights **violations**, and I do not wish it to happen in Barbados.

I am satisfied that if we were faced with a conspiracy by Shell or Esso to avoid paying the taxes or deliberate defiance of the Government on the part of one of the big civil aviation fuel companies that we would know how to deal with it. The Hon. Leader of the Opposition would remember the firmness with which he had to deal with Pan American **Airways** on an earlier occasion and he can rest assured that Shell and Esso would be just as firmly dealt with. However, I am happy to say that there is no indication that the suppliers of aviation spirits to aeroplanes have shown such a spirit of defiance as would suggest to us that we would have to take these severe steps. We have to be realistic at certain times. Shell and Esso have a good deal more money than Barbados and it would be a matter of a quarrel rather than a bankruptcy that would affect the revenue in this particular Act. I think that in that regard there does not need to be an amendment. But the Attorney General has represented to me that the penalties are somewhat small. The amounts of money are really very large indeed and even under the Income Tax Act the **fine** for not paying your income tax is \$10,000. We do have additional penalties of 10% plus interest under Clause 8, but I think that it would not be unreasonable where individuals have to pay \$10,000 for **firms** such as we are dealing with **perhaps** to have to pay \$25,000 as a maximum in a case of serious defiance.

I beg to move that the amount of \$5,000 be changed to \$25,000 and that Clause 13 as amended stand **part**.

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

Mr. **SIMMONS**: Mr. Chairman, I wish to draw attention to Clause **13(1)** (d) which seems to me to reach the height in inelegant draughtsmanship and will cause certain serious problems with lawyers. Let us read it to see if it makes sense or if it sounds proper.

"Any person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion....."

Now the **first** question I have to raise on this, Mr. Chairman, is what is meant by the phrase "or in the taking of steps with a view to". Now I understand the law of attempt and the hon. member for St. Michael South West who has just come in would be more up to date on the academic law on attempt than I am, but when you take a step to something, it does not necessarily mean that you are **guilty** of an attempt. (A VOICE: Exactly.) I do not want to hear about exactly because I can take a step to take a box of matches out of my pocket, but I can't be held liable for taking a box of

matches or whatever it is for setting **fire** to canes or taking a step with a view to setting fire to canes, because there are several innocent interpretations that can be put on it. It certainly is not the last act. When I used to do criminal law I understood Turner's test was the last act test, that if you caught a man by the haystack about to draw a match, then he is **guilty** of attempt, but if he took the box of matches from **his** pocket, you could not hold him for attempt because he could have taken them out to clean his teeth. There are different constructions that could be put on it.

Now here we are instituting by legislation a law of attempt that goes far beyond what is the accepted common law principle of attempt. Attempt must be the last act. What do you mean by anyone who is "in the taking of steps with a view to"? How are you going to prove **all** of this? A dealer gives a Clerk in the office some document to type; is the Clerk going to be liable because he is in the taking of a step with a view to the fraudulent evasion of a charge? The whole thing seems to me to be, as I say, inelegantly drafted. It would have made more sense if they said "anyone who attempts or is knowingly concerned in the fraudulent evasion by **him** or by any other person of a **charge**", and then leave it to the courts to decide on normal principles of common law whether the person is guilty of an attempt or not.

12.20 p.m.

To use this phrase "or in the taking of steps with a view to" seems to me to make very difficult of proof and it is really a nonsense as it stands. What does it mean? I think that we are creating some law here, Sir, that really has no foundation either in theory or in practice. A lot of people will get away. It reminds me of a lacuna that they had in the law in relation to taking things out of the port, and I won a number of cases because there was no law of attempt at that time for taking things out of the port. The police never used to bother, you were either guilty because you were found in possession of the thing or not guilty, but if you were riding to come out of the port and found the **things** on your bicycle and you were about to turn back, or you saw the policeman and turned **back** they could not catch you. They had to amend the regulations under the Harbours Act after the case of **Blackman** and **Edgehill**, so that you now have "any person who attempts" and I think that we would be wise to redraft this, and I have something which I should like to show to the Attorney General if he is willing to accept the amendment. Just to say "any person who attempts", that is one offence, "or is knowingly concerned in the fraudulent evasion by him or any other person of a charge is guilty of an offence," and cut out this phrase about "in the taking of steps with a view to". When does that begin and end, Sir? I don't know what it means.

I should be grateful if other hon. members would contribute on this, Sir, but it seems to me wrong in legal principle and in practice and I can't vote for it as it is drafted.

Rt. Hon. E. W. BARROW: Mr. Chairman, I see that the hon. member who has just sat down is a disciple of Mr. R. W. R. Turner relating to the law of inchoate crimes, one of the leading authorities on the subject. The learned author shares the view of the hon. member.

I think our great problem here goes back to insufficient appreciation of the nature of the **legislation** that we are passing. To begin with, our definition clause – and I am not asking for it to be recommitted – says: "'dealer' or 'dealer' in petroleum products" means an individual or other person who **carries** on business connected with petroleum, and supplies either directly or indirectly fuel for use in aircraft engines;" we know that in Barbados and in most countries there are no individuals dealing in petroleum for aircraft, there may be individuals selling gasoline at petrol stations. It may be argued that the Interpretation Act covers the definition of individual and it also includes a company. I was a bit surprised that we went to such an extent in dealing with people who owed money when in truth and in fact it would probably be Texaco or Shell are the only people who have licences at the airport for supplying petroleum to aircraft and we do not say anything as we do in other bits of legislation about the directors of the company being the responsible persons, so when an innocent Secretary or somebody like that signs as the employee of, let us say, Shell or Texaco, are you going to say that that person is the dealer? He may be transferred to Trinidad, or Antigua, or Dominica, or the Bahamas or Jamaica. Are you going to say that he owes the money? Or is it Shell or Texaco who are still resident in Barbados who actually owe the money? Are you going to say that he is liable to a fine of \$25,000 when in truth and in fact it is Shell or Texaco who are the dealers in the petroleum products?

I **think this** is the basic problem, so all this business about somebody taking things, inchoate crime, somebody attempting to make an attempt, again the hon. member and I see eye to eye on this, because we **are** not looking at the mischief that we are trying to legislate against and the people we are dealing with, this **legislation has** to be more specific about companies, about the responsibility of directors of companies, and nowhere have we mentioned the responsibility of a company secretary or a director and we cannot leave it, I respectfully submit, to the Interpretation Act to say that it will be the director who **will** be responsible, because there is a long line of cases which demonstrate that an innocent employee of a company is not supposed to know whether the Accountant back in Trinidad or back at Head Office

in Bridgetown has paid the dues to the Airport Manager, and this is the basic problem.

Short of getting a sledge hammer to kill a minor flea in the organisation by saying "well, if he attempts or is involved in", we **will** be spreading the net a bit too far. I **think** we should go direct to the people who are likely to be responsible for these omissions or these breaches of the law and say that the directors of any company or any individual who himself is a dealer in petroleum, and whereas we have only dealt in the interpretation clause with individuals and we are dealing with a question of interpretation, whether individuals mean a company, it does not say anything about that and what the responsibility of an employee is in respect of the commission of offences by the company under the present Bill which we are trying to pass.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I am sorry that the hon. member for St. Philip North is worried about the nature of the penalty we are imposing here, the nature of the crime we are imposing here, and I am again obliged to the Leader of the Opposition for his contribution in the matter which I think is very cogent, but which I must say we thought we had covered by the very words that the hon. member for St. Philip North has complained of.

Where aircraft taking on fuel at **Grantley Adams** Airport are concerned, you are dealing with a situation where the book entry is everything, because the fuel is supplied but we don't have inspectors, the fuel is paid for by say American Airlines to **Mobil's** Head Office in New York. There is nobody **who** is up there, it is not like the Storage of Petroleum Act that you are bringing petroleum out of a warehouse and you are supposed to check it and pay as it goes out the warehouse, the warehouse effectively being the nozzle of the pump, the exit from the warehouse being the nozzle of the pump. We therefore have to deal with a situation where aircraft pilots must be stopped from saying that they have taken on 100,000 gallons of aviation fuel where they have taken on a million, and a whole series of persons who are not employees of the supplying company and possibly not even of the **airline** have to be enjoined not to engage in fraudulent acts.

Now, 13(1)(d) reads: "is knowingly concerned in, or in the taking of steps with a view to,....." Now in the taking of steps with a view to in our opinion is necessary to cover the pilot, the pilot must not be concerned in **falsifying** the records. If you merely said "attempting" or even "aiding and abetting" he is not necessarily aiding or abetting the aviation company in Barbados in evading this charge if he says that he took on 100,000 gallons of gasoline, he may be concerned with aiding and abetting them to avoid income tax in New York, for all you know.

12.30 p.m.

There may be a variety of reasons for which false entries would be made. But, we want to ensure that knowingly, we control the mens *rea* as the lawyers say, but that we have the widest possible words to control the Act as reads which is the Act of whichever is done to constitute the offence. Therefore, the people who make false entries, state false accounts whether big, or small, we will have to show that the entries were made with a view to avoid our penalties and not somebody else's and we are quite prepared to deal with that.

But, we need an extremely wide net to catch actions of persons and indeed companies too because any other person there would concern a company, any other person would concern an agent of a Company, a Company itself under the Interpretation Act and therefore, Sir, really it is necessary for us to have this wide Clause.

I would draw Hon. Members' attention to knowingly concern, here. Pilots may be asked to do all kinds of things on their manifests, ~~their~~ flight plans and so on. But, the Crown, in this case is willing to take upon itself the burden of showing certain knowledge, knowingly concerned in, but we want to be sure that every act of anybody can be caught once we have evidence to show the connection with this particular Bill and therefore, it is difficult for me to accept what the Hon. Member is asking.

Mr. TAITT: Mr. Chairman, as I came in, I heard the Hon. Member for St. Philip North making his point and I suspect that the Rt. Hon. Prime Minister may have missed the gravamen of the point which he was making. Whereas, what the Rt. Hon. Prime Minister says satisfies the Government's attitude to make the new Bill as wide as possible, the fact is that the interpretation which a judge would be asked to give, the interpretation which the Government is giving, via the Rt. Hon. Prime Minister's words would not be available and therefore, it is traditional that judges do not read verbatim Records of the Hon. House and therefore, a judge would have the principles which were applied in the past to follow.

The point which I understand the Hon. Member for St. Philip North to be making and indeed, the point made by the Rt. Hon. Leader of the Opposition, I think are both very valid in this case because it will really be difficult for anyone to prove, unless a judge is perverse. It will be difficult for anyone to prove satisfactorily, that someone was concerned in taking steps to, in the context of this **Legislation** and even now that the Rt. Hon. Prime

Minister explained what the Government intends to mean, it seems to me that that makes it even more difficult. I find it very difficult to understand how you could take an airline pilot to court and claim that the airline pilot was concerned in the taking of steps with a view to inducing fraud.

I think that the Government would have to take this back and find a different wording to do what they say that they are trying to do and I would like to reiterate the point made by the Rt. Hon. Leader of the Opposition that if you rely on the Interpretation Act, unless in a situation where transfers are done inter-company on a basis, it is going to be very difficult to pinpoint when Shell is transferring oil belonging to Shell, to Texaco, or to Esso, or even Shell is moving oil belonging to Shell to another point, if you get my point.

Mr. Chairman, as oil is in the usual buy and sell transactions where you go in and pay money over the counter, sometimes, when an aircraft loads, indeed if Mobil gets a product, that product might be Mobil's product which it is petting back and so an airline pilot is only concerned to see that his aircraft has sufficient fuel on it. He is not involved in the sense that I understand this to mean, in the practice, or the acquisition of the oil.

When he stops at Barbados, or Guyana, or Antigua he stops and there is a Contract relating to his airline company that when he stops in a particular place, that the aircraft **will** have fuel put on it. But, the pilot himself, if he says that he received 100,000 gallon as the Rt. Hon. Prime Minister says, he can always come back and say that that was a misunderstanding. Are you going to prove that that pilot who said that he received 100,000 gallons, when in fact, he received 110,000 gallons, that that was not a genuine mistake on his part and that he was concerned to be taking steps to assist in fraud.. I find it difficult to understand how you could do it. We could pass Legislation, but I agree with the Hon. Member, I do not **think** that it is going to be useful Legislation.

Rt. Hon. E. W. BARROW: Mr. Chairman, I am sorry that I had to intervene again. I think that we are going to be made to look absolutely ridiculous when anyone reads the drift of this Debate.

This is a **Bill** to provide for a throughput charge. Now, here in Barbados, from the beginning of time, we have been selling and imposing Excise Duty on **things** like rum, we have had a petroleum bond, we never had any problem with anybody being involved in attempting to do something or the other and **all** that kind of business. Any attempt to commit a crime is punishable anyhow. The point which I am making is **this**, first I

want to disabuse the **minds** of the hon. member who sat down and the Rt. Hon. Prime Minister himself. No pilot is going to get involved in putting 100,000 gallons of any kind of aviation fuel on a plane because 100,000 gallons of fuel would weight 660,000 pounds and the all up weight of the biggest jet is something like 330,000 pounds.

What happens is this Sir, if I may explain this, that 6.6 pounds of the **JTIA** and the pilot comes in and he works out the weight of **his** passengers, luggage and the other cargo and how much fuel he can take. He is not concerned with whether his company makes money, or loses money because the Airline Pilots' Association has fixed his Trade Union Rates of salary and he is not going to assist Texaco, Shell, or anybody else to defraud the Government of Barbados. I want to say that in defence of airline pilots.

But, quite apart from that, we are dealing with big multi-national corporations, we are passing Legislation here which does not mention Corporations at all, and we are relying on the Interpretation Act to bring the Corporation within the dragnet as it were. Now, the pilot has to **file** his documents showing the all up weight of the aircraft because in case there were any accidents, they have to be sure that the aircraft is properly loaded and the amount of fuel taken on. Those documents have to be filed.

Furthermore, the fuel is coming from-Oistin, through a pipeline in which the Government can put gauges, any **kind** of gauge which measure liquid, in the same way that we measure liquid **coming** out in the vats via the Rum **Distillery** we can put **gauges**. There **are** gauges on the fuel tanks at Grantley Adams International Airport and all you have to do is once a month, send around an inspector, the same way anybody inspects a gas meter, check the gauges at Oistin and check the ones in the Airport. You are not concerned about individual aircraft at all. I do not care how many aircraft land every day. There are 33 movements a day at Grantley Adams International Airport. 12.40 p.m.

It does not matter how many or how few movements there are, we **are** concerned with the amount of aviation fuel that has flowed through those pipelines whether it went directly into the aircraft by underground pipe or it went into the petrol **bousers** and then into the aircraft, it had to come out of the tanks, so all you have got to do is to make sure that nobody interferes with the gauges, but you have not got any legislation here making it an offence for anybody to tamper with the gauges.

That is all you wish to do; send somebody once a week or once a month to check both the input of aviation fuel coming into Oistin and the amount that has gone out through the pipelines at the Grantley **Adams** International airport. **All** of this business about pursuing individuals who might be involved in an attempt, as in Clause 13, knowingly concerned in the taking of steps with a view to! The hon. member for St. **Philip** North was making a good legal point in criminal law of what we call inchoate crimes. They are most difficult things to establish and we are going to all this extent when we are dealing with multi-national corporations who owe Government money, and all you should say is that any corporation who does not file correct returns are themselves responsible and the directors can go to gaol and the corporation is liable to a **fine**, but we are pursuing a lot of small employees like somebody taking half a gallon of kerosene oil to put in his lamp because the **hurricane** season has occurred. You cannot sell aviation fuel to anybody but an aircraft, and anybody who has been involved in defrauding the Government would have to be the corporation itself, not any small person; so even the ordinary criminal law of Barbados would take care of that.

I am saying that in this whole legislation here we are getting on as if it is like somebody passing through Customs with a few gold bangles concealed in a stocking or something. We are dealing with big tanks that have gauges on them and they are dealing with a highly specialised market, and no pilot is going to get himself involved in that, and we should not have this **kind** of clause in it about anybody taking steps with a view to fraudulent evasion when we have not mentioned anything about whether the Director of a corporation would be responsible if they did not pay the legal charges or if they are involved in some fraudulent manipulation.

What actually happens is this: that when the aircraft comes in either the Flight Engineer or the pilot signs for the amount of fuel; he produces a **camet**, a little card **looking** like an ID card which shows that he is entitled, like a credit card, to take fuel **from** Shell or Texaco as the case may be. They take that and they deal with it in the same way that they deal with any other credit card, and they put down the amount of fuel, and he signs for that. He does not sign for the Government **tax**. The Government tax is the responsibility of **the** person who has supplied the fuel which would be the multi-national corporations that we have not mentioned in this legislation altogether; so do not let us have this discussion about pursuing pilots in midair and that **kind** of **thing**, because pilots do not get themselves involved in this kind of shenanigans at all. **This** is really letting us down to say

that we **are** going pursuing pilots. It has never happened and it will never happen. We just want to say that we are putting on a through-put charge and we should take measures to see that we have regular inspections carried out to check the records and that anybody who tampers with the gauges or machines would be liable on summary conviction and say who in the corporation, the Directors jointly or severally are liable, and any person who aids or abets them, but we have made no provision for that whatsoever. We are pursuing a lot of small people whom it will be very difficult to get a conviction against.

Hon. H. deB. FORDE: Mr. Chairman, I want to take up the two points because there are two separate points which have been made so far in relation to this clause. There is the point made by the Rt. Hon. member for St. John who has just sat down and he alone has made this point, that the Bill as it stands is not explicit in including within the liability section the Director, or the Manager or principal officer of the business where that business is a limited liability company.

The second point is the point made by the hon. member for St. Philip North and also by the hon. members for St. Michael South West and St. John that the penalty clause uses the phraseology, which is a bastard phraseology so to speak and which tries to encompass within it the classic words "attempts to" which is known as inchoate crime, and it is really the classic words used for inchoate crime.

I want to deal with that second point first so far as drafting is concerned. My submission on this is that even in some of our existing laws that phraseology is not an unknown phraseology and does include attempts, and for the benefit of hon. members I am going to deal with only one **Bill** drafted and passed by this House during the tenure of the Rt. Hon. member for St. John. It is **1974-35** the Airlines Service Business Tax Act, and in the new edition of our laws I believe that it is Cap. **59A**, but I am going back to the 1974 edition so that it cannot be claimed that any change was made in the phraseology since that time. Section **18(d)** says: "A person is liable to pay tax under **this** Act who is **knowingly** concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of that tax, is guilty of an **offence**....."

Now in the Betting and Gaming Duties Act, 1977, a similar phraseology is used in section 36 of that Act. Now in my submission it is not bad, it is that hon. members are wedded in the classic sense to the use of the term "attempt to". First of all it is not a strict liability crime because as the Rt. Hon. member for St. Thomas says, **mens rea** is involved and in **this** case **mens rea** is involved and criminal intent in two ways, in the "knowingly" and in the "fraud", so that the burden of proof is quite a

heavy burden of proof in that clause, and my submission is that there is really no need to use what they consider to be the magic words "attempt to" – not the hon. member for St. Michael South West – and I would suggest that if you look at the various **English** statutes as well you will find that those phraseologies have been used from time to time if one is relying on the English statutes as any sort of basic precedence for us to follow.

I believe however that the other point taken by the Rt. Hon. member for St. John is one that the Ministry responsible for this **Bill** can take seriously. It is true that under the Interpretation Act "person" includes a corporation, so the corporation is liable but if we wish specifically to charge the directors or managers or principal officers we will have to amend Clause 2 of the Bill where we use the word "dealer" with some such words at the end of the Clause "and includes any **director**, manager, secretary or principal officer of that business". I believe that although the Bill originates with the Ministry of Trade and Industry that the Prime Minister who is taking charge of it in the absence of the substantive Minister is prepared to take that amendment to Clause 2. So at some stage we would ask for a **recommittal** of Clause 2 to include those words, but I would respectfully suggest to the Committee that having regard to the good geneology of the statute that their fears in relation to this substantive clause under consideration by the Committee are ones that are not really as well founded as they may appear at first thought.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Your Honour do now report progress and ask for leave to sit again, not necessarily because we are going for lunch, but because we would like a chance to look at the Bill to take account of the amendments that we see may have to be made to Clause 2 and so on. I am not proposing to send it to Select Committee since it is the whole House, but I am sure that hon. members opposite would have every opportunity to talk to the Attorney General before it comes back up in the House to be able to settle the things that have them bothered so that we can deal with the **recommittal** later on.

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

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

12.50 pm.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Item 5 be the instant Order of the Day.

Mr. SPEAKER: No, the **Chairman** has reported progress and has asked for leave to sit again.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that further consideration of the Bill under consideration be postponed until a later time.

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

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

Hon. L. S. CRAIG: No doubt, Mr. Speaker, when we say that you will go down probably as one of the finest Speaker of all time, it is a classic example of you teaching us the rules on this side, Sir, and just with a nod of the head we acknowledge that we were wrong.

I beg to move that Item 5 be the next Order of the Day.

Mr. SPEAKER: Item 5 is the instant Order of the Day.

THE COMPANIES (AMENDMENT) ACT, 1980

Rt. Hon. J. M. G. M. ADAMS: This is a budgetary measure, Sir, but I am asking the House to approve the principle in Second Reading, but as the amendment will show, Sir, there will have to be a substantial – well, Sir,, not very substantial but we have done it before – but we said 2/10 of the share capital. (Rt. Hon. E. W. BARROW: You remember I told you in the Budget Speech that was wrong). The Hon. Leader of the Opposition is pointing out something, I seem to remember – in fact, I am obliged to him, he is pointing out that this error was probably made in the Budget Speech itself. Anyway, as it has got right into the stage of the floor of the House, Sir, before it has been fully understood. Perhaps we must give public officers instructions to read the Reply of the Hon. Leader of the Opposition as carefully as they read the Budget Speech itself. I have no doubt that they paid careful attention to the Reply of the Leader of the Opposition in 1976, but perhaps since then they have given it the same respect that in places it deserves, but we do have several amendments, Sir, so I will ask the House to approve the principle in Second Reading of the changes in company registration fees.

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

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

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

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

Clause 1 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 1 stand part.

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

Mr. SIMMONS: Mr. Chairman, for some time we have been hearing of Government's intention to bring a new Companies Act. I believe that there was a draft Bill in circulation, and I would like to just say that I have not had the pleasure of seeing a copy of that Bill for any time, I just was able to borrow one for two days from an employee of the Central Bank, but I feel that it is going to be such a piece of legislation that it should have the widest possible circulation, and if the Bill is now more or less in its final stages, I would urge the Attorney General during the recess to circulate it so that hon. members could have a chance of studying it in the recess, and perhaps if he could indicate whether it is like ' that we will have a new Companies Act in Barbados.

Mr. ALLEYNE: Mr. Chairman, I wish to support the hon. member for St. Philip North. The point which I wish to add is this, that the recent legislation passed on off-shore banking will not have its fullest effect, according to the impressions which I have from some of the planners overseas who advise investment companies and so on, unless they can see a modern and detailed Companies Act which would tell them what the companies can do in terms of their structure and so on in Barbados, and I will wish to suggest that the hon. member should be supported principally because we wish to ensure that that legislation has its fullest effect in the country.

Hon. H. deB. FORDE: Sir, a very brief reply on the question of the Companies Act. You know a new Companies Act has been promised for several years. We have taken very positive steps toward such an Act. There is a CARICOM draft Act which has been circulated to several countries and it is now actually being printed in Barbados, and let me say that one of the revealing things is that CARICOM asked the Printing Office in Barbados, despite the defects of that office, to print the Bill, and it is probably 300% cheaper to produce that Bill in Barbados than to produce it in at least one, or possibly two, of the CARICOM countries, and I think it very significant that this is so. That Bill, however, is a Bill which we find a little difficult to support.
1.00 pm.

The language is reasonably archaic and as difficult as the language of the old English drafting has been. So, in the meantime, we have done our own Bill, paying regard to the need to harmonise however, the Companies Act in the region.

The first Draft of that Bill was seen and discussed by a very widely based Committee including Members of the Bar Association. We have circulated several copies of the Draft, I think possibly something in the region of over 50 copies of that Draft to the Bar Association; representatives of the Bar Association who sat on the Committee which is advising my Ministry and the Ministry of Trade on the Draft Bill. As a result of the considerations of that Committee, Mr. Justice Williams has done a second Draft and that second Draft is now being typed.

Let me say **Sir**, that it gives me an opportunity to point out to Hon. Members who may not have been closely connected with Government and not particularly, with the Ministry of the Attorney General that it has taken us longer to get that second Draft typed, read back, and roneoed, than it took Mr. Justice Williams to do the Amendments to the Second Draft. The reason is that support staff in a Ministry is very vital and where we are as pressed, as we are now, with Legislation, you have to have support staff to read through a Bill which is going to be over 500 Clauses, type it first, read it back, check it out and a staff which has not been increased since I have been in the Ministry and which has been working under tremendous pressure. I have had to ask the staff to do it in their spare time, on Saturdays and Sundays, when they can afford to come out to do this work. I want to make it quite clear to Hon. Members when occasionally they see typographical errors, and what not, they ought to be a little bit sympathetic to the difficulties under which we work.

However, I am hoping that in the Recess, during the month of whether it be August, or September, that we would have the Draft not only finished roneoed, but perhaps considered by the Committee and then printed, in which case, the Ministry with executive responsibility for the Bill, the Ministry of Trade, should be able to take that Draft to Cabinet and it would be our intention to lay it in the Hon. House and leave it on the table of the Hon. House for consideration for some time for any representations which should be made. In any event, it would be recommended to the Hon. House that perhaps a Select Committee of the Hon. House, a Joint Select Committee would want to look at the Bill in Select Committee.

We have already done the Regulations under the Bill and the various Forms under the Bill, so that we would not be in a position in which we are today, that although our main Companies' Bill was passed in 1910, no Forms or Regulations had ever been made in the 70 years in Barbados, in respect of the Companies' Act. So, Members now refer to the **U.K.** Forms and Regulations, sometimes those made under the 1908 **U.K.** Act, or sometimes, they refer to those made under the 1926 **U.K.** Act, or sometimes, under the 1947, or 1948 **U.K.** Act. We are

trying to avoid that by bringing the Regulations and the Forms down together.

Let me say that my Predecessor, or Predecessors in Office had set up a Committee to look at Company Legislation, I was Chairing that Committee at some stage and we had got pretty advanced on that. But, again, we had no proper secretarial support and that remained dormant for some time and nothing particular happened on it because it was then merged into the CARICOM Committee, The CARICOM Committee has taken up to this year to report with a Model Bill and that Model Bill has now come out. We have found that we would have to improve the Bill substantially. What we hope to do, is to persuade CARICOM finally to look at the Draft Barbados Bill and to use that as the basis of Model Legislation for the Region. Trinidad and Tobago has had the same problems as we have had with the CARICOM Draft and they, themselves have set up a Committee to consider the CARICOM Draft in order to come up with a Bill which is improved on, in the CARICOM Draft.

We are having to do this with substantial Legislation coming out of CARICOM Shipping. CARICOM produced a tome on Shipping and a Shipping Bill which we found that we could not accept. We have just produced our own Model Shipping Bill which should shortly be before Parliament and in the follow-up on the CARICOM Bill recently in Grenada, we have put it forward as the Model and it looks as though it is being substantially adopted. In that case, we would be able to harmonise our Law and that of the CARICOM Region as well.

I think that that is the procedure, so I can assure Hon. Members that I would hope that the Hon. House would have a long time to see the Bill, to look at it before it is debated and in any event, I would hope that we would go to Select Committee. I will say that we have had the benefit of advice from, not only the Bar Association, but the University of the West Indies, Trust Companies and various other Accounting Groups who have a concern with it and that I believe that it is going to be a very readable Bill in very simple language, straightforward language and I think that when it comes before the Hon. House, that the Hon. House should welcome it as a whole.

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

Clause Two was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, Clause Two is very substantially amended. I cannot possibly read out the whole Amendment, but it has been circulated to Hon. Members and I beg to move that Clause Two as amended, stand **part**.

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

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

On the motion of Rt. Hon. J. M. C. M. ADAMS, seconded by Hon. L. S. CRAIG, Mr. CHAIRMAN reported the passing of one Bill in Committee with amendment, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Rt. Hon. J. M. C. M. ADAMS, seconded by Hon. L. S. CRAIG, the Bill as amended was read a third time and passed.

SUSPENSION

Hon. L. S. **CRAIG**: Mr. Speaker, I beg to move that this Sitting be now suspended until 2.15 pm. for lunch.

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

The question that the Sitting be suspended until 2.15 p.m. for lunch, was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly at 1.10 p.m.
1.10 pm.

On resumption:

Mr. **SPEAKER**: This sitting is now resumed.

SERVICE TAX ACT, 1980

Mr. **SPEAKER**: Order No. 2 stands in the name of the Rt. Hon. Prime Minister to move the second reading of a Bill to provide for the imposition of tax on the proceeds of the sale of certain services and for related purposes.

Rt. Hon. J. M. G. M. **ADAMS**: Mr. Speaker, in the course of deciding how to effectuate the budgetary proposals on the tax on self-drive cars and pleasure craft, it was advised and eventually decided that we should pass a general Act that will allow orders to be made which will provide for charges on any service rendered by anybody to somebody else. I do not think all services are now going to be taxed. What I mean is that the Act provides the general framework within which there can be taxation to be collected by the Commissioner of Inland Revenue, so that Section 2 of the Act is very important. "Operator" means an operator of a service the proceeds of the sale of which are taxable in pursuance of section 4.

It is proposed to make orders under this and if it is passed for the taxation of self-drive cars and all pleasure craft. There have been certain difficulties, Sir, relating to

the taxation of pleasure craft, and I know that the operators of these craft are very concerned over exactly how it will affect them. It has been decided, Sir, that the pleasure craft will have to pay both the service charge and the registration charge at the Port. This is a way of dealing with a number of matters and we are now considering representations relating to the size of vessels that should be covered, because we are not really intending to catch rowing boats, and apparently there are still one or two people that run water taxi services to the Holiday Inn pier. I do not know who they are, but I do see on the file that there is a prescribed taxi rate for water taxis. It looks as though we will have to make one for Miramar too, Sir, because I see a taxi there offering a cheaper service to Miramar by sea than the motor vehicle taxis offer on road, but we are trying to establish the exact size of vessel that we want. I just thought I would mention that. By now the self-drive system should have been in full sway and the Act would provide the framework for dealing with this and any other matter which any future Minister of Finance may choose to bring under its ambit.

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

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

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

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

Clause 1 was called and passed.

Clause 2 was called.

Rt. Hon. J. M. G. M. **ADAMS**: Mr. Chairman, in moving that Clause 2 stand part, I will point out that in the cyclostyled copy the word "of" appears in the definition of "operator". It should be "operator" or "operator of a service". It should not be "of".

I beg to move that Clause 2 stand part.

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

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

Clause 3 was called and passed.

Clause 4 was called.

Rt. Hon. J. M. G. M. **ADAMS**: Mr. Chairman, I beg to move that Clause 4 stand part.

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

Mr. TAITT: Mr. Chairman, I wonder if the Hon. Prime Minister would mind if Clause 3 is recommitted. I wanted to raise a question on it, nothing controversial.

I beg to move that Clause 3 be recommitted.

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

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

Mr. TAITT: Mr. Chairman, I just wanted to draw to the attention of the Minister of Finance that this clause says: "The Commissioner is responsible for the due administration of this Act and for the assessment, collection and recovery of tax."

Now very recently in the courts a High Court Judge ruled that an assessment as far as he is concerned can only be done by the Commissioner of Income Tax. Now he may very well be right, but it would seem to me that there is a long line of authority which suggests that an assessment may be done not only by the Commissioner but by an officer authorised by the Commissioner. If in fact the courts in Barbados are going to rule that an assessment can only be done by the Commissioner, I think you can **begin** to see what a temble mess we are going to be in. In the Income Tax Act itself there is a provision for an officer authorised by the Commissioner. I wonder if in setting the responsibility you might wish.....(Asides) Clause 3(2) is very clear, but I am only drawing to your attention that very recently, I think, last week, a High Court Judge argued that as far as he is concerned an assessment can only be done by the Commissioner, so I draw it to your attention for what it is worth.

Rt. Hon. J. M. G. M. ADAMS: What I will say is this: the **same** wording does occur in the Income Tax Act. I think the Attorney General would have to see the wording, **end** I will give the hon. member an assurance that if any amendment to the Income Tax Act is necessary in the light of the decision that we will also amend this Act, but I am very glad the hon. member has drawn it to the Attorney General's attention.

I beg to move that Clause 3 stand part.

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

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

Clause 4 was called and passed.

Clause 5 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I am hesitant about Clause 5. I was under the **impression** that I had specifically asked not to have power to remit taxes. It is a great nuisance to a Minister of Finance to have power to remit anybody's tax, as the Rt. Hon. member for St. John, the Leader of the Opposition will be aware, especially on self-drive and self-hired cars. Sir, I do not want this power.

Rt. Hon. E. W. BARROW: If the hon. member would give way, I just want to assist him. I think it is always advisable to have the power if the Hon. Minister is reluctant to have it, but he need not exercise it. But it is usual to have the power because he will **find** that there are at least instances like charities and people like that and there are some hard cases which he will come across from time to time which he might deem expedient, and it is better to have the power to exercise it as a discretion than not to have the power at all.

2.30 p.m.

It is better to have the power and to exercise it with discretion than not to have the power at **all**. This would be my view. As long as he acts judiciously in the exercise of the power we will take it for granted that we will not exercise it capriciously in favour of his friends or anything like that. I have never known a Minister to do that, and since he is reluctant to exercise it, I am sure that he will be able to use the power in such cases as he is advised by someone like the Attorney General that this would be a fit and proper case in which the power could be exercised.

Rt. Hon. J. M. G. M. ADAMS: Cabinet does have power to remit **all** amounts of less than \$10,000. I have never searched the **files**, I don't know if the hon. member who has just sat down ever had to put up with people saying that they had to send people abroad for medical treatment and they want back their income tax to cover it, and so on, because I have had **all** that, Sir. I must say it is against my friends that I exercise my discretion, which is another embarrassment. The Attorney General advises that it is desirable to have it here, Sir. I suppose that remission of small taxes is something too small to ever come to the whole Cabinet.

I beg to move that clause 5 stand part.

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

Clauses 6 and 7 were called and passed.

Clause 8 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that clause 8 stand part.

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

Rt. Hon. E. W. BARROW: Mr. Chairman, the words "operator of a service" occur in nearly every clause of *this* Bill, and it is true that the services are not specified in the Bill, services may be specified in an Order, but since clause 8 deals specifically with the keeping of books and so on, we would like to be assured that this is not going to be extended to every person to whom the employment registration applies, everybody selling ice cream cones, snowballs and that kind of thing, because we are placing in the hands of a Minister an unspecified power to designate the kind of services that would fall within the provisions of the Bill which we are now passing as a method of rates and taxes. But you must appreciate that small people, even a lot of shopkeepers, I would say 80% of the small shopkeepers of *this* island are not equipped to keep proper accounts such as may be required by a Commissioner of Inland Revenue, so if one extends the application of the Act when it comes into force to a lot of activities which are marginal activities in which a man and his wife, or a man alone, or a lady alone may be carrying on, we are going to place unlimited burdens on these people which might cause them to go out of business altogether.

We have not become so sophisticated in our commercial enterprises in Barbados at that level to be able to apply this kind of thing to a whole wide area of individual business activities, and it is regrettable that we did not have the Schedule to the Bill so that we could see the kind of activities which will be embraced when the Order is made.

Rt. Hon. J. M. G. M. ADAMS: The hon. member's point is well taken. On Second Reading I did indicate that this Act was intended only to cover self-drive cars, lighter vessels and pleasure craft. I also well appreciate what he means about records and books of account, but the words "in such form and containing such information" perhaps qualify the general duty to keep records to a very great extent. I cannot be responsible if at some future date the hon. member for St. Michael South West some time in the 1990's decided to tax snowcone operators, but I am sure that when the hon. member puts the tax on the snowcones that would be made necessary by the mismanagement of the regime in which he will be Minister of Finance, that he will not then add insult to hardship by making them get an Accountant to keep the books, he will let them keep a little notebook indicating so many snowcone cups,.....what will be necessary in that case? So many snowcone containers bought from whoever is the supplier, allow for spoilage 10%, and that is the end of that. If you want to know how many snowcones are sold you only have to check and see how many containers the man has bought, and I would take it that "in such form and containing such information" really implies a minimum. Certainly I **think** that people

who run self-drive cars and people who have pleasure vessels — and there are 2300 self-drive cars in Barbados divided between 200 people — you are dealing with a fair number of vehicles, and it may be in the people's own interest anyhow to keep proper books.

The number of pleasure craft, I doubt will reach 20. Sir, I don't know how many are registered so far, I haven't got that information, but the ones of the size that we are going to specify in the Order could not be too far into double figures, so I don't think this would be an enormous hardship in their case to keep records. The fact that the Commissioner of Inland Revenue will be administering the Act is not without significance, Sir, in relation to the keeping of records, but I don't think that the section is intended to put any undue hardship on the two categories that it will cover in the first place.

Mr. TAITT: Mr. Chairman, just a question. I heard the Prime Minister say just now the categories which he intends to specify, I wonder if he can give an assurance that he does not intend to catch in his net those persons who own one or two pleasure craft. There are a number of small operators in Barbados who have managed to acquire, I think the hon. member for Christ Church North Central would be able to confirm this, who have managed after many years to acquire enough money to get either one glass-bottom boat or one so-called pleasure craft, and they ply up and down the west coast. These persons find themselves in a very peculiar position in that while the legislation would capture the larger operators, they will fall into this category if in fact it is left without any specified number.

The same thing applies to self-drive cars. There have been in Barbados for a fairly long time a number of persons who own one or two self-drive cars. I am not speaking of those who use their own vehicle with the additional financial assistance from time to time, I am talking about people who actually have one or two self-drive cars and they are going to have some difficulty, or could have some difficulty where this law is applied.

While I am on this subject I might draw to this Hon. House that contrary to expectations, those persons — and I know at least one operator in the selfdrive car business, and while I cannot vouch for the authenticity of the information given, that operator has indicated that the new tax which the operator has to pass on to the hirers, that new tax is having an adverse effect on business. They are claiming that the 8% which they have to pass down to a number of regulars, and these regulars are mostly West Indians who come down from New York and Canada, they are now going without self-driven cars because the cost is proving prohibitive,
2.40 p.m.

I cannot vouch for it on my own knowledge, because I, myself am not in the business. But, one operator did specify for me, the number of additional costs which, as an operator of selfdrive cars, he now finds himself having to meet and as a result of which the cost of a self-drive car has been increased somewhere in the vicinity of between 40% and 70% over what it was in say, 1977.

I wonder if the Rt. Hon. Prime Minister has had any information or any survey done to see whether, in fact, the tax is doing the job which he intended it to do, or, if in fact, it is not proving a negative tax in the sense of dissuading business. Perhaps, we can get some information on that because representation has been made to me with a detailed List of all the new additives, or additions to the cost of running a Self Drive business.

Hon. C. L. BOLDEN: Mr. Chairman, it would seem rather strange that this particular operator would give the Hon. Member such information.

My Ministry is responsible for issuing permits for self drive cars, taxis, we issue generally all permits. But, in the question of Tour Coaches, we are guided by the Ministry of Tourism. We are also guided by the Ministry of Tourism, on the number of vehicles which are required to service the existing tourist population in any one year.

Now, I know that the price of Japanese cars has fallen tremendously within the last year because of the value of the Yen against the American dollar. My Ministry has been flooded with applications from persons requiring Permits to run more self-drive cars and what we have discovered is that a number of persons have been maintaining the existing cars which they have and applying for a self-drive Permit for that car, while buying a new car and using it as a private, personal vehicle.

I have not come across any case in which an operator has indicated to us that the tax has put any kind of restraint, or reduction in revenue on his business. As a matter of fact, we get letters every day asking for more and more vehicles.

Now, I am going to say something which is going to surprise a lot of people. I think that it is time that we begin to recognise the type of person who is really suffering from an economic hardship in this community. We come along and we talk about the small man who is suffering. If I went to the Ministry today, and brought out the files dealing with self-drive cars and taxis and you see the names of persons who have got four, six, eight, twelve self-drive cars and you see them walking along the streets in Barbados, you will then recognise where the money is really circulating. So, I do not understand.

We have placed a restriction on the number of vehicles which can be owned, or operated by large companies and by franchise dealers. Large Companies have been limited to 50 vehicles. As far as I am concerned, I want everybody to participate in the tourist dollar. So, therefore, the large business have got 50 vehicles, the Franchise Dealers have been tied at 50 vehicles. The number of vehicles in the tourist industry are now predominantly owned by the man with two, three, or four vehicles, and these are the ones who come back to us every week telling us that they cannot satisfy their customers and that they want more permits because they have more customers than they can generally handle.

The tax has not, in my view, caused any hardship, and it has not reduced the income of any owner out there with self-drive vehicles. I will tell you what is happening. There are some people who will not rent a self-drive vehicle to a West Indian or to a black man and that is the problem. Those are the ones who will complain because when the heavy tourist season is over, those are the ones who phone my Ministry and tell me that I have issued too many permits and that they have cars lying down. Many days we get enquiries in my Ministry, where can I rent a self-drive car, and when certain black people, and I am saying black visitors, turn up at those persons to rent selfdrive cars, they are not rented to them.

But, if you check any of the other Institutions which are dealing with self-drive cars, as a matter of fact, they write constantly asking for more. I will call one name now. Up to last week, I had a letter from Avis and Avis, as far as I know, own something like 65 vehicles and Avis is asking for permits for 100 more vehicles. I had an application from Hertz, they want 50 more permits plus coaches, et cetera. You do not hear them, you do not hear any of the large Institutions say that the Tax has had an adverse effect on their revenue. It is the few persons who believe that if you are black that you are incapable of having a self-drive car. So, those are the ones who will complain.

We have issued so far, over 2,300 permits for self-drive cars. We have got something like 1,700 permits for taxis and we are waiting at this stage for the final Report of the Ground Transportation Study to tell us what our true requirements are, up to the year 2000. We believe that those vehicles on the road can cope with the existing tourist population. If people will remove the discriminatory practice of only renting to certain persons, then, there will not be the sort of Report which the hon. member has received.

Insurance Companies will tell you, if you go and ask any Insurance Company in Bridgetown what is the situation when they seek to hire a car for a native of Barbados whose vehicle has been insured by them, or

by another Party and is involved in an accident. Those Insurance Companies will tell you that they have difficulty in renting **drive-yourself-cars** from certain persons in Barbados.

Many garages now, the little wayside garages have applied to my Ministry for permits for self-drive cars, three and **four** because they find that when somebody has a damaged vehicle, they bring it to their garage and they want a car. They say, I cannot leave my car with you, unless you **can** supply me with a self-drive car until you have **finished** the repairs, otherwise, I cannot get a car elsewhere and that is the situation.

When it comes to pleasure boats, Mr. Speaker, there are a number of persons who belong to the Sailing and Cruising Club who have fishing boats and they take out three or four people. The Legislation is not designed to catch those persons, but you must understand that if you are taxing Tourism and I hear the Opposition say, in particular, they walk about and say that you are taxing everyone. They say that Barbadians are heavily taxed at the moment. If you seek to withdraw that money from the tourists who are generally using the infrastructure of Barbados, you cannot go into the Tourist Industry without helping to collect the necessary Tax to make sure that Barbados is a better place for Barbadians first, and for the tourists who come here afterwards.

We find that a number of tourists come into Barbados, they go into the bus stand, they want to know which bus is **taking** them to the Bird Park, which bus **will** take them to the East Coast Road. If they want to use the basic services provided for Barbadians, you must find a way to take something out of them, in order to build up the infrastructure of Barbados which they had come here so readily to enjoy.

But, I am sure, and I can assure the hon. member that I have not had any complaints, I have not had any representation and I have not heard anybody in my Ministry report that any person dealing with self-drive cars out there has found that the tax is a negative tax. 2.50 p.m.

Indications **are** from my **files** that people are **still** applying daily for drive yourself permits. I believe some time earlier this year — and you see rumours can be very bad — the Prime Minister said he had complaints that people were not getting the number of permits that they wanted. We issued in one block 400 permits for selfdrive cars. If I go back to the Ministry now I am sure there are well over 600 applications in the Ministry for **self-drive** cars. If the market was so **bad**, if the revenue was so poor, if people were not getting through, why would other persons be applying for permits?

I go so far as to tell you this, Mr. Chairman. You issue permits to somebody for twelve cars and by next week he comes back and tells you he has got 12 permits but the 12 are not enough, can you give him another **six**. Some of the small guesthouses are now applying for twelve and twenty-four permits. If the business was so bad, why would they be applying for permits like this? But I can guess where the hon. member got his information from. I would risk to guess that man has **something** like 36 permits and he is one of the chief offenders who keeps **his** vehicles up in the Pine and tells you he does not rent to black people, and I am sure he is the man who has given the hon. member the sort of information he has just come in here with. I am sure, Mr. Chairman, that the information could not be correct, and when it comes to keeping books, most of them can tell you what their vehicles make weekly as a return and how they plan to buy the second vehicle.

Mr. Chairman, if you go to any garage in Bridgetown, Detco, Courtesy, Simpson Motors, the lot, they **will** tell you, because they keep ringing and **asking** how many permits we are issuing this month because they have a string of applicants waiting for vehicles to put in the tourist industry. This seems a strange situation that this tax is an adverse tax and yet still garages are complaining they have not got enough vehicles to supply, and the applicants for permits are complaining they cannot get enough permits to satisfy the people out there in the street. I am really not convinced.

I am glad the hon. member has raised the point because it has given an opportunity to clear the air where permits are concerned and how we are dealing with the permits. As I said, we have issued just over 2,347 permits already, we have issued just over 1700 for taxis. Here again you have another thing that is happening. A person who had an ordinary motor car is changing the motor; he wants a Toyota van or something of this nature, and he is going into the tourist industry. If you look outside now, you watch as you drive along and you will see **Daihatsu** and Toyota vans with "**Taxi**" or "**H**" marked on the windscreen that are being used as vehicles in the tourist industry; so I am really surprised to hear that it is not lucrative when more vehicles are going into the industry daily.

Mr. WARD: Mr. Chairman, I would like to say I support the imposing of a tax on services. I myself remember when the hotel **tax** was introduced that I had certain reservations about it feeling that it would adversely affect the industry, and Mr. **Chaitman**, I do not recall any person staying at my hotel, the little piece that I have, saying that they did not want to pay the 5% or 8%. I think that people accept the fact that they should contribute in some way to the society.

I also agree the tax should be put on vehicles, but certain statements were made in here by the Minister today, and I do not understand quite frankly if he realises the seriousness of Ministers making certain statements. There is one thing for an ordinary member of Parliament to make a statement that is prejudicial to the industry in Barbados, but for a Minister to get in Parliament and say with prejudice that people cannot rent cars, I challenge the Minister to produce any document where he sent any notification to the Tourist Board or any other organisation accusing them of not **looking** into prejudicial practices in Barbados in the industry. If he knows that people are practising that in Barbados, whom has he reported it to? He waits until a Bill comes up in Parliament to bring out a thing like this, a total disgrace, and for a Minister it is **shocking**. I will check at the Tourist Board to find out if there is any document in there from the Minister drawing attention to people carrying on this practice in Barbados.

Mr. Chairman, people do not realise the importance of being even a member of Parliament far more being a Minister when they shoot their mouth off and all **kinds** of things are said. I will say that what has caused the problem in Barbados with self-drive cars is this: they allowed a bottleneck to occur. I believe this was caused by the last Government where there were only 1300 selfdrive cars in Barbados. As a result there was such a demand that when the **gate** was unleashed, a large number of applications went in. Right now I am prepared to say, Mr. Chairman, that the tourist industry cannot support 2,600 self-drive cars in Barbados. It will support them for January, February and March or maybe November, December, January, February and March. But it is like an aeroplane. If you buy an aeroplane, to make a profit you have to keep it in the **air**; the minute it is lying on the ground it is not **making** any money; and the same thing applies to anything like a vehicle whether it is a boat or a car. If it is parked in the garage or the mooring, it is making no money, and these self-drive cars, the 2,600 of them will all be rented for certain months and for a number of months they will be lying down idle, so what is going to happen is — and the Minister says he has increased them from 1,300 to 2,600 — that this time next year you will buy them a dime a dozen. What has happened is that they have unleashed the gate on permits.

Another thing I would like to ask the Minister is this. Permits have been granted; how many vehicles have been bought for them? I know people had the permits and when they realised what was happening, they did not buy the vehicles. I am not saying that in another three, four or five years they cannot support 2,600, but at this time 2,600 permits for **self-drive** cars are too many. A lot of people have bought five and ten and are going to run into financial difficulties with them because they have borrowed money from the bank.

Mr. Chairman, the tax on boats and **small-craft** I think is proper. There is a way to overcome this, and that is, you can build the tax into the rental of the boat. I know one person who owns a boat who phoned and told me that he found difficulty in collecting the \$3 per head. Perhaps the Minister of Finance would clear this, but I believe it is \$3 a head on a fishing cruise, and the way to do it is to include the \$3 per head into the price they charge to the people to overcome the problem of telling them something else. Another thing is that some of these people who **run** these businesses do not print rate sheets, and if you inform a person who rents your boat that the boat is \$150 for half day and then \$3 per head, they would pay it; but they just go and tell the man \$150 and at the end of the cruise they tell him, well you know it is \$3 per head each.

Mr. Chairman, I am not going to say any more except this one point. I believe the Minister of Finance in his Budget Speech said there would be certain checking done by the police in Barbados as to the tax being collected on self-drive cars. I would like to say that a publicity programme will have to be mounted in relation to this so that a booklet is given to each person who rents a self-drive car so that he understands that when a policeman stops him to see the bill that he has paid with the Government tax on it, it does not work out that the man believes he is being prosecuted. We do not want the tourists to believe that we harass them along the streets, and therefore it would be well if booklets were printed that the tourists understand that the police are going to stop them and ask to see the document showing that the Government tax has been included, if not, definitely some of the money will not go into the Treasury.
3.00 p.m.

Mr. **TAITT**: Mr. Chairman, the hon. member for Christ Church North Central has dealt so effectively with the Minister on one aspect of his speech that I think it would be unfair to burden him further. I do not wish to be unkind to the Minister, I think the hon. member for Christ Church North Central has dealt with him on that, but I would like to point out to him that to cite the agents of Avis and Hertz is not to assist the discussion which I sought to have here. The situation, Mr. Chairman, with Avis and Hertz, they can have 500 vehicles, it really does not matter because Avis and Hertz have a lot of customers who hire their vehicles before they touch Barbados. They may go to Avis and Hertz to acquire **the** vehicle, but there are all kinds of packages. Furthermore, the company in North America looks after the supply of vehicles, **so** that in a sense does not apply. We know the legislation, we know how it was stopped, we know what

happened. I go no further, **all** I say is that it does not cost the operator in Barbados in quite the same way as a little man who is trying to raise money. I do not want to go into great detail about that, I am sure that if you listen to what I am saying you will agree that it is entirely different for a poor man who is going to **Barclays Bank** or **Nova Scotia** and trying to raise money to buy, or to trust as they say, a car. (Rt. Hon. J. M. G. M. ADAMS: Or the Barbados Development Bank). Or the Barbados Development Bank, if he is a friend of the — well — but **Avis** will always supply enough..... (*Aside*). Not a friend of the Minister, I don't mean a friend of the Minister, although the Chairman is a friend of the Minister, but not the people, the people have to be friends of other people, I am not getting into that today.

The point is that the **Avis** and **Hertz** people have sufficient backing that they can get **all** the vehicles they need. I am not dealing with them, I am dealing with an operator, and the point I made was that there are many persons who have one or two or three self-drive cars or one pleasure craft. I think the Minister confirmed that when he said that if you look and see who are the people owning self-drive cars you won't believe it is them. As for the person who gave me the information, I assure you it is not the Minister's good and noble friend. I assure him it is not, I do not discuss anything with that particular person, I do not know how the Minister could get up and say he is certain, the Minister and I are not that kind of friends that he would know who I know. (Rt. Hon. J. M. G. M. ADAMS: Not the fellow from **Phillips Road** in the Pine)? Where is **Phillips Road**? Mr. Chairman, they obviously know a lot of people in the business. I have people in my constituency and not far from my constituency who are serious business people and who, if they have not complained to the Minister, might not have done so because they might have come to feel that it is a waste of time to complain to that particular Minister. I do not know, in any case they should have directed their complaints to the Ministry of Finance if it had to do with the taxes.

I do not think I started to deal yet with the question of their ability or inability to acquire licences or permits, I was not dealing with that aspect of all, I was dealing with the burdensome nature of the tax. The people were not complaining about the tax *per se*, because the legislation makes provision for the tax to be passed on to the hirers. What they are saying, and I think the hon. member for Christ Church North Central alluded to the fact, **all** of the self-drive cars will be rented during the high season. In the summer season Barbados' tourism has been for a very long time saved by the West Indians and their friends from Brooklyn and other places in North America who come back to the Caribbean in the summer.

Now, to hear the Minister say that there is somebody in Barbados who is prejudiced, and to go further, refusing to rent cars to people because they are black, I **wish** to ask the Minister what has he or his Government done about that. That is clearly against the law in Barbados, so for a Minister to say, as he seemed to have been saying, that he has knowledge, I wish to know if he has sent this information to the Director of Public **Prosecutions**. That is against everything that we stand for in Barbados. (*Aside*). I **am** talking about the Minister saying that he knows in this community people who have self-drive cars are refusing to rent them to **black** people. If that is so, that business should be closed down. The Minister has permission to withdraw permits, and if the Minister knows that somebody is discriminating against black people in this country, that person ought not to be able to practise business in Barbados, and furthermore, it is against the law. The Minister knows that. I do not understand how a Minister could get up in the House of Assembly and complain like if he is in the Opposition, like if he doesn't know what to do or how to do it. If he knows of persons who are practising discrimination against black people, or white people, or green people, or any kind of people, if they are practising prejudice in this country it is against **all** that we stand for and **all** that we deliver a lot of rhetoric about, and therefore they should be dealt with accordingly. I should like to hear, Mr. Chairman, what the Minister and his Government are doing about that.

Rt. Hon. J. M. G. M. ADAMS: If the hon. member for St. Michael South West, and indeed the hon. member for Christ Church North Central, seriously **think** that there are not people who go about in Barbados, black people, not white, who express the opinion that they prefer to do business with white people rather than black, the hon. members are not living in the same island as me.

Mr. **TAITT**: On a point of elucidation. We are not dealing with anybody expressing an opinion on who they would prefer to do business with, I formed the impression that the Hon. Minister was saying that he knows of his own knowledge that there are business people who refuse to rent **self-drive** cars to people because they are black. If I am mistaken I will be happy to know I **am** mistaken. I am not dealing with opinion, I express a lot of opinion and the hon. members on that side express a lot of opinion. Anybody can express any opinion in this country up to now.

Rt. Hon. J. M. G. M. ADAMS: I hope the hon. member would not mind if I quote him on that last remark the next time I **hear** him say that democracy is dying in this country, but when somebody says that they are not renting any cars to black people, that is as much a matter of opinion as **all** the facts contained in **an** average speech, say, by the hon. member for St. Michael South Central, and the opinion may be better

based. I am not **making** any excuse for anybody, but the hon. **member** would, I repeat, actually have to be mad if he does not know that there is a prejudice in the **car** hire business in favour of renting to visitors from North America and Britain, that if a man sees a Barbadian boy who wants to rent a car over a weekend to go to **Alexandra's** the Saturday night and to drive down the East Coast Road with a lot of his **friends** on the Sunday, and between an American who comes with his wife and two children and wants a **car**, the hon. member does not know he is living if he really **thinks** that the American, his wife and two children will not get the vehicle, and the trouble with our people – to use an expression which the hon. member well recognises when you are dealing in this kind of rhetoric – is that they may very well not in their hearts mean you to understand what they are saying, but they **will** say it without even the benefit of having drank a rum, and if the hon. member really thinks that there is no car hire operator in Barbados, or that it is a public abuse when Mr. **So-and-So** from **Phillips** Road, the Pine, or Mr. **So-and-So** from Black Rock, or Mr. **So-and-So** who works in the Waterworks say 'I am not renting any motor cars to **nuh** blasted Barbadians, they **will** carry my car and hit it, I would have difficulty in getting the money, when I am **looking** for my car they will leave it down in Coffee Gully.' **All** of those things you hear, **all** of those things.

3.10 p.m.

The fact is that it is a business in which the North American, or the European **renter** is preferred. I believe that the Car Hire Business has a preference for the **non-Barbadian** clients, greater than the hotel business. I believe that hoteliers pay less attention to where the clients come from perhaps, than the Car Hire people. It is **all** part of the nature of the business, as well as, any question of colour because I really cannot believe that anybody living in the Pine Housing Area who had to go around some very complicated ways to get the number of cars which he has, is really sitting down at night saying to himself, I hate black people, I am not going to take their money to rent them cars because tourists seldom hit self-drive cars, where Barbadians hit them all the time. I am hearing *sotto voce* from the hon. member for St. Michael South East with whom I have not discussed **this** matter. That is exactly what he **has** told me. (*Asides*). I think that we can make a little bit too much of this, Sir.

But, I personally believe that in time of demand that it is more difficult for a Barbadian to get a car **than** a foreigner. If you have to **legislate** against the conditions **which** have led to that, you really would be

legislating the kind of legislation where you declare that a man is a woman.

The Hon. Member for St. Michael South West made remarks about whose friend-you have to be, in order to get loans from the B.D.B. to get cars. I was only rising to tell him that it is one of his friends, one of his neighbours whom he knows well, his political Adviser whom he reads every Wednesday, who was negotiating the Loans for the mokes from the Barbados Development Bank. I mean, if he is my friend, I sincerely hope that I have no enemies among retired politicians. But, certainly not any friend in the sense in which the Hon. Member wants to suggest. I am looking forward to seeing the Hon. Member perhaps driving to the Hon. House of Assembly in one of the same gentleman's mokes, if he gets the Loan in due course. (*Asides*).

The question of boats. The hon. Member for St. Michael South West has made a very powerful and cogent point in respect of the boats. We have been running into definitional difficulties. Certainly, we do not intend to squeeze the people as I did say, at one stage, who have a little water taxi, running a service at the Holiday Inn Pier, or a glass bottom boat. The Order, when it is drawn, **will** contain either a weight limit, or a passenger limit, this is a lower limit; or both. In other words, people who carry, I think that one of the figures which we were working on is less than 10 passengers, that is, boats equipped to carry less than 10 passengers because individuals do rent the Jolly Roger, for themselves, but, they carry more than 10 passengers on it.....

Mr. TAITT: Mr. Speaker, if the Hon. Member would give way. If he takes it on the question of the number of passengers, he would still run into the problem. If there's one person who owns 10 glass bottom boats, then that person might not pay any tax.

I think that he is going to have to work it on the size of the craft and the numbers. I think that that would be the only way out.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this is all in hand, at the present time, and I would like to assure both the Hon. Member and all the operators that we are working our best to make sure that an adequate definition, one which does not cripple the business is established.

In closing, I would only say one thing. The Hon. Member speaks of the struggle of these young men who manage to get a glass bottom boat. The Hon. Member should be advised that if there is one area where native **Barbadian** enterprise, at all economic levels appears to have been successful, it is in the area of the provision of Water Sports. The Hon. Member would be astonished if he goes on Sandy Lane Beach, or **Holetown** Beach and

sees young boys in the ordinary way, with such an appearance as you want to cast them aside in the expression of "beach boy", who own the new things which you rise on. I cannot remember the name.

I know of one particular case where I was approached to approach the Development Bank, to see if they could be **financed** to buy some of those crafts. Things which you stand on and you ride. Jet Skis, I think they are called and by the time that I had raised it to the Development Bank and saw the young man again, the young man could tell me that he had made so much money during December and over Christmas, that he was able to buy three more for himself. If the Commissioner of Inland Revenue asks me about him. I cannot even remember his name. But **still**, I think that enterprise among young people, among the people who when adults go to Court working for their living as Lawyers, or to Banks in a collar and tie, when they go on the beach, we look at these boys who we see on the beach and assume that they are there for the purpose of drugs or indulging the fancies, the needs of North American tourists. We do not realise that we are looking at some of the sharpest young businessmen and entrepreneurs at present, in our society, people who are spending their time and their energy providing for the pleasure of other people in the best and most decent possible sense and at the same time, adding to the facilities which Barbados has to offer.

This Government intends to do absolutely nothing to stop young men and young girls from getting the glass bottom boat, a jet ski, a para-sailing parachute, a launch, or doing whatever they can in the way of supplying Water Sports services along the Coast of our Island.

I beg to move that Clause 8 stand part.

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

Clauses 9 to 18 inclusive were called and passed.
3.20 p.m.

Clauses 19 to 21 inclusive were called and passed.

Clause 22 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 22 stand part.

Hon. L. S. CRAIG: I beg to second that. (*Asides*)

Rt. Hon. J. M. G. M. ADAMS: I thought the hon. member was **trying** to raise Clause 20(1)(d) but we are at Clause 22.

Mr. TAITT: Mr. Chairman, I do not know if he wishes to recommit Clause 20, but I was drawing to his attention *sotto voce* that Clause 20(1)(d) is the same

clause which caused the Attorney General to take back the **Bill** with a view to changing or tightening it up where it says "is knowingly concerned in, or in the taking of steps with a view to...." It would seem a little inconsistent for us to accept this even though the subject matter is slightly different. It seems to me that if the Attorney General took the point earlier to rephrase this or to look at it that perhaps we ought not to pass it in this one. That is **all** I was **drawing** to his attention.

Hon. H. deB. FORDE: The hon. member spoke on Clause 20(1)(d). Let me just say that one of the draughtsmen who is here with me and I myself have been trying to research the **geneology** of this phrase and we have gone back to 1960 and the phrase has been used consistently in all of the legislation, and what I would like to say to the hon. member is that I **will** give him my personal word that we will research the phrase to find its exact connotation and meaning, and if necessary we will amend **all** the legislation; but it seems to us that the words may have received a construction going back to ancient **English** legislation and since then the drafting pattern has changed somewhat, but it is difficult in this library here. We have no available books, so if the hon. member would accept the clause as it stands, then we **will** look at it and try to amend it if necessary later on.

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

Clauses 23, 24 and 25 were called and passed.

Hon. H. deB. FORDE: Mr. Chairman, may I ask leave of the Committee to recommit Clause 20.

Mr. CHAIRMAN: The Hon. Minister is asking leave to recommit Clause 20 and if there is no objection, leave will be granted.

There being no objection, leave is granted.

Hon. H. deB. FORDE: Sir, the point which the hon. member took, I am not sure which hon. member it was, is that in Clause 20 the concluding words to Clause 20 reads: "is guilty of an offence and is liable on summary conviction to a fine of....." and it is usual to provide, if we are consistent in our form of drafting "is guilty of an offence and in addition to any other penalty otherwise provided and recoverable by civil proceedings, is liable on summary conviction....." So I am **asking** therefore that there should **be** inserted between the word "and" and the word "is" in that **line** the following words: "**in** addition to any other penalty otherwise provided and recoverable by civil **proceedings**." It was not in the other one. We **are** drafting the other one to put in those words, in which **case** we **will** be keeping exactly the phraseology used in legislation in 1960 that we can **find**,

and I will undertake to have the matter researched as soon as possible.

Subject to that, I will move that Clause 20 as recommitted and amended stand part.

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

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

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

On separate motions of Rt. Hon. J. M. G. M. ADAMS seconded by Hon. L. S. CRAIG, the Bill was read a third time and passed.
3.30 p.m.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Order No. 3 be resumed.

Mr. SPEAKER: There is no objection, Order No. 3 is resumed.

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and the House resumed Committee on Order No. 3, Mr. ODLE in the Chair.

THE AIRPORTS (FUEL CHARGES) ACT, 1980 RESUMED

Hon. H. deB. FORDE: Mr. Chairman, I am asking for leave of the Committee to recommit clause 2 which had been passed at the time when you asked for leave to sit again.

Mr. CHAIRMAN: Any objection? The question is that clause 2 be recommitted.

Hon. H. deB. FORDE: Mr. Chairman, the Rt. Hon. member for St. John had taken the point in dealing with the word "dealer" that no penalty was provided for persons who may be directors, managers or other principal officers of the business, and the point is one well taken, Sir, and we are therefore asking that the definition clause be amended to insert the words: "and includes a director, manager or other principal officer of that business" immediately after the word "engines" appearing at the end of the definition of dealer and before the semicolon.

I beg to move that clause 2 as amended stand part.

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

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

Hon. H. deB. FORDE: Mr. Chairman, although the circulated amendments will show an amendment to clause 6, that amendment has already been made, but there was another suggestion made by the Rt. Hon. member for St. John. I think it was when we were dealing with clause 13 that we asked for leave to sit again, and we are asking that the amendments as circulated in clause 13 stand part as part of clause 13, Sir.

Again, Sir, I repeat the undertaking which I gave to my friend, the hon. member for St. Michael South West, that the particular phraseology "or in the taking of steps with a view to" will be fully investigated by us, the genealogy of the words, and if necessary we will come down to amend all Acts on the Statute Book containing that phraseology.

Rt. Hon. J. M. G. M. ADAMS: In supporting and seconding this amendment, Sir, I would really point out that these words do appear in a number of Acts which contain situations that seem to call for extra vigilance. The first that we can trace them Sir, is the hon. member for St. John introducing them some time ago in connection with pool betting duty where you have to be very careful sometimes with these betting and gaming procedures, Sir. I would not want to go too far into that but it is always worthwhile recalling that wins and losses are business for a bookmaker but only a hobby for a punter, so if a punter wins a million dollars he does not pay tax, but if a bookie loses a million dollars he gets tax relief, and I believe that it was found necessary to insert the words to deal with the very many situations that can arise in those circumstances, and the words do seem to me to have some utility, but in due course no doubt the Attorney General will address all that is best of modern in legislation to the old fogies like me in the Cabinet who believe that in some areas you have to squeeze a little bit harder than you may be able to when you are dealing with a more open situation.

The question that clause 13 as amended stand part was put and resolved in the affirmative without division.

Clauses 14, 15 and 16 were called and passed.

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, the Bill was read a third time and passed.
3.40 p.m.

Hon. L. S. CRAIG: Mr. Speaker, Item Number One.

Mr. SPEAKER: Item Number One is the Instant Order of the day.

BILL TO REVISE THE LAW RELATING TO THE
IMPOSITION AND COLLECTION OF
CONSUMPTION TAX

Item Number One was called – To move the Second Reading of a Bill to revise the Law relating to the imposition and collection of Consumption Tax.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this Bill may be somewhat frightening as Hon. Members see it because obviously, it is a very fat Bill since it contains the entire Schedule with a few Amendments Sir, which have proved necessary in the course of the four months since the Budget of Consumption Taxation. Nonetheless Sir, I would enjoin Hon. Members to recall that Consumption Tax is an old tax in Barbados.

Many reasons have been put forward as to why the Hon. Members for St. John and St. Michael South West have not been appearing recently on platforms of the Democratic Labour Party. On the one hand, it may be that there are very innocent explanations, but I am persuaded, having heard him today, rational, sensible, cogent arguments, helping the Government and I freely acknowledge that help, in connection with some of these Budgetary measures.

The real reason why they have not been lending their presence and authority, particularly, the Hon. Member for St. John, to recent platforms of the Democratic Labour Party, has been that they really cannot sit down on a platform and hear the Hon. Member for St. Michael South West say, look what Tom Adams has done to you, he has brought \$60 million in a new tax called Consumption Tax which he has put on you. There are people in this country Sir, who believe that the Consumption Tax is something new which has started since the last Budget, who believe that \$60 million in Consumption Duty has been suddenly put on the public of Barbados and who think that they are actually worse off in some substantial way when they compare the Consumption Tax imposition with the Income Tax concessions. I must say Sir, that I think that the first flush of partisanship has now died away and that the public, while not for one moment believing that the cost of living is stationary, understand that the Consumption Taxes of the Budget have made little impact on the cost of living and are beginning to have, on the back of their minds, just a little sneaky feeling that Consumption Taxes have long existed in Barbados.

I must have been in this Hon. House and listened to, I think, seven Budget Speeches by the Hon. Member

for St. John and I believe that in five, if not six out of those Budget Speeches, which I heard that he imposed Consumption Taxes. In one, which I did not hear in 1973, he brought down a range of duties on something like 700 different items including Consumption Taxes. I wish Sir, that I had the gall, or that I had had the gall, when I was in Opposition, to get up on a platform and say something that only I knew not to be true, but that if I thought, I would have to know that an average Fifth Form boy would also know not to be true. I wish I had the gall to pull figures out of the air, to pull figures from underground, to pull figures from out of my pocket and put them forward, lending my authority as a Barbados Scholar and a professional man to the deception of less well educated and less advantaged persons such as myself, for the purpose of the promotion of hatred and destruction in our community, in order to achieve the cheapest and most naked form of persons ambition.

I want to congratulate the two Hon. Members who I see to be in their places and who I have named for the balance which they have brought, the Rt. Hon. Member for St. John particularly, in his reply to the Budget Speech compared to the excesses with which the public has been abused, on commenting on this matter. From the day that CARICOM came into existence, I was as sure as night follows that day, that Consumption Taxes would have to be increased in Barbados if the Government were to provide the range and level of services to the public which the public is accustomed to and demands. From the day that you lost Customs Revenue, you had to restore that revenue by some other means.

I have spoken at length in here Sir, about the difference between the different types of economics. We do not have to go all the way with communist economics which dictate that taxation should be raised mainly through the pricing system which effectively, in a country, where the Government owns the means of distribution and exchange, as well as, production is a Consumption Tax. We do not have to go all the way with that. Consumption Taxes produce eight to nine times as much revenue say, in the Soviet Union, or in Cuba, as do Income Taxes. Income Taxes are low in those countries, but goods cost a great deal of money.

I was very amused recently and I think that I have mentioned it in here to see that there were riots in East Germany when the price of an ordinary gas stove, a four burner stove was raised from the equivalent of just about US\$600.00 to over US\$900.00. That is what a gas stove costs in East Germany. Now, in Barbados, you do not even pay that in Barbados dollars. That is the difference between the system. The different systems dictate that gas stoves must cost a lot of money and that you just get the price there and then. The whole system converts that into Government Revenue.

In Barbados, we are not going **that** far, it would be almost impossible for us to go' that **far** anyhow without depriving the public of its accustomed access to consumer goods, but we are trying to balance Income **Tax** ~~as~~ against Consumption Tax. It therefore **became** necessary to treat Consumption Tax, not as an ad **hoc** Tax added to, or subtracted from, in the style of the best Nineteenth Century Chancellors of the Exchequer, doing sums with pencil and paper. I mean this in no derogatory sense whatsoever Sir, I mean that I have handled the Consumption Tax that well myself.

We have to move on from that, we have to recognise that Consumption Taxes have to play the same sort of part and have to be organised in the same sort of way as, the Customs Tariff Act and indeed, we have tried to deal, with it even more simply than the Customs Tariff because we have imposed a general Consumption Tax of five per cent for around 80% of the items Sir, maybe more and we have imposed more substantial taxes for luxury items, items which deserve special rates of taxation.

3.50 p.m.

We have given very careful consideration to what people actually buy in Barbados. The Statistical Service over virtually the whole of last year carried out a survey of household spending in Barbados. This survey involved all households with a disposable income of less than \$1,500 per month. Now I say disposable income because I am not speaking about salaries; I am speaking about cash in your hand after income, after national insurance, after savings which means money you put on the bank or money you pay for a life insurance or money you use to buy stocks and shares or bonds or whatever. It will be found that just over 90% of all households in Barbados have incomes of less than \$1,500 a month, and it is those people who were surveyed. The survey covered in all 1,200 households. People were asked over a two week period to keep careful note of all expenses which they made during that time. It took a little time to do the analyses, but the analyses were done. We are now in possession of a picture of how Barbadians actually spend their money, and we can now approach the question of control of the cost of living in a slightly more meaningful way than we could formerly. I think that if it has not appeared in the newspaper already, very soon the first of the results of that survey will make themselves known, because of course the cost of living index will now be based on this survey and not on the old index which was prepared in 1965.

Since the construction of the 1965 index there have been major changes in income distribution and the expenditure patterns of households in the island, and in addition the survey revealed that there have been very significant increases in income and there is a much wider

range of goods and services which have become available to the consumer. There are some **thing** that do not surprise people, and there are some **things** which are no longer so available as they were and people's eating habits have changed. The largest single item, I do not mean group of items, the largest single item in Barbados on which people spend money is chicken. Five percent of household income is spent on chicken. **Saltfish** now hardly features at all. Three per cent is spent on beef; 1.1 per cent is spent on pork, 0.7 per cent is spent on yams, 0.7 per cent on sweet potatoes, 1½% on **English** potatoes. House rent takes up 4.1%, one of the lowest percentages that I have ever seen anywhere in the world, but on the other hand rum, whiskey and gin take up 4½%. All of these are revealed by the index.

I think we really are very lucky to be living in a country where we can afford to spend more on spirits than on renting houses. Numbers of items are in the index that were not in the previous one. People buy refrigerators, they buy stereo sets, they buy deodorants. The people we are speaking of, lower and middle income people, motor cars, motor licences, spare tyres, gasoline form a much bigger part of their budget now than they used to in the past.

In relation to the comment that I heard from the former Leader of the Opposition in here to the effect that we should keep the bus fares cheap and do not mind the national health service, it **will** interest people to know that something like three times as much is spent on doctors in Barbados every year by the average family than is spent on bus fares, and **this** is one of the reasons perhaps why as doctors' fees have been increasing we have seen the cost of living skyrocketing. There is **nothing** to beat the facts, **nothing** to beat the solid work done over months in every parish by inspectors checking up and actually adding up what people pay to the doctor in two weeks what they pay for bus fares; nothing to beat the facts. That is what they pay to the doctors over a year and what they pay for bus fares.

Now I mention **all** this at such length because we had some of the information when we were drawing up the new rates of taxation, and the rates of taxation bore relationship to what people actually spent their money on. The consumption tax had to raise a certain amount of money, but it was designed to raise it from items which did not form a part of the ordinary household budget. I will give you some examples. Cups and saucers, household utensils are identifiable in the budget. It is not a very large item. It is I think 0.1% but it is identifiable. We therefore said don't make these **anymore** expensive, and we occasioned a small drop. Kerosene which has been going up a lot in price and which has been exaggerated because of the retail price index in the past years **is** now **negligibly** used in Barbados compared to bottled gas. Much more bottled gas is used than kerosene.

We therefore reduced the price of bottled gas in the last budget by reducing the consumption tax from 10% to 5%. This is what informed many many of the items which you **will find** set out in the index. We did not press on food, we did not press particularly on drink; there were very small increases in drinks and they have made their way into the index.

The major **items** now in that part of the household budget that deals with construction, house repairs and household repairs, the major items are carpenters' and masons' wages **unlike** the situation 15 years ago when masons wages hardly figured. Poor people were not building stone houses. Now the index revealed that Barbadians spent just as much on mason work **as** on carpentry; at least they spent just as much in the year 1979. We talk a lot about electricity. More was spent by the average Barbadian household on paying the carpenter or mason to improve their house as on electricity, nearly twice as much, and well over twice as much was spent on home improvement last year in the **average** household, well over twice as much as was spent on electricity and telephone, on utilities **generally**, despite the increases. So it is very important to keep a perspective in these things, and it is very important also for the public to understand that the Government in keeping a perspective is not **trying** to weigh the public down with consumption taxes that have come from **Mars** and is trying to ensure that the true cost of living remains as stable **as** can be in the circumstances. We have to some extent been rewarded because undoubtedly these cost of living figures are of the greatest possible accuracy. They are very accurate now, they are only four months old. By the end of the year they **will** still be fairly accurate; by the end of next year they **will** be going off a little bit and by year after they will be **falling** into the inaccuracy that cost of living indexes do **fall** into. Sometimes they do exaggerate, sometimes they diminish.

4.00 p.m.

Our old ones were exaggerated, we discovered. The four months that the new index has been in operation the cost of living rose 3.3%, in other words, running at an annual rate of 10%, half that of the United Kingdom, just a little more than half that of the United States, less than that of Canada and less than that of **any** other country in CARICOM. It is against this background of fact that we have to face the allegations. I even read that a statement ascribed to an hon. member, the hon. member for St. Michael South Central, that since we have been in power the cost of living has gone up 300%.

Sir, I attended a long meeting at which the hon. member for St. **Lucy** was present and he will testify that at no stage did he or his delegation tell me how much the cost of living had gone up. In other words, we had gone beyond the cost of living in our discussions. They fully accepted – it was a meeting to do with the

salaries in the public **service** – they fully accepted that the Government's offer at the bottom had well taken care of any possible increase in the cost of living of public servants. Not one member of the delegation from the Barbados Workers' Union could look at me and tell me that it had gone up 300%, and they are the people who would know, but yet that statement, I understand, is made by an hon. member of the House, and related to the entire matter of the **Consumption Tax**.

Sir, they are my general remarks. I recommend the Act to the House, it is an Act which has taken account of all the complaints made by the Comptroller of Customs as to weaknesses in the former means of administration. We now have the consumption taxes in a form similar to that in a Tariff Book and they will become available from the Government Information Service Centre in due course.

The Act consolidates the law relating to consumption tax and effectuates the proposals made in the Budget, these proposals themselves a very vital part of the rationalisation of taxation in Barbados. The tax is producing revenue in many of the areas it was hoped would produce revenue, much of it has fallen on business houses in Bridgetown, taxes on office equipment, much has fallen of course on machinery, but we do feel that the tax free regime under which much industry has gone on in Barbados is getting a little too cosy, Sir, and that there is a need for a greater contribution to the general welfare in some areas.

The Government's revenue has been holding up well, during the past three months I have found it possible to make **an** offer to public servants through their representatives in meeting assembled that is accepted by them **as** the most generous offer ever made by the Government to its public servants. I am not telling you they accept it, Sir, they merely accept it as the most generous offer ever made, and the immense financial outpouring that will come about **when** the arrears of public service salaries are paid in a couple of months' time, Sir, the Government is building up a cash position, reducing its overdrafts and so on in order to make it possible.

Consumption taxes or no consumption taxes, whatever you say the burden has been, in a month or two in addition to tax vacation which should amount in this month to about \$3 million, the tax vacation for public employees – a little less than that at Christmas, about \$2½ million – public employees can expect something of the order of \$18 million in back pay after taxes very shortly. They will then be able to deal with the consumption **tax** which at its highest I don't believe even the hon. member for St. Michael South Central – he said it was more than \$17 million – the public employees by themselves, if you wanted an equation, **will** be able to

deal with that, but of course, Sir, there is no such equation, the \$18 million will go directly in to improving standards of living and improved accessibility to the good things of life. I very sincerely hope it will also go into improved savings, expanded insurance policies, purchase of housing bonds, of development bonds, and the **taking** advantage of some of the **savings** schemes which were announced in last year's Budget as well as in this year's Budget, being administered by the Barbados National Bank.

I beg to move, Sir, that the Consumption Tax 1980 be now read a second time.

Mr. GREAVES: Mr. Speaker, the Prime Minister in introducing this Act, to my **mind**, has tended to gloss over considerably the impact of this piece of legislation. The Opposition has stated very clearly both in the reply by the Hon. Leader of the Opposition in this Parliament and publicly that the impact of this consumption tax, the wide range of taxation which was imposed in the last Budget, will have in our view a very serious effect on the consumers of this country. We see very clearly that there is a wide range of items which fall under the weight of the taxation which has been imposed under this particular piece of legislation.

I notice that the Prime Minister in his introduction sought to inform the House about the new cost of living index, and for the second time sought to inform the House even before the particular matter has been agreed to about the negotiations which are presently being conducted between the Government and the Unions concerned. With my usual habit I am not going to follow him down that particular track, if this is the way how he proposes to deal with that matter that is a matter entirely for him. I think we should therefore endeavour to concentrate on the real impact of the consumption taxes which have been imposed by this legislation.

First, Mr. Speaker, I should like to refer to the impact of this taxation on agriculture. You **will** notice in **looking** through the items which are listed in the Appendix to the legislation that there are a wide range of taxes on a number of agricultural items, and I believe that if there is one industry in this country which needs assistance, which needs encouragement, it is in the area of agriculture.

4.10 p.m.

One would therefore have thought that the Government, in pursuance of a policy which is now recognised by everyone **as** a policy to be pursued. Indeed, the Democratic Labour Party, in its policy towards agricultural diversification in this country, has shown the way in people recognising the importance of agriculture and I would have thought that the Rt. Hon. Prime Minister would have been able to introduce measures which

would have been of some benefit to the whole question of Agricultural diversification in this country. Instead, we see that the Consumption Taxes have hit agriculture fairly hard and this we consider is something which should never have happened and I am sure that the Rt. Hon. Prime Minister would want to give some assurance, when he replies, about the 'kind of relief which he **proposed** to give in this particular area.

We would want to suggest, Mr. Speaker, that it is an area which is fundamental to our economy and fundamental to our national development. In **looking** through the items on which taxes have also been imposed, we see too that fishing has had its share of the weight of taxation and again, I would have thought that some consideration would have been given to relieving the burden on the fishermen particularly, in the area of the equipment, the tackle and various things which they use in the industry. I think that... (*Asides*).

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, on a point of Order. I do not see that any Consumption Taxes have been put on agriculture or fishing. I see that agricultural machinery is in the Schedule, but there is no tax against it. If an item is in the Schedule and there is no rate of tax against it, it means that it is not taxed, it does not mean that it is **taxed**.

Mr. SPEAKER: Will the Hon. Member please address the Chair.

Mr. GREAVES: Yes, Mr. Speaker, I am talking about fishing.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, the only machinery taxed is lawn mowers, **all** the rest are untaxed. I do not know what the Hon. Member is talking about.

Mr. GREAVES: If I may continue Mr. Speaker. **On** page 64, I would want to refer to a Tax which here is imposed on the fishermen on fishing hooks, line fishing rods, **et cetera** and you will see that there is a 10% Tax against that particular item.

I am submitting, Mr. Speaker, that if you are going to be talking about giving encouragement to the fishing industry, then, this would be an item which should be relieved, or at least this particular Section should have been relieved of taxation and again, I would want to hear the Rt. Hon. Prime Minister respond to this particular area.

The other area, and this is probably where the hardest impact of the Consumption Taxes fall, is on the area of construction. Now, the Rt. Hon. Prime Minister has **indicated** that — I think last week he said so — **there** is a lot of construction going on and the Government, as

indeed any Government would like to see this. Encourage as much construction as possible. We would want to see people's homes improved and we would want to see people properly housed and therefore, we consider that every effort should be made to ease somewhat, the burden in this particular **area**.

I recall vividly getting some figures in the area of construction, where there was a lady who wanted to remodel her house and she got a quotation from one of the lumber yards sometime I think in March, that was before the Budgetary Proposals. The items which she wanted cost somewhere in the vicinity of \$700.00 and after the introduction of this Consumption Tax, when she went back to purchase the items, she was told that because of the Consumption Tax that the same amount of items would now cost her \$1,200.00. This is an actual case which can be identified. There was no change in the items, but this is what I believe when she enquired that she was told by the people in this particular lumber yard, that this was as a result of the Consumption Tax.

There is no doubt in my mind, Mr. Speaker, that the Consumption Tax which has been imposed by the Rt. Hon. Prime Minister in the last Budget Speech, will hit construction extremely hard and will make it more difficult for people to construct their houses and indeed, to acquire their homes. I think that this is a matter which should have been taken into consideration and....

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, on a point of elucidation, if the Hon. Member would give way because I do not think that he is being contentious in this matter.

This celebrated lady who made the complaint to the Hon. Member about the thing, I am familiar with the complaint Sir. It caused me some concern. The place concerned was Plantations Limited and there is one person and perhaps two people at Plantations Limited who, from the moment this Government has got into power, seem to spend from 7.30 in the morning until 4.30 in the afternoon telling lies on the Government and I have had to report these two people to the Directorate for the lies which they have told about stoves and so on before. This particular matter about the goods being ordered and when they came back it was \$500.00 more, also occasioned a complaint.

Now, \$700.00 in goods would attract Consumption Tax of \$35.00. It is a straightforward matter, it is five percent Consumption Tax and I asked Plantations Limited for an assurance that it had not raised the price of the goods from any \$700.00 to \$1,200.00 and they sent me a breakdown of their charges including the retail mark-up and so on which showed that the Consumption Tax had, in fact, added less than five percent for some reason because I **think** that they absorb one dollar or two dollars, on one or two of the items.

Mr. SPEAKER: Is the Rt. Hon. Member making another speech?

Rt. Hon. J. M. G. M. ADAMS: No, I am elucidating Sir. For the Hon. Member to say that the price went up by \$700.00 — not to say, he has not said so, he knows better than that — but, to say that somebody told him, that is seriously to mislead the Hon. House and the public. Seven hundred dollars in goods at five percent, is \$35.00.

4.20 p.m.

\$700 in goods at 5% is \$35, it could not increase it by more than \$35, and I am familiar with the complaint.

Mr. GREAVES: Mr. Speaker, all of the explanations, elucidations, points of order and whatever it is that the Prime Minister can get up here and talk about still does not alter the situation which I described because that is what the lady had to pay in order to go through with the repairs and **remodelling** which I mentioned earlier on.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, the hon. member is now overstepping the bounds. Nobody could have to pay that as an increase and I said that would have to be false, so the hon. member must not say that is what she had to pay. He can say that is what she said she had to pay, but he cannot say as a fact that that is what she had to pay, and it would be an abuse of commonsense to believe that a 5% tax could increase \$700 to \$1,200.

Mr. GREAVES: Mr. Speaker, the fact of the matter is that construction has been hit very hard by this tax. That is the point I am making and I have drawn the case to illustrate this, and there are other areas if we were to look at the appendix to this Bill which are going to be affected, for example, if we were to take tradesmen in Barbados. They are also going to be affected by the imposition of this tax and would necessarily have to charge more for their services if they are independent operators. If a person has to pay more in order to acquire the tools of their trade, quite naturally they would therefore be charging more for their services, so that when we look at the entire impact of this bit of legislation, we see from this side that it is going to have a very serious effect on the whole cost of living in this country.

Now the Prime Minister has indicated that the new index which the Government is bringing out or has brought out, we have not seen anything of it yet, has led to a 3.3% increase in the cost of living, I think he said, over the last four months that it has **been** in operation. **(Asides) 3.4%!** You have changed now. Is it 3.3% or 3.4%? I want to make sure. You said 3.3% now you are saying 3.4%. Anyhow 3.4% which averages out at an annual rate of 10%, or is it 10.1% now?

Mr. SPEAKER: Kindly address the Chair.

Mr. GREAVES: Yes, Mr. Speaker. The Prime Minister takes comfort according to him in what he says as a fact that this cost of living of 10% is less than the United States, less than England. He takes comfort in that fact. We are saying that we have got to be very concerned about this particular matter, and we are waiting to see the basket of goods and the whole methodology which has been used in the compilation of this particular index, because I think that in all fairness to hon. members we would want to be able to see how this is made up before we are able to comment intelligently on it. But from what we have been able to determine from the items which have been taxed here, we can say that the items are items which mean a lot to people in terms of their living standards, and this is going to have a serious impact on the over-all living standards of people. That is the position which the Opposition has taken; it is a position from which we will not be shaken because we know how these matters affect people and the real way in which they are going to affect people.

I wonder if the Prime Minister could give the House some further indication. I think he did indicate in the Budget Speech that he was expecting to raise something like \$23 million from this new tax, and I wonder whether or not at this point in time he is in a position to give this House any update position on that or any revised position and whether he expects to raise less, or the trend is still towards that figure that he indicated in the Budget Speech, or whether there is any indication that this is going to be more.

Sir, with those brief remarks I would just want to say that speaking for myself and certainly from this side of the Opposition we are concerned about the impact of this consumption tax on the general living standards of people, and before I sit down, Mr. Speaker, I just want to refer to one other item listed in the appendix, and it comes right at the end "Miscellaneous transactions not classified according to kind" and it relates to postal packages and goods imported as passengers' baggage, not being personal effects.

Now there has been for some years now some contention amongst people who send packages to their families from North America and from England about the amount of taxes which they have to pay when such packages reach their families in Barbados. If we understand the Barbadian family situation, the kind of extended family situation extended to the extent that people in North America feel a very deep and serious commitment towards their families here as you, Mr. Speaker, will realise and appreciate, you will see that the imposition of a tax in this particular area is one of concern and has been one of concern for some time. I seem to recall the Prime Minister had said somewhere,

I cannot recall whether it was in this Chamber or whether it was reported in the newspaper of a speech which he made in New York on one of his many visits there, but I seem to have got the impression that the Prime Minister gave the assurance that he would personally see to it that some measure of relief, I think those are the words which were used, would be brought to this situation, and again I wonder if the Prime Minister when he replies could elucidate as long as he did on the construction matter on this particular matter, because I think it is something which touches a lot of Barbadian families, and I think the public would want to get some guidance and some assurance from the Prime Minister in this particular area.

Rt. Hon. E. W. BARROW: Mr. Speaker, I am going to be very brief. I think that the position of the members of the Opposition should be made clear on the question of these consumption taxes. The Prime Minister in his introduction of the second reading rightly said that consumption taxes are nothing new in Barbados. The consumption taxes with the introduction of the Common External Tariff were introduced or extended to recover to some extent some of the revenue which the country, not the members of this House, would have lost as a result of the Common External Tariff.
4.30 p.m.

The consumption tax at that time was selective and placed on luxury items where the brunt of the taxation did not fall on the ordinary citizen of this country. Now, we have grown accustomed to the habit during the past few years that Tuesday after Tuesday the Prime Minister comes in here and attempts to answer things that he has heard that people have said on political platforms on the floor of the House. Some of the thing I may have heard, some of them he may have invented, some of them I may not have heard from time to time. I do not attend all political meetings.

Mr. SPEAKER: You accused the Prime Minister of inventing something.

Rt. Hon. E. W. BARROW: Necessity is the mother of invention, Sir, I can call him Mr. Necessity in that respect. I am speaking about allegations which he made.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, Sir, he must not say I invented anything. I do not believe he knows what some of the monsters that he has brought into existence do, I am going to send the hon. member a copy of the transcript of all the political meetings held by his own side if he thinks that I have to invent some of the things that are replied to in here.

Rt. Hon. E. W. BARROW: I suggest to the Prime Minister that the place to reply to political meetings is to

go out and talk to the people out there, that is the proper place, and let us deal with debates on the issues inside the House of Assembly. I go to some political meetings when it suits me, but we have such a panoply of able speakers that it is not necessary for me after 30 years in political life in this island to attend every political meeting, so I do not wish ~~the~~ Prime Minister or anybody else to construe that as any disagreement on matters of fundamental policy such as the overtaking of the people of Barbados, and I wish to say right now that I feel ~~that~~ this Consumption Tax Bill, when he gave in his Budget Speech concessions ~~obviously~~ because it was politically acceptable, gave people concessions in income tax and then imposed \$21 million according to his own calculations in consumption taxes, the brunt of which fell on the poor people — when I say poor people I mean the working classes, the masses of people of this island — ~~all~~ of us object to that. The fact that I do not attend every single political meeting does not necessarily mean that I do not agree with what is said there. Obviously I do not take responsibility for everything that is said on every political meeting that the Democratic Labour Party holds at any time, ~~sometimes~~ I don't even take responsibility for anything that is said when I am present far less when I am absent. I am sure that the Prime Minister, for instance, will not take responsibility for the "let them starve" speech made by the Acting Leader of the House inside here, although he has not repudiated it, although the Hon. Attorney General did, so we are not responsible for what he says.

As far as the consumption tax is concerned, I want to make my position clear. We consider the imposition of these consumption taxes an unnecessary burden at a time of inflation, and I am saying this now very seriously, I remember during the Budget Speech the Prime Minister said that the total effect of his budget would be less than $\frac{3}{4}$ of 1% of the cost of living in this island. I wish him to come back, I ~~think~~ he has changed his tune today, I was not here, I was unfortunately called away, I am not sure if he is still saying that it is $\frac{3}{4}$ of 1%, still ~~singing~~ the same tune, but he is singing in the same church, same choir, and the Prime Minister said it would be % of 1%.

Rt. Hon. J. M. G. M. ADAMS: Can I help the hon. member? I don't mean to interrupt. The new index shows.. ..

Mr. SPEAKER: On a point of order do you rise?

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation, if the hon. member will give way. The new index for May, which is the month following the budget, shows that the cost of living rose .7 of 1%, which is a little less than $\frac{3}{4}$.

Rt. Hon. E. W. BARROW: That is the rise for one week, I take it, because that was made in May and the Budget was delivered in April when the consumption taxes would not have had their ~~full~~ effect for some eight weeks or two months after the Budget was made, so to tell me that in May it showed .7 does not impress me at ~~all~~. I am saying that the effect of these consumption taxes would be somewhere between 7 and 8% on the cost of living index by the end of the year, but what I am more concerned about is the unnecessary imposition of taxes, because there is no way that you can only get \$21 million out of this. It is very difficult to sit down and make an arithmetic calculation on the effect of a tax such as this. You can do it with things like excise duty and rum duty because you can plot and extrapolate on the consumption of rum inside the island and your export figures and so on and your production. When you come to things like consumption tax it is extremely difficult to make any accurate forecast, but I am saying right now that no less than perhaps 50 or 60 million dollars in additional revenue should accrue as a result of this, and leaving aside the \$50 million and so on that ~~small~~ people are losing as a result of the one ~~am~~ bandits that we don't know where that money is disappearing to, another 50 or 60 million dollars in consumption taxes is a direct transfer payment from the rich people of this island who were relieved by way of the tax concessions to the poor masses of this island who have to pay on almost every single individual item.

When the hon. member for St. Lucy was speaking, I remember well the intervention made by the Prime Minister when the hon. member was pointing out the imposition on ~~fishermen~~, he got up and he spoke about agriculture. We ~~know~~ we have a Ministry of Agriculture and Fisheries, and he said nothing had happened to agriculture. He didn't say nothing had happened to the ~~Ministry~~ of Agriculture and Fisheries, what the hon. member for St. Lucy was saying was that the fishermen were not given any relief, further than being given a relief they had an imposition placed around their shoulders.

On page 36 of this Schedule, Sir, Item 73.29, chain has a duty of 5%. It is true that in agriculture you stake out cows sometimes with chain, but the most chain in Barbados is used with fishing boats. On the ~~same~~ page, 73.30, in the old time days we used to have in agriculture a bos'n and a captain on a windmill, but you didn't use an anchor, but 73.30 deals with anchors, and that is what fishermen use in Barbados. Sea going captains on these big tankers do not buy anchors in Barbados, they get theirs abroad, the anchors are sold to fishermen here in Barbados.

On the next page, page 37, nails, staples and spikes. These are things which fishermen use when they are

making their boats down on the beaches and when they are repairing their vessels, and 73.32, bolts and nuts, are used by **fishermen**.

Now, if we **turn** back to page 23 of the same Schedule, 59.04 – twine, cordage, ropes and cables, plaited or not – they are all used by fishermen.

4.40 p.m.

Then, we get to page 53. I have got news for the Hon. Minister, the Rt. Hon. Prime Minister. On page 53, we have 85.15.91 transmitters and transmitter receivers. Do you know what that means Sir? The most transmitters and transmitter receivers today are being bought by fishermen, what they call Citizens Band transceivers without any encouragement by Government whatsoever and this has greatly increased the safety of those fishing boats which go out to sea. I am surprised to see how the fishermen have taken the initiative themselves when they have had no encouragement and training by the Fisheries Office either under our Regime, or the present Regime. As a matter of fact, I would like to **ask** the Hon. Minister of Agriculture if he is anywhere around, if we still have a Fisheries Office and where is it because the fishermen do not even know where this is. Is there still a Fisheries Office, is there **still** a Fisheries Officer? We do not know, but it seems to be a non functioning **Organisation**, but certainly the training in **navigation** and so on, that they used to get, they are not **getting** any more.

The fishermen now are getting what we call Citizens Band sets. I can take you up to **Consett** Bay in St. John, or to Skeete's Bay in St. **Philip** and show you the fishing boats up there. They have Citizens Band and we put tax on them of 15 percent, Now, they are not cheap items. The fishermen are trying to safeguard themselves because now, this is how they keep in contact with one another, telling one another how they can find a raffle. I do not mean a raffle like the Instant Money Game, I mean a raffle when they find the **dolphin** playing around the rafts and when they are in distress, they call one another and say, I am on London and Middle Shadows, come and give me a hand. We put 15% on them for the **first** time.

What we are objecting to on the Consumption Tax is not that it is anything new, but now that the net – to use a term for fishing – is tacking, when the **fisherman** says that the net is **tacking**, he means that the net is **spreading** good and to spread now and to hit everybody and most of it is **small** sprats, now that are being caught inside the net, when the net is **tacking**. That is what we object to, so do not let us say now that there is any divergence of opinion on **this** Side and

that the Hon. Member for St. John does not share in this concern. Everybody in the Island is concerned, it **is** all hitting us. We would not mind if it were for the necessary supplies of **this** Island, but **this is** in a year when you are saying that you are giving away money in Income Tax. You do not **give** away money with one hand and take it back with the other hand. You have taken back **more** than you have **given** away and what you **purport** to take back is only one third of what you are likely to get. That is what we **think** is misleading people in **this** Island, what people are concerned about. So do not let the hon. member use this **forum** here to answer his detractors outside. Face the people, go out and tell the people, the same people that Mr. A addresses on Wednesdays, he can address on Friday and vice versa. That is what the people want to hear. Let us stick to the substance of the Debate inside here and do not let us have these insinuations.

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

Rt. Hon. J. M. G. M. ADAMS: I hope that I **will** be very short **like** the Rt. Hon. Member who has just sat down, Sir.

Rt. Hon. E. W. BARROW: Just one more question, Sir. Just before I sat down, I intended to ask the Rt. Hon. Member whether he intends any further relief for the fishermen, as a result of our recent disturbance. We have debated the whole day today here and we have not **really** commensurated with our comrades in distress. I think that we ought to have the same feeling.

I understand that your parish Sir, was fairly badly hit and the parish of my colleague from St. Lucy. We are **all** concerned and we do not even have to express it. **Since** we are on this subject, I hope that the Hon. Member will be able to give some indication to the Hon. House at some stage, in what way he is going to take a little burden off the shoulders of these fishermen from St. Peter, St. John, unfortunately, we have not got any in St. **Thomas** but we, in the maritime provinces, and the South West are **all** concerned and St. **Philip**, about what relief is going to be given to our **fishermen**.

We hope that the houses will be speedily repaired.

Thank you for your indulgence, Mr. Speaker, but I was speaking on your behalf, as much as on my own.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I believe that the Hon. Minister for Housing, who will be in charge of the Government next week, when I am away, does intend to make a statement later **this** afternoon on the question of relief Sir. He, I and the Hon. Minister of Information did take a tour yesterday in which we not only toured the Northern parishes, but we also toured Bridgetown to look at the distress suffered by fishermen.

It is a bit early in the Financial Year to answer completely, some allegations which have been made in the speeches of the two Hon. Members. The Hon. Member for St. Lucy spoke on Agriculture and Fisheries and Construction. Construction undoubtedly, **will** carry one of the largest burdens of tax. The tax is only five percent, but construction in Barbados must be running around \$120 million or more Sir, at the present time and the old half and half principle, you would expect construction materials **will** attract an additional \$3 million in tax. In fact, we estimate that it probably will attract \$4 million. This matter was given some thought Sir, but there were a number of reasons why the Government decided that some taxation could be applied to the construction industry.

Price increases in the construction industry read out at such length during the Budget Debate by the Rt. Hon. Member for St. John owe very, very little to Government taxation. They do not even owe so much Sir, to the Merchants mark-ups because the Merchants Mark-ups have remained unchanged for many years. They are the same mark-ups now, as they were under the Hon. Member for St. Michael South West. Perhaps indeed, he had some responsibility for approving them in general, although there was no Price Control in **all** probability. The Hon. Member would have been aware of the mark-up charged on lumber, the mark-up charged on cement, well that would have been controlled, and so on. They have not changed, but there are many areas where construction materials, particularly the domestic products, the ones like concrete blocks, gravel and so on, have gone up a lot in price. We gave the matter some consideration Sir, and we decided that this was an area where costs, strange as it may seem, had not been going up as much as in the provision of other services and there was some room for taxation.

The idea that something which cost \$700.00 before the taxes and \$1,200.00 after, is so ludicrous that had it not been mentioned in here, I would not have bothered to reply to it. It is just one of those absurd things that supporters of oppositions like to say, in order to give a bad impression of a Government Policy. It is absurd to **call it** a lie, it is foolishness. People tell lies every day, they lie about why they are late to work, they lie to their wives about why they are late home from work, so to **call** something like building materials going from \$700.00 to \$1,200.00 a lie, is to disgrace the word lie. It is an act of mental disorder. That is exactly what it is. Somebody who says that and worse still, somebody who believes it, requires psychiatric attention. That is the sort of lie that I expect doctors to cure and since 1978, doctors to utter, not ordinary, rational human beings who do not have to take **tranquillisers** before they come into the House of Assembly to calm them down.

4.50 pm.

Materials that cost \$700 before **will** cost \$735 now. A little inflation in **the** building business; maybe they cost \$745 now. Building equipment **is** undoubtedly inflating at the rate of 10% a year. We are getting it from abroad and it is adding that much every year to the cost of building, 10% for the suppliers abroad, 5% for the Government. That is broadly speaking the way I looked at it. I believe that as a price for relieving the \$60 and \$70 a week man from tax that it was a reasonable means of relief. I am very surprised to hear the Leader of the Opposition suggest that I was wrong to reduce income tax. I expect a pledge from him now that he **will** put it up if he gets into power ever again. (*Asides*) You said I was wrong to reduce income tax if I was going to up consumption tax. The income tax goes through the entire spectrum of taxpayers, half of whom **will** not be paying tax after this month. Well of course wages are going up so they may be called on again, but on the old wage system they would not be paying tax after the month of August.

I make no apologies for reducing income tax. I have done it in every budget and if God spares life, Sir, I will do it next year again. If God and the Prime Minister spare this Parliament, I **will** do it next year again. The hon. member for St. Michael South West, if he wants, I **will** see if I can give him a special tax regime by which he **will** continue to pay income tax at the old rate but get the consumption tax off anything he buys. The question of agriculture I really dismiss that. That word has come out to be used in the newspapers; no justification for it. You cannot **find** any justification that agriculture as such has been taxed unless you are going to twist it around and say a factory might need to buy a typewriter and the typewriter **will** cost 5% more. Agriculture as such has not been taxed. The hon. member says that tradesmen were taxed for the first time. This may very well be so, but the hon. member should ask whether **fishermen** are paying tax on the transmitters because I have had no complaint from any **fisherman** of seeking to buy a transmitter that has increased in price. It is the policy of the Government that fishing engines are not taxed, that indeed the very **fishing** boats **are** not taxed, and if it is desired to put a transmitter or transceiver into a **fishing** boat, all the fisherman has to do if tax is levied, because I must say I was surprised to hear it, is to write and **ask** for tax relief. We are not taxing boats; we are giving tax relief. The former Prime Minister has many friends; he can ask them whether they have not been given tax relief on fishing boats. We give relief on the engines. How likely is it that we are going to charge for safety devices especially when the **Minister** of Agriculture is on record as saying that we ought to have a scheme for putting homing devices into **fishing** boats and equipping **fishing** boats with **transmission** sets for improving safety on a Government loan basis?

Anchors; I cannot promise any tax relief on anchors Sir, grapnels, chains and so on. You do not buy an anchor every day. I do not know about the fishing exploits of the hon. member for St. John. Maybe he drops down the anchor in some deep waters; maybe he loses the anchor at times, but really most people I know buy one anchor and it lasts as long as the boat and you then take it off the boat and put it on the next boat. I cannot conceive how many anchors you will have to buy. I would think an anchor would outlast a fishing boat personally. I think 5% on an anchor is very little. I must have been one of the first victims of the 5% because I had to buy an anchor, I think, the very week following the budget; so really I cannot deal with anchors and grapnels and chains. How much chain do you buy? How many grapnels do you buy?

As to the other item mentioned by the hon. member for St. Lucy, he should read the item carefully. I am sure that the hon. member for St. John is not putting forward any case for the Friendship shooting swamp in St. Lucy. The item that the hon. member read about the fish hooks clearly deals with sporting items. We charge certain sporting items perhaps at 5%, we charge some at 30% and we charge fish hooks, line fishing rods – they are the sport fishing rods that tourists rent when they go out to sea in the game fishing boats – tackle, fish landing nets and butterfly nets – they are nets for sport fishing – decoy birds, lark mirrors and similar hunting or shooting requisites. This class is known as the hunting, shooting and fishing class. The country gentlemen who do the hunting, shooting and fishing have to pay 5% for their sport that the hon. member for St. Lucy complained about. I am sorry; I should not have said the hon. member for St. John. Friendship in St. Lucy is the place that I am speaking of. They pay 10%; that is the hunting, shooting and fishing class. Sportsmen who go in for shooting, hunting and fishing have to pay 10% for the things they use, and again I make no apologies for that.

The hon. member for St. John made the point to which his experience adds authority, but this is one case where experience although it adds authority, experience of what? Of the way that consumption taxes were imposed in the old days? It took us fully two years to arrive at this Bill and every single item imported into Barbados was the subject of computer analysis. The analysis that was presented to me some months before the Budget ran to 28 pages of broad items, not of small items, of construction equipment, paper, matters of that sort, and every item was carefully analysed, and the amount of imports, the existing duties, the relationship of customs duty to the items, because nobody listening to all this debate realises I am sure that consumption tax has actually been lowered on nearly every item to which it formerly applied. Nobody realises that. Nobody ever said that on a platform or even in here. There were no 5% consumption taxes before. There used to be 8%, 10%, 12%,

16%, 20%, 25% and so on. They have virtually all been lowered and all this was done on the basis of a very deep and intense study.

Now I do not know if the hon. member saying that my figures of \$17 million are wrong and that his of \$50 million to \$60 million are right is meant to be taken seriously, but I do not know if he means that \$50 million to \$60 million is incremental or if he means that \$50 million to \$60 million is a total. In April, May and June, Sir, consumption tax amounted to about \$12½ million which would mean that in a full year, if that is a fair projection, you would collect \$50 million; but the hon. member was not making that point. The hon. member was suggesting that the new taxation taxes were \$50 million. That is the point, not that the new taxes would be that, and indeed, Sir, I would really like to take in a little more than \$50 million. Fifty million dollars to \$60 million could represent the figure for the entire consumption tax for one year, but not the increase occasioned by the 5% added at budget time.

5.00 pm.

I am trying to see, Sir, if I can find the comparable figures for the same period last year so we can get some idea of the increases. Unfortunately, Sir, it is really not so easy to find because they do not separate the items in the accounts sent to the House of Assembly. I would not like to speculate, but it does seem to me on the basis of what it was this time last year, customs duties over the same period last..... Sir, I beg your pardon, over the same period last year, consumption duty appears to have gone down since last year, over the same period last year we collected \$18.271 million in consumption tax, and we have actually collected less than that this year. Obviously last year we had some special collections, but we have in fact collected less than that, so the idea of the \$50 million being an increment is, with great respect to the experience of the reasoning powers of the hon. member, nonsense. It just will not happen like that.

The hon. member says we are overtaxed. Well, taxation is taking a small portion of the gross national product than it was during the hon. member's time, last year overtaxed or not Barbadians found over \$800 million to spend on private consumption expenditure, this year Barbadians will spend over \$1 billion, I suppose you could use some rules of thumb if you said that consumption tax averages out over the whole of private expenditure the \$400 million or so that was spent on food, that is not taxed, that is matched by the smaller higher rates on the non-food that is taxed, you would get a figure I suppose, Sir, of about \$60 million, but that is the whole tax, it is

not the addition that was put on at the time, and if you go through the Schedule to this Act, Sir, you will find that of these broad groupings probably 80% of them, if not 90, were brought into the taxation net for the first time by the regime of the Democratic Labour Party. When they suggest that there has been some outbreak of taxation under this Act, they are suggesting it for political purposes and not for rational purposes.

I can only say, Sir, that I congratulate the hon. member for St. John for staying away from his party's meetings, whether he does it deliberately so as not to embarrass the other able speakers, or whether he does it because he can't take the strain, but undoubtedly, Sir, his speech had to give one the impression that he couldn't take the strain. I do not believe, Sir, that anything **has** arisen in this particular matter that demands any further comment from the Government, **fishermen** will continue to receive tax relief from the Government, the Cabinet will be meeting on Thursday and one of the items on the Agenda **will** be how to help the **fishermen** whose boats have been damaged **as** a result of the storm. I cannot therefore make any announcement at this time on the precise form that the assistance will take.

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

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

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

Rt. Hon. J. M. G. M. ADAMS: Sir, I beg to move, before **this** Bill goes into Committee, that further consideration of Order No. 2 be postponed.

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

Rt. Hon. J. M. G. M. ADAMS: I beg to move, Sir, that Messages be re-opened.

Mr. SPEAKER: Is this Order No. 1 or Order No. 2?

Rt. Hon. J. M. G. M. ADAMS: I **am** sorry, Sir, I beg to move that further consideration of Government Business be postponed. I beg to withdraw the former motion and I beg to move that further consideration of Government Business be postponed.

Mr. SPEAKER: We are now dealing with Order No. 1.

Rt. Hon. J. M. G. M. ADAMS: Well, I **am** begging to move that **Government** Business be postponed, Sir.

Mr. SPEAKER: While it is true that **this** is Order No. 1, it is the specific business before the House and we must ask that further consideration of Order No. 1 be postponed.

Rt. Hon. J. M. G. M. ADAMS: I beg to amend my former motion, Sir, my former former motion, to substitute "1" for "2" so that it will now read that I beg to move that Order No. 1 be postponed.

Mr. SPEAKER: I don't invite any hon. member to second it because the Chair is not going to accept it. If the former motion was that Item No. 2 be postponed, the hon. member must withdraw that motion or seek the leave of the House to withdraw that motion, and on the withdrawal of that motion, which I don't believe any hon. member would object, having withdrawn your former motion, the hon. member is then entitled to propose a new motion, if he so desires.

Rt. Hon. J. M. G. M. ADAMS: Sir, I beg leave of the House to withdraw the former motion. Perhaps my seconder will support me. I don't believe I can withdraw it without the consent of my seconder.

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

Mr. SPEAKER: The Hon. Prime Minister is **seeking** the leave of **this** Hon. House to withdraw his former motion with respect to Order No. 2. There being no objection, leave is granted.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that further consideration of Order No. 1 be postponed.

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

Mr. SPEAKER: The hon. member is seeking the leave of **this** Hon. House that further consideration of Order No. 1 be postponed. There being no objection, leave is granted.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that further consideration of Government Business be postponed.

Mr. SPEAKER: Order No. 1 is Government's Business. The hon. member is seeking leave to introduce Messages. The Standing Orders have been suspended and the hon. member may proceed.

MESSAGES

Rt. Hon. J. M. G. M. ADAMS: I **am** commanded to lay a Message, Sir, informing the House of the appointment of the hon. member for St. Michael South East as Temporary Minister responsible for Trade, Tourism and Industry.

GOVERNMENT NOTICES

Rt. Hon. J. M. G. M. ADAMS: I beg to give notice, Sir, of a Bill to amend the Exchange Control Act, Cap. 71. **This** is a budgetary measure and I will have to ask the House to deal with it today, Sir. We do have copies, it isn't anything very much, it just relates to the Exchange Control charges, Sir.

Hon. L. S. CRAIG: Mr. Speaker, I beg to give notice of a Resolution to approve the compulsory acquisition of land at Cheapside, St. Michael for road **improve-**ment; and also a Resolution to approve the compulsory acquisition of land at Cheapside, **Fontabelle**, St. Michael for road improvement; and also a Resolution to amend Resolution No. 26/1979 for the acquisition of property at Cheapside, St. Michael.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to give notice of a Bill to provide for the establishment of the Barbados Water Authority.
5.10 p.m.

FIRST READING OF BILLS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that the Bill to provide for the establishment of the Barbados Water Authority be now read a first time.

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

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to move that a **Bill** to amend the Exchange Control Act be now **read** a first time.

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

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

GOVERNMENT BUSINESS

Rt. Hon. J. M. G. M. ADAMS: I beg to move Sir, that Government Business be now resumed Sir and that Order Number One be the Instant Order of the day.

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

The question that Government Business be now resumed was put and resolved in the affirmative without division.

Mr. SPEAKER: Order Number One is the Instant Order of the day.

BILL TO REVISE THE LAW RELATING TO THE IMPOSITION AND COLLECTION OF CONSUMPTION TAX

Order Number One was called – Further consideration of a Bill to revise the Law relating to the imposition and collection of Consumption Tax.

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

Clauses One to ~~Six~~ inclusive were called and passed.

Clause Seven was called.

Hon. L. S. CRAIG: Mr. Chairman, I am wondering Sir, I think that I have seen this done in here before, we have 42 Clauses here. Is it permissible, I think that I have seen this done, that I can move that from Clause Seven to Clause 42 stand part Sir and that if there **are** any amendments or comments made by other Hon. Members, that they can draw it to the attention of you, Mr. Chairman, the particular Clause on which they wish to make their comments Sir? I have seen this done before.

Mr. CHAIRMAN: That is where it is set out in parts. This is not the case now and we should have to do them individually, one after the other.

Hon. L. S. CRAIG: Mr. Chairman, with respect to you Sir, this has been done with a Bill in here during this very Session.

Mr. CHAIRMAN: This can only be done if the Committee as a whole, agrees on it.

Hon. L. S. CRAIG: Sir, I do not know if Hon. Members on the Other Side would have any objection. (Asides.)

Clauses 7 to 12 inclusive were called and passed.
5.20 p.m.

Clauses 13 to 15 inclusive were called and passed.

Clause 16 was called.

Hon. L. S. CRAIG: I beg to move that Clause 16 stand part.

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

Mr. TAITT: Mr. Chairman, without anticipating the clauses to come, I understand that this **Bill** is to be dealt with **exclusive** of the Income **Tax** Act itself. Now Clause 16 says: "An assessment or reassessment, as the case may

be, may be made by the Comptroller in respect of any month, at any time, in the case where the registered manufacturer fails to submit a monthly statement, or submits an inaccurate statement."

Now, Mr. Chairman, I wish to submit that whereas in the Income Tax Act itself the "at any time" usually applies to a person who has committed fraud or misrepresentation, since this Act is going to be administered independently of the Income Tax Act and it says "where a person submits an inaccurate statement", it is well known that a person may submit an inaccurate statement quite inadvertently and quite without any intention to defraud or without misrepresentation, but in its present form what this says, if in fact it is going to be administered outside of the Income Tax Act, is that in effect forever a person would be eligible for assessment by the Income Tax commissioner. Now surely this cannot be what is intended. The five year limit which is usually put on is not only for the benefit of the Income Tax Commissioner, it is for the benefit of the taxpayer, and it means that a taxpayer at some point in time in his business must be reasonably sure that he has met all of his obligations in regard to the tax. This is what Sections 53 and 54 of the Income Tax Act does, and where a person has wilfully misrepresented or where the person has committed fraud, then the Income Tax Commissioner may go back and reassess, but since this Act is to be administered outside of the Income Tax Act, I think that this is a departure which the Government should wish not to impose because as it stands, it means that sixteen years later without any fraud, without any misrepresentation the Income Tax Commissioner can come to you as a businessman, or I as a businessman and say you submitted an inaccurate return or inaccurate monthly return, and bearing in mind how the Income Tax Act is interpreted, it is interpreted very strictly, inaccurate means just what it says, inaccurate, and I would like the Attorney General to address his mind to this because it is a very serious point. I do not want to go any further than that. I would like to hear the Attorney General on it.

Hon. H. deB. FORDE: Sir, the point as made by the hon. member's interpretation of the section is correct. We are not disagreeing with the interpretation to the section. Let me just say that the changes whereby there is a limitation on the time for the Income Tax Commissioner to assess anyone have been changes introduced in the last ten to fifteen years, because normally time did not run out against the Crown in relation to matters of this sort, and I think I can recall the case of a well known merchant in Bridgetown whom I represented who found himself some fourteen or fifteen years later or longer than that having to pay tax on an assessment made in respect of income accruing 14 or 15 years before the time.

Now where there is inaccuracy obviously the inaccuracy occurs because of the taxpayer's fault if he is in-

accurate in his return of statements in those circumstances, and it seems to me to do no harm if in such instances where there is inaccuracy without there being necessarily fraud or wilful defraud for the assessment to be reopened and any additional tax paid. Now it can be an inaccuracy in favour of the taxpayer as well, and in those circumstances the assessment can be reopened and the taxpayer refunded his tax, so that it cuts both ways in this instance, and I think that is the reason why we talk about an inaccurate statement.

I wish however to use the opportunity to advert to clause 2 of the Bill where we talk about an administrative appeal tribunal. Sir, we were anticipating somewhat a bit of legislation that I hoped would have been in the House before this Consumption Tax Bill which is a complete reform of the Consumption Tax Act, but unfortunately the process of consultation with the Bar Association and other governmental bodies has delayed the introduction into the House of the Administrative Appeal Tribunal Act which I hope will come before the House some time later this year. We have however taken care of the transitional provision in respect of this by a section which comes later in the Bill dealing under section 40 with the transitional provision, so that where Administrative Appeal Tribunal occurs there will be instead the Income Tax Appeal Board. It is intended to transfer all the functions of the Income Tax Appeal Board and other tribunals of a similar nature to an Administrative Appeal Tribunal, but the assessment or reassessment may be made in respect of an inaccurate statement.

What I am suggesting to the hon. member, to go back to the point he took, is that if it is an inaccurate statement and there is a reassessment you can recompute the tax which could be more or less what has been paid before, so that it could be favourable to the taxpayer. Under the Income Tax Act however there has to be some form of wilful fraud, something in the nature of a fraudulent misrepresentation for the taxpayer to get the benefit of the reassessment in those circumstances other than in the Commissioner acting in his own discretion; so I think although it looks as if it may be a harsh provision, it also has a mitigating side to it that I would ask the hon. member to consider.

Mr. TAITT: Mr. Chairman, with the greatest respect, I fear that the Attorney General's interpretation may be acceptable if in fact the Attorney General was going to be following this wherever it goes, but if he looks at clause 15, then he will see that the assessment and reassessment is done at the behest of the commissioner and whereas I think his contention would be valid, the reassessment if we take the normal rules would be at the behest of the Income Tax Commissioner, and therefore the taxpayer would only benefit per adventure the mistake turning out that way.

If I may go back to something he said, Mr. Chairman, he said that this question of time against the Crown only came in a couple of years ago, but I think that if he researches the matter he will see that the question of time has always been present, certainly in the United Kingdom Income Tax Act, I think it is 1953, but what is more important is that the Barbados Income Tax tends more towards the Canadian model of Income Tax than it does the British. The Canadian income tax in the provinces as well as in the Federal, for want of a better word, taxes had time limits for fully from four to six years, but there has always been some time limit and the principle has always been that the taxpayer has the right unless he has wilfully misrepresented or has attempted to defraud, over a period of time to have some order in his affairs. Now to take an example, Mr. Chairman, it is entirely possible that I have a business "A" and after having fulfilled all the requirements or believing that I fulfilled all the requirements I sell the business to you in good faith, and more important you purchase from me in good faith three years later. Four or five years pass and you have every reason to believe that there is no encumbrance of my kind on the business.

5.30 p.m.

When the Income Tax Commissioner comes back subsequently and says this business submitted an inaccurate return in Month X or Year Y, then you find that in spite of the fact that a substantial period of time has passed that you are now in a position where the business is required to pay the tax, and if you are not around, if the person who sold the business to you is not around, you may find yourself with some kind of burden on the business. I don't think that it is a crucial point that is going to come up every day, but where it does come up it can create some hardship on the person, and after all, Mr. Chairman, if we are passing legislation that is going to be valid for all time, I think we should as far as possible pass such legislation that will not be seen by the taxpayer as burden on him. Apart from paying his tax, and he is required to pay his tax, but there must be some responsibility on the part of the people in the Income Tax Department.

Five years is reasonable time, and unless a person has, as I said, misrepresented or has attempted some measure of fraud, five years is sufficient time where business persons should be able to write paid to his dealings with the Income Tax Commissioner. Remember my point was that this Act is supposed to be administered outside the Income Tax Act. If that is so,

I really think that the wording in sections 53 and 54 of the Income Tax Act would be better, unless the Government has some specific reason for wanting mere inaccuracies to be treated as if they were frauds and misrepresentations.

WON. H. deB. FORDE: I cannot reply any further other than briefly to restate the reasons which I have given to my friend. My friend made one additional point which is that the re-assessment can only be made by the Commissioner on the Commissioner's initiative. With respect, if it is drawn to the attention of the Commissioner that a monthly statement submitted by the person liable to consumption duty is inaccurate, and that person can draw this to the attention of the Commissioner, the Commissioner is satisfied about the inaccurate statement, the Commissioner can in those circumstances then re-open the matter to the benefit in some instances of the manufacturer himself, and as I said, you can get a monthly statement submitted by the manufacturer which is inaccurate. It is more within the knowledge of the manufacturer whether the facts that he is setting forward to the Commissioner are true or are inaccurate, or are accurate, and therefore the onus of proof is normally on him and the duty is on him to submit accurate statements.

My friend has taken the example where there may be the sale of a business and then the purchaser of that business may find himself saddled at a much later time with a tax for which he had not bargained, but it is usual in my experience to include in contracts for the sale of a business, whether it be the sale of shares or whether it be the sale of the assets other than shares, a clause to deal with such eventualities, and it would make liabilities settle even some time beyond the normal period of limitation, and it is in those circumstances that I would suggest that perhaps this phraseology is a better phraseology than that under the existing Income Tax Act. This type of phraseology one finds more often in legislation dealing with the collection of duties like in the nature of customs duties or consumption tax duties, using the term "inaccurate" rather than "false statements", so it is on that basis that this is drafted. I have not had a chance to check the existing legislation but I would not be surprised if the existing legislation has a similar section. Maybe a little later on as we go on I may be able to draw that section to the attention of the hon. member, Sir.

The question that clause 16 stand part was put and resolved in the affirmative without division.

Clauses 17 to 25 were called and passed.

Clause 26 was called.

HON. H. deB. FORDE: Sir, it has been intimated to me that if we agree we can take all the clauses of the Bill. There will be only one amendment which I want to make, which is in Clause 40, in respect of where

it says "under section 21". That should read "under section 20". We can ask that Clauses 26 to 39 be taken, subject to clause 40, subsection (1).

I beg to move, with the leave of the Committee, that clauses 26 to 39 stand part.

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

Mr. SIMMONS: Mr. Chairman, I wish to make a comment on clause 27. You will recall that earlier on the Airports (Fuel Charges) Bill we discussed this morning, I was indicating to the Committee that clause 9 of that Bill seemed to have lacked an effective sanction in respect of a person who is trying to leave the island who has been served with a notice by the Airport Manager because he reasonably suspected that the person was going to leave without paying.
5.40 pm.

We were trying to find an appropriate *s. d. o. n.* I would just like to point out, to the Hon. Members in the Committee, that in the present Clause 25 which is before us, an attempt was made in that Clause, which is similar in its nature and scope to the Airport Fuel Charges Bill to require the person being about to leave the Island to give security. In short, Sir, Clause 27 of the Consumption Tax Act goes further than Clause Nine in the other Airport Fuel Charge Act, to provide that the Comptroller can exact security, make the man sign away his property, or something, enter into a Bond, which would seem more to secure the debt which is going by the person willing to depart.

But this **Bill**, even though it goes further than the earlier one, does not go far enough, having regard to all that was said by Hon. Members this morning. It still does not go far enough because there is a further gap. He can require you to give security but if you do not give security, what will happen? So that, obviously, the same two people did not draft these two Bills. But I think that in areas like these, we would like to see some common approach made to the presentation of the Legislation.

But, this one attempts to go further. It does not solve the problem which is present in my mind and that of the Rt. Hon. Leader of the Opposition this morning when I raised it. But, it is an attempt to exact some kind of security, from the person who is likely to abscond, owing the Government money.

Hon. H. deB. FORDE: Mr. Speaker, this really does not call for a long reply because my friend answered himself in the process of his submission. The point is that all he is saying, is that we have said, that in addition to serving notices, that you can ask for security, but there is **still** no penalty, other than the normal penalty of

suing the person a little later, for the simple reason that the Rt. Hon. Member for St. John pointed out, during his tenure and during this Government's tenure. We shun away from putting limitations on the freedom of movement of citizens and residents of this country leaving the Island. I think that that is a fundamental principle which was accepted in our Constitution. There was no argument between the two Political Parties about those fundamental rights and I hope that we will continue to keep it that way.

So that, it is not a question of different Drafters, of the Act. It is a fact that this Act was drafted in my **Chambers** by someone other than the person who drafted the earlier Act, but again, for the benefit of the Hon. Member, we take instructions and if the instructions are contrary to the fundamental rights of the Constitution, or raised a matter of really strong principle, then we comment legally to say, would you like to put it that way. We do try, as much as possible, to standardise Legislation, but in this instance, I am reasonably certain that instructions came in thus, from the Ministry of Finance.

The question that Clauses 26 to 39 inclusive stand part, was put and resolved in the affirmative without division.

Clause 40 was called.

Hon. H. deB. FORDE: In moving that Clause 40 stand part, Sir, I move that you delete the word **twenty-one** appearing in line two of Clause 40, Sub-section One and substitute the word **twenty**.

I beg to move that that Clause, as amended, stand part.

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

The question that Clause 40, as amended, stand part, was put and resolved in the affirmative without division.

Clauses 41 and 42 were called and passed.

The Schedule was called and passed.

On the motion of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that this Bill do now pass and be cited as the consumption Tax Act, 1980.

Rt. Hon. J. M. G. M. ADAMS: In seconding that, I do not really want to be a delay to the Hon. House, but this business of Consumption Tax and untruths which obviously Hon. Members believe, has got to me a little bit Sir. I hope that the public will take note that **all** of this **talk** about the Consumption Tax and the broad mass of taxpayers — I can speak when the movement for the passage of a Bill is up, I cannot talk of what should be **&** the Bill, but I can **talk** of what is in it. Thank you, Mr. Speaker.

I hope that the public **will** take note that we found Consumption Taxes on **85** different groups of items. If you itemise them, it would have come to perhaps 300 or 400 and out of those 85 groups of items Sir, these are the ones we found. We have reduced the Consumption Tax on every one. We have reduced the Consumption Tax which the Rt. Hon. Member for St. John left of 12% on soap, to five percent, we have reduced on **all** that are charged five percentage. We have not reduced on **all** charged by cash like the whisky and so on.

Equipment for parlour, table and **funfare** games we did not reduce that because that was not charged at **all** and that is one of the things which are increased.

It is too much to hear this talk about broad mass of the people when like items from 45 to 52, spoons, **hair-clippers** table utensils, sanitary and toilet articles, tableware, glassware, sanitary ware, household utensils and **all** of those, the Rt. Hon. Member had them at **10%** and we reduced them to five percent. We are collecting more money because we have put it on different things. But, where the consumer is concerned, we have reduced the Consumption Tax. We not increased it and the reason why the cost of living would go up as much as three quarters of one percent is because Consumption Tax was put on construction, which is playing an increasing part in household expenditure and it was raised on T.V. sets and on motor cars.

Mr. SPEAKER: I think that this Bill has been sufficiently debated today.

Hon. H. deB. FORDE: I have already moved that this Bill do now pass and be cited as the Consumption Tax Act, 1980.

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

The question that the Bill do now pass and be so 'cited, was put and resolved in the affirmative without division.

5.50 p.m.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, with the leave of the House I would **ask** that the Act of **which** notice has just been given, the Exchange Control Act that

permits the Minister to make orders imposing charges for exchange control be taken. It is a very simple Act. I **will** answer any questions I can arising out of exchange **control**, but the Act can hardly be simpler, and I would ask that this Bill be now **dealt** with.

Mr. SPEAKER: The Hon. **Prime** Minister is proposing that the Bill to amend the Exchange Control Act, Cap. 71 be the instant order of the day, and **unless** there is any objection, leave will be granted.

There being no objection, leave is granted.

The Rt. Hon. Prime Minister may proceed.

THE EXCHANGE CONTROL (AMENDMENT) ACT, 1980

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, it is a very simple **Bill**. It just gives the **Minister** of Finance power to **impose** charges for exchange **control** applications.

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

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

Mr. TAITT: Mr. Speaker, I am taking the opportunity of this Bill to raise a question with the Prime Minister. I have heard some very inaccurate statements being made about the introduction of the so-called CARICOM travellers cheques, and I have not seen any proper explanation of how the system is supposed to work. It seems to me that it is useless to say to businessmen out there that the quantity of money which they **will** now be able to utilise in their travels through the CARICOM area has increased from I think it is \$6,000 to \$10,000 or \$3,000 to \$6,000 or whatever it is, the amount of money they are able to carry on their person. The fact is, Mr. Speaker, as I understand it now, that if businessmen are going from Barbados to any part of the Caribbean and they place orders in say Trinidad or Jamaica or any part of the Caribbean for **shall** we say goods, there has never been any restrictions in their ability certainly from Barbados to pay for those goods; so that a businessman being able to walk with an additional **\$3,000** in travellers cheques does not advance his capacity within the Caribbean any further than it is at present, but the statements which **are** being put out can mislead businessmen into feeling that they have been given some increase or some advance in the granting of CARICOM travellers cheques. Exchange control as it is **being** applied is not being changed, as I understand it, with the coming of CARICOM travellers cheques; you still have to get permission from the Exchange Control to buy a **certain** amount of **travellers** cheques; you still have to indicate

what you **are** going to do when you take **this** money to Trinidad or wherever.

The other point which needs to be **clarified** is whether through the issuance of the travellers cheques a businessman **will** be able to leave money out of Barbados. I have seen a ridiculous statement on this, and I do not intend to deal with it because I **think** the Prime Minister this morning **talked** about lies and then he talked about **things** which go beyond lies and it would be an insult to **call** them lies, an insult to lies. It is a new **form** of language, but there must be something in that arena of **things** that are not pure lies. What I did not hear from them is whether it means that we have signed a treaty or **an** agreement with Guyana, for example, that businessmen in Guyana will now be **travelling** under the CARICOM travellers cheques with \$3,000 which can be converted in Trinidad to Trinidad currency, because nobody in Barbados would be accepting Guyanese currency on the face of it, or whether that Guyanese currency if allowed to come out by form of travellers cheques would be converted into the equivalent of \$3,000 in Barbados. It is very important because **Barbadians** are not concerned about how much money they can travel with. I have never heard any Barbadian who has ever been worried about how much money he could travel out of the country with. What he is worried about is how much money he can leave Guyana or Jamaica with. So these statements which are being made about the CARICOM travellers cheques is a matter which was in the **offing** for quite a number of years and there were a great number of difficulties. As far as I **recall** there was some question as to the clearing houses.

There were a lot of difficulties which I have not heard how they have been solved, if they have been solved. For example, whether **Montserrat** is going to be participating in the CARICOM travellers cheques, whether **there** is a **fixed** rate on the ECCA monies as opposed to the Jamaica money, whether we are going to be able to convert at **all** into US currency. Will, for example, any Barbadian leaving here with \$3,000 in travellers cheques be able to convert at **all** in Trinidad to other than **Trinidad** and Tobago currency or Jamaican currency? I **think** **it** would **be** much more useful if we could get that kind of information rather than the bland and I **think** inaccurate statements which have been coming from the **quarters** — I do not know who put them out; apparently the Central **Bank** has been responsible for informing the country of CARICOM travellers cheques.

I really **think** the Prime Minister should take **this** opportunity to explain simply and without a great deal of fanfare what the CARICOM travellers cheques add up to so that we do not get confused about it. It is **still** necessary for a person who is **travelling** from Barbados if he is going to be using more than a **certain** sum of

money in a different currency from Barbadian currency to **get** permission from Exchange Control, unless I am being told now that if you are a business man you do not have to get **permission** for the upper level, the \$6,000. \$10,000 or whatever the figure. If that is so, Mr. Speaker, that is no different from what we have had before, and furthermore will the **banks** be charging a fee for the issuance of the **CARICOM** travellers cheques in the same way that they **charge** a fee for the issuance of US travellers cheques? We have too much untruth in advertising coming from **quasi** official sources. The impressions being given to Barbadians are not accurate and I feel that the Government has a duty to the Barbadian community to explain in detail.

Mr. Speaker, if I say that I am a businessman and I go into Exchange **Control** and ask for \$6,000 to go to Trinidad and Tobago, if I **can** purchase in Trinidad and Tobago, then I can constitute a way for money to be leaked out of Trinidad and Tobago for Barbados, I do not wish to go into more details, but that is obvious to almost anyone who has been involved in these matters. Therefore if we have people in Trinidad and Tobago who cannot get their funds out of Trinidad and Tobago for whatever reason, they will seek to inflate the Barbadian economy in so far as prices of real estate are concerned and they **can** do it by use of Exchange Control via the so-called CARICOM travellers cheques. I make bold to say that until we have tried it and we **are** satisfied that it is of some assistance to us, that we ought to agree that we **are** experimenting with the CARICOM travellers cheques and really stop trying to give the people of Barbados the impression that some wonderful, fantastic new invention has been made with the CARICOM travellers cheques. As you and I know, Sir, a travellers cheque is a travellers cheque, but there is a vast difference **between** a travellers cheque that is dealing with soft currency **and** one that is dealing with hard currency. I go no further than that.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I rise out of courtesy to the hon. member, but I think he is in greater command of the subject than I am, and there is very little that I can add to **his** speech. I think he has sounded a useful warning to those who imagine that there is some tremendous transformation to the exchange control attitudes particularly in Guyana and to a lesser extent in Jamaica and exchange control possibilities as a result of CARICOM travellers cheques. I **think** that he has made some very sound arguments and I treat his speech as informative rather than interrogatory.

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

On the *motion* of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Clauses 1 to 3 were called and passed.

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

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

THE MARRIED WOMEN (AMENDMENT) ACT, 1980

Hon. H. deB. FORDE: Mr. Speaker, the National Commission on the Status of Women in Barbados recommended that husband and wife be given the right to bring an action in tort as if they were not married persons with the restrictions included in the Married Persons Act of Trinidad and Tobago. This Bill seeks to give effect to that recommendation.

The difficulty surrounding the law of married persons is one that is completely documented in the Report of the National Commission on the Status of Women. One of the consequences of the existing legislation is that if a man and his wife were driving in a car and he was driving her and she was damaged because of his negligence and ruined for life, she could not sue him and recover any damages, despite the fact that he is covered by insurance for passengers in his car. On the other hand, if there were other persons in that car those other persons would be able to sue and recover from the insurance company. That is one of the principal disabilities arising from the existing legal position, and the effect of this Act is to seek to put right that disability.

We have used the opportunity of this amendment to change the title of the Bill to Married Persons, since it does not only deal with married women but with married men as well, and we have also put a safeguard that where the matter may be a triviality or may affect the relationship between the parties or is otherwise provided for within the Property Act, the court may stay any action.

Similar legislation is contained in Bills of other Commonwealth countries like the United Kingdom, Canada, etc. I wish to, however, say to the House that the whole Married Persons or Married Women Act is due for substantial amendment, and I have done this limited amendment pending the bringing before the House, I hope before the end of the year, of a Family Relations Bill which is now in the second stage of drafting after consideration by a committee, and some other consequential Bills arising out of that main Bill, so that this would be a temporary measure which would be incorporated in the long term legislation.

I commend the Bill to the House, Sir, I think the principle is a correct one, particularly where increasingly insurance companies are covering such liabilities. We have had one or two hard luck cases where people have not been able to recover. I know that the principle of the Bill has the support of the legal profession as a whole, and therefore I am commending it to the House as suitable for passing by this House.

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

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

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

On the *motion* of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.
6.10 p.m.

Clause 1 was called and passed.

Clause 2 was called.

Hon. H. deB. FORDE: I beg to move that Clause 2 stand part and in moving that Clause 2 stand part in the main title, it should be a capital 'P', I think Sir, rather than a common 'P'.

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

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

Clause 3 was called and passed.

Clause 4 was called.

Hon. H. deB. FORDE: I beg to move that Clause 4 stand part Sir.

I would say Sir, that ~~this abolishes~~ any Rule of Law which makes a husband *ipso facto* liable for the tort of his wife merely by her being his wife which is a little wrong Sir, so that if a person's wife drives negligently down the road, ~~there could have been~~ a presumption in some of the existing Legislation, if he is liable for her tort, so we are abolishing that Rule and she will stand equal with him in all respects, in relation to the Law of Tort, Sir.

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

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

Clause 5 was called and passed.

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that this Bill be now passed and be cited and the Married Women (Amendment) Act, 1980.

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

Mr. SPEAKER: The question is that the Bill be now passed and be so cited. Hon. Members.....

Hon. H. deB. FORDE: Mr. Speaker, the Bill has to be cited as the Married Women, but the new Bill has to interact on the old Bill and will change the Title on all things to Married Persons to act in future, so when it comes into effect, any subsequent amendment will be Married Persons.

Hon. L. S. CRAIG: Sir, I hope that the Hon. Leader.....(Asides) All I am asking of the Hon. Leader of the Opposition is that, as a legal person, if there is any contribution which he has to make, with reference to this Bill, I would be very grateful because I do not know if I am sold out by the Hon. Attorney General, my rights to the women, or not, Sir. I am very ignorant of these Laws which the Hon. Attorney General is bringing down on these women all the time, Sir.

As a legal person and a former Rt. Hon. Prime Minister of the country, I am asking now for your protection, not the Speaker's Sir.

The question that the Bill do now pass and be so cited, was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Mr. Speaker, Item Number 19.

Mr. SPEAKER: Item No 19.

BILL RESPECTING THE GENEVA CONVENTIONS

Item No. 19 was called - To move the Second Reading of a Bill respecting the Geneva Conventions of 1949.

Hon. H. deB. FORDE: Mr. Speaker, this Bill need not detain us very long. Its purpose is to repatriate the Geneva Conventions Act which is an Act of the United Kingdom Parliament which is part of the Laws of Barbados, by virtue of the reception of Law into Barbados.

There are two important reasons for the proposed Legislation, Sir. Firstly, the United Kingdom, although being part of the Law of Barbados, is not on the Statute Book and it makes it difficult for persons who wish to find that Act, to deal when any problems arise out of the Act and wherever this occurs, we are trying to put the Law into the Statute Book. In addition, since we now have a Defence Force, it is necessary that we should know of the treatment of prisoners of war and this Bill is a complement to the Defence Bill and the Visiting Forces Bill.

There are no financial obligations arising from this Bill, but I believe that Hon. Members will be aware that the Geneva Conventions had introduced humanitarian principles in the conduct of arms struggle all parts of the world and every country has this type of Legislation. In short, we are not really changing the Law as it affects Barbados, at the moment, we are merely making it more accessible on our Statute Book. That is the principle perhaps, for this Legislation.

I therefore move that this Bill be read a second time.

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

Mr. SPEAKER: The question is...

Rt. Hon. E. W. BARROW: Mr. Speaker, while the Hon. Attorney General is repatriating the Laws, there is one very important piece of Legislation I think, the one which Charles I includes, the 1623 Statute of Limitations which is completely out-of-date. We have a Limitations and Prescription Act in Barbados, but we do not have our own Statute of Limitations here and we have to depend on a Law which has been deemed to have been brought by the settlers, whenever they are supposed to have landed. Go by the monument at Holetown, it is not part of the Law of Barbados at all, but it is accepted that the settlers came here in 1625, but this particular Law has

some very peculiar provisions. It is even a Provision that you could put up accident in an action for trespass, *quare clausum fregit*. I ~~am~~ just quoting the Statutes Sir which I **am** sure that there are a lot of people, even practitioners who are not fully aware of, but I had to do **some** research on the subject and had to go back and look at the English Legislation because it is not provided for in the Laws.

6.20 pm.

Every other West Indian **territory** has its own Statute of Limitations and we do not have one because we are depending on a law of Charles I who lost his head; whether he lost it as a result of this law or not I do not know, but I **think** it is time that we put our heads on our own shoulders and get our own laws in that respect.

Hon. C. L. BOLDEN: Mr. Speaker, I would also like to remind the Attorney General of the Forcible Entries Act which was passed in 1667. (*Asides*) The Hon. Leader of the Opposition is saying that it is ours. **This** is one of the Acts that always cause problems in the Court and I believe that this is one which needs to be put into a tidier **shape**. It is a very old Act, but what I want to talk on mostly is that the Geneva Convention deals in a major part with soldiers etc. We now have a Defence Force, and **as** the Hon. Minister has just said there may be a chance that **this** Act would have to come into play in respect of our own Defence Force.

At this time I rise specifically to give **thanks** to and to compliment the Defence Force for the part they played yesterday after the hurricane had passed in clearing many of our roads which were blocked and I **am** sure would not have been opened with the speed with which it had been done had it not been for the Defence Force. We **have** heard a lot of adverse comments about the Defence Force, why it was created, what the Government wants to do with it, how it would trample on people's rights, how you would not be able to say things, you cannot go on strike because the Government would call out the Defence Force, and I would like to hear the public of Barbados now come out and congratulate the Defence Force and the leaders of the Defence Force for the part they played yesterday in having our streets opened so that **traffic** could move **again** freely after the ravaging hurricane that passed.

Hon. H. deB. FORDE: Mr. Speaker, I should like to reply to the Rt. Hon. member for St. John. He is quite right on the difficulties surrounding the Statute of **Limita**tions in Barbados and the time limit on actions as against various persons. The legislation is legislation in the reign of **James** I in 1623. There is no way that anybody can find in our laws a copy of that Act and like **himself** I have had to go back to **some** very old dusty statute books

in the law Library to even trace the particular wording of the Act. Now, Sir, we have drafted a new Statute of Limitations. The hold up indeed was that there was a particular section in the new statute which we had some difference of opinion on. I had submitted the draft Bill to the Judiciary and we had some comments from them on this section, and Mr. **Jim** Ryan who is the consultant to me on repatriating our laws has some doubts about it, and we have been in touch with the Alberta Research Institute of the Government of Alberta who had similar **legislation** looking at the interpretation of that particular section. I would hope that by September or soon thereafter the particular legislation **would** be before the House and that we could improve that area of the law.

There are a lot of legal difficulties and intricacies as pointed out by the Rt. Hon. member and we are seeking to simplify the legislation, even simplify it further than the United Kingdom Act 1938 has gone. That Act too has created further difficulties. I am aware of the fact that Trinidad **has** had a new Statute drafted by a former legal consultant to the United Kingdom Government, Sir James **McPetrie** who was concerned **as** well with the **drafting** of our Constitution so far **as** the Colonial Office was concerned, but I believe that our Act might even be a little bit more reforming than that one. I will undertake to send a copy of the **Bill** to the Rt. Hon. member in his capacity both as Leader of the Opposition and in his capacity at the Bar because I would appreciate any comments that could come from **his** legal knowledge on the matter.

In so far **as** the Forcible and Clandestine Entries Act is concerned, that was passed in 1667. It is based on the English 1311 statute in England and **was** taken by ourselves in 1667 **as** part of our laws. We have just drafted a new Petty Trespass Act which should be in the House I **hope** by September, and that would seek to abolish this Act and update the law governing trespass and forcible and clandestine entries. I think that hon. members really want me to remain as Attorney General for a very long period of time. They seem to be welcoming some of the reforming legislation, but it is a difficult job for anybody to want to take on reforming the laws of Barbados. There are too many **difficulties** about it, Sir, and I look forward to my successor doing some of the work, whoever he or she may be.

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

On motion of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Clauses 1 and 2 were called and passed.

Hon. H. deB. FORDE: Mr. Chairman, may I ask leave of the Committee to do the balance of the Bill in Parts? I do not think it is controversial.

Mr. CHAIRMAN: The Hon. Minister is seeking leave to do the balance of the Bill in Parts, and unless there is any objection, leave will be granted.

There being no objection, leave is granted.

Part I was called and passed.

Part II was called,

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

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

Mr. TAITT: Mr. Chairman, on Part 11, I rise merely because in Part II section 8 has application to the Defence Act, and I heard the hon. member, the Minister for Communications and Works make reference to statements made about the Defence Force. Mr. Chairman, I have taken the liberty of asking the Officers of Parliament to let me have a copy of a statement which I made in this Honourable House on the last occasion but one of the sitting of this Honourable House about the Defence Force, and I wish to make it clear that the press in this community has a responsibility when reporting words spoken in this Honourable Chamber not to make the speakers appear as if they are either semi-literate or illiterate. (Asides) I am not complaining; I am making a statement.

The point I am making, Mr. Chairman, is this: I do not mind if I am not reported; I do not make statements in here to be reported. If however I am to be reported, I feel that I should be reported as near as accurately as is possible. Now, Sir, I do not intend to detain this Honourable Committee by going into great detail about this issue, but I notice that a columnist called ELC feeding upon the inaccuracies of the press reporting has taken time to discuss what I had to say about the Defence Force and starting off with a wrong premise went on to make a full wrong statement. 5.30 pm.

I notice other persons have started picking up the cudgels and suggesting that somehow this hon. member is anti the persons in the Defence Force. Mr. Chairman, I make no apology for what I said, I said among other things that the Defence Force must not only be said to be there to assist the civil authority, it must be seen to be assisting the civil authority. I am going to have the details

of my statement sent to the newspapers of this country for their information. I do not mind if they do not publish it, what I had to say about the Defence Force then I will continue to say because I believe that it is the right, it is the duty of people in public life in this community to speak out on issues such as the Defence Force. If anyone in this community feels it is his right or duty to speak, he should speak his mind, and my own mind tells me that unless we, the people in public life, continue to allow the Defence Force to know that it is supposed to act to assist the civil authority and that it is not an additional government, that in due course it will become an additional government. If the other hon. members on the other side wish to make political play on what I said, the record is here and I will make it public myself, I am not embarrassed to attack the concept of the Defence Force.

The gravamen of my statement, Mr. Chairman, was this, that the kind of Defence Force we are developing is not the kind of Defence Force which the Hon. Minister responsible for Defence and Security told us out of his mouth on the CBC television in answer to a telephone call on a public call-in, it is not the type of Defence Force which he led us to believe we were going to get. I maintain that it is his duty as Minister, and collectively all members of the Government, to see that the kind of Defence Force which we have in Barbados is a Defence Force commensurate with what all of us accept is necessary in Barbados.

I do not wish to detain you, Mr. Chairman, and I will say no more, but the record will be made available to all and sundry, including the Press in this country.

Hon. L. S. CRAIG: Mr. Chairman, I will have to add a little voice to this on this occasion, because when the shoe is on the other foot we all rejoice. I do not know if the hon. member can recall the morning he was in his glee downstairs when this country almost came to the brink of disorder, when from the public mouthings of members from the other side and Mr. Eric Sealy, they walked across this country saying that I set about to starve some 47% of the people in Barbados. Now, I was reported as saying that I am out to starve people. I never said that, but I take my lashes when they come. Now, a little "nay nay" thing the Press reported, and E. L. Cozier only wrote a little thing about you and you are in here complaining this evening. Suppose it was a big thing, the big thing has not come yet. I am going to help tell them how you referred to Lewis, the Commander of the Barbados Defence Force, as a man who went in a jungle and shot down black people.

Mr. TAITT: Mr. Chairman, on a point of order.

Hon. L. S. CRAIG: You only got a little touch, I don't even read Cozier.

Mr. **TAITT**: Mr. Chairman, on a point of order, Sir.

Hon. L. S. **CRAIG**: I said on the floor of this House, Sir, that as far as I am concerned the behaviour of members of the Opposition party....

Mr. **TAITT**: On a point of order, Mr. Chairman. I am surprised to see the Leader of the House not behaving in the manner to which we have – but maybe he is behaving in a manner to which we have become accustomed. Mr. Chairman, the point I was making was not complaining about the fact that I have been commented on, the point I object to most vociferously and most strenuously is being made to look like an illiterate or a **semi-literate**. That is the point I objected to.

The second point is that what I had to say about the Colonel is here in verbatim and available, so that there is nothing that the hon. member can say that would not be out of character for the hon. member while at the same time, Sir, clarifying what I said. I stand by what I said.

Hon. L. S. **CRAIG**: The hon. member is complaining, we know you are not illiterate and I know that you know I am not, but you would never condemn your Leader of the Opposition for always crying me down because I did not go to a secondary school or to a university. You would not condemn him for that. I remember one day in here the Leader of the Opposition told me the only thing I passed in life was a bus, and that was a good **cou-cou** punch, I did not say a word. I accepted all those blows and now you are complaining in here this evening about the Press. Do not complain in here about the Press, you have more friends at the Press Table in this country than any member on this side. I know as a positive fact that you play to the Press, you and Haynes. I know which Haynes I am talking about, you do not know. Both of you play with the Press, boast about it. So when you get a little touch to not cry out, because the touch has not started to come yet. I am going to help to hammer you into submission for a number of **things** which you have said before this House in here, so do not complain now. You run about and keep all your public meetings and shout. I can show you extracts from public speeches you have made, and I am surprised at you making them, I really do not associate you with such, so do not complain.

Mr. **CHAIRMAN**: Are you addressing the Chair?

Hon. L. S. **CRAIG**: Speaking on that **part** of the **Bill**, Sir, on the points made **by** the member for St. Michael South West. You have not got to complain yet, Sir.

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

Part III was called.

Hon. H. **deB. FORDE**: Sir, in moving that **Part III** stand part, I really did not feel that I had to reply to the personal explanations of ~~the~~ hon. member for St. **Michael** South West, or indeed a little **by-play** between two friends, Sir, who have been the closest friends for years. Nothing will separate the two of them, it does not mean that they do not support each their party strongly on **their** points of view, but there is a little personal friendship and I would not get into that, Sir.

I beg to move that Part **III** stand part.

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

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

The First Schedule was called.

Hon. H. **deB. FORDE**: Sir, perhaps we can take Schedules I to IV and ask that these be the Schedules to the Bill.

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

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

On the motion of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly. 6.40 pm.

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

STATEMENTS BY MINISTERS

Hon. L. S. **CRAIG**: At this point Sir, I would ask leave of the Hon. House to make a Statement, before I go into Private Members' Business, Sir.

Mr. **SPEAKER**: An Hon. Minister may make a Statement at any time, but he does not need the Leave of the Hon. **House**, but he must inform the Speaker of his intention so to do. But, he does not even require the Speaker's permission.

The Hon. Minister may proceed.

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Hon. L. S. **CRAIG**: Mr. Speaker, I shall now like to inform you and the Hon. House that I have a Statement to make.

Mr. Speaker, on August 4, 1980, Barbados was hit by **Hurricane Allen**. The Northern part of the Island suffered much damage in respect of our housing stock. Reports to date show that over 200 houses have been **reported** partially or completely damaged. The Cabinet has given consideration to the plight of those who have suffered and the Minister of Housing has taken immediate steps to alleviate the problems of those families who suffered in such unfortunate circumstances.

It has been decided that assistance in repairs should forthwith be given and to this end I have instructed the National Housing Corporation to put together a Committee to coordinate the work of the Corporation for the entire problem being faced by the homeless, or deprived.

Ten inspectors are now looking at damage all over the Island and initial teams containing 16 carpenters have already started work on essential repairs.

There are two telephone hot lines at the desk of the National Housing Corporation and the public is invited to call and let the Corporation know of damage to their homes by Hurricane **Allen** not yet known.

Mr. Speaker, **thirty-seven** houses have so far been made available for the purpose of relocating those who have been rendered homeless, and the Government will continue to give the highest priority to alleviating the grievous **damage** that has struck our community.

I **wish** to say a word of thanks to CERO, the Royal Barbados Police Force, the Meteorological Officers and all those voluntary organisations who rendered yeomen assistance during the hours of despair.

A special word of thanks should also go out to the Barbados Defence Force who spent the night in Barracks and the following day, cutting and removing fallen trees and utility poles and clearing the streets from St. Lucy in the North to St. **Philip** in the South. To those young, gallant men and women, the Government and people of Barbados are deeply grateful.

PRIVATE MEMBERS' BUSINESS

Hon. L. S. CRAIG: Mr. Speaker, we are not prepared to proceed with any other matters on the Order Paper today, under Government Business and I would like to move that Private Members' Business be now taken, in the light that you have suspended the Standing Orders.

There is one Resolution here by the Hon. Member for St. Michael South Central who is not now in his place and I am sure that it will go off the Order Paper because we are going on recess **this** evening and the three months would be up.

Mr. SPEAKER: You do not count that period when the Hon. House is in recess.

Hon. L. S. CRAIG: Sir, again, I did not know that you do not count that period. (*Asides*).

Mr. SPEAKER: There is only one item of Private Members' Business, standing in the name of the hon member for St. **Michael** South Central, whom I do not now observe in his place.

This brings us to the end of Private Members' Business.

ADJOURNMENT

Hon. L. S. CRAIG: Mr. Speaker, **this** brings us now to the end of today's Sitting Sir and I believe that we can all take some satisfaction in what I should consider a relatively interesting Sitting over the past months. The Government has again produced a lot of work, by looking at its Order Paper. We have a few items left over on the Order Paper which have to go before Select Committee and it is hoped that those persons who **are** responsible for calling Select Committees, will call them during the period of recess, so that we can get these items also off Sir. I would be interested to know what other Bills I have on the Order Paper which would come before a Select Committee for the purpose of getting them ready for our next Sitting.

I would like to thank the Clerks, and staff Reporters Sir, the hon. members, members of the Constabulary and **all** concerned during **this** Session, for all that they have done to make Parliament work as well 'as it has and I look forward, after coming back on the 9th September, to a more gruelling and interesting display on both Sides, where there would be no quarters given and no quarters answered.

Mr. Speaker, I beg to move that **this** Sitting do now adjourn **until** the 9th September, 1980 at 12.00 noon' **as** we go into the Summer Recess.

Hon. H. **deB.** FORDE: Mr. Speaker, in seconding, I would like to endorse the words spoken by the Acting **Hon.** Leader of the House, so far as the Staff of **Parliament** is concerned and yourself **is** concerned and indeed, all hon. members,

I believe that the Debates **have** been very interesting, there has been a lot of cut and thrust. There were moments, as usual, Sir, of high tension, moments perhaps, of a few **misunderstandings**, but, by and large, I think that it **has** been an interesting period.

Mr. Speaker, Sir, you would notice that there are various Bills which had been left over. The reason for this, is that some have not been circulated and it would not have been appropriate for us to seek to deal with them whilst the other hon. members have not had a chance to deal with them.

I have promised **certain** Legislation like the Shipping Act, the Traffic Act, the Limitations Act, The Family Relations Act, all of which is substantial Legislation and I assure hon. members that on the resumption, we should be in a position to go on with those very substantive Bills.

Mr. Speaker, I thought that I would like to join in the request of the hon. member for a Meeting of the Select Committee, certainly, on the Consumption Bill standing in my name and on the Integrity Act.

We have drafted substantial amendments to both **Bills** in the light of the discussions in the Committee in this House **taking** into account some of the matters raised by hon. members, and also in the light of further comments from the public and from the **Judiciary** and I believe that we can bring both Bills satisfactorily to a conclusion in the House maintaining a greater degree of non-partisan satisfaction in respect of these Bills than was achieved in **this** present session before **the** recess, and I should welcome in particular any comments from any member in the House on any ways in which they believe the legislation can still be further improved. Again it would be the Government's intention to move the Standing Orders to permit the Bill to go back on a further second reading and full debate on the principle of the Bill and any further comments which the Opposition may want to make at the particular time, so that **those** two Bills in particular **can become** part of the Laws of Barbados and fully acceptable to both political parties.

Mr. **TAITT**: Mr. Chairman, I just wish in supporting the Resolution to make reference to something which the Hon. Attorney General said. It seems to me that we are going on a very short recess. Now, Sir, he has suggested that there should be meetings during **this five** week period of the Select Committees. I believe that the work to be done on the Select Committee especially the one dealing with the boundaries is very serious work **that** calls for research and **calls** for attitudes and calls for the commitment of mind to what is being done. I fail to see how we can have a five week recess in which we are supposed to be recharging the batteries and then the **Government** is saying that they want to have the Select Com-

mittees meet during that five week period. We are aware that the Government has at its disposal all the information relating to work that **will** be done in these Committees. Those of us on the Opposition are at a disadvantage in that respect. When we **receive** whatever information is going to be sent to us, I presume we would be expected to study it, to consult and be able to deal with it in a manner commensurate with a **quality** which would be expected. I hope that in his utterances about the meeting of the Select Committee the Attorney General will recognise those difficulties which I am alluding to and not seek to have **meetings** through a period when, let us face it, Sir, all persons who have been engaged in any kind of serious activity over a period of a year would want some kind of rest away **from** the **particular** subject matter. I am very serious about it and I have to serve notice on the Attorney General that I intend to get some kind of rest during the next **five** weeks; so if he proposes to have these Select Committee meetings, do not let **him** come back to the Honourable House and suggest that **this** hon. member was not there or some other hon. member was not there. I think there has to be some judicial application of what the Attorney General had to say.

Hon. L. S. **CRAIG**: Just briefly, as I understand it, the **Chairman** of the Select Committee is the one who should summon it. Is that so?

Mr. **SPEAKER**: And the Chairman ought to be given some sort of consideration **where** rest is concerned like any other hon. member.

Hon. L. S. **CRAIG**: The Chairman is **still** the person to summon the Committee, but I can only hope in the interest of all concerned that the Select Committees can at least meet one day in a week or a couple of hours. I have very important legislation here with the Tenancies Act and I am very concerned about this. Mr. Speaker, if you are Chairman of the Committees, I hope you will spend a few hours with us. As far as the hon. member for St. Michael South West is concerned, he does not want any rest; you have **been** resting for the past four years and you **will** have a few more years resting, so don't worry your head.

*The question that this House do now adjourn until Tuesday, 9th September, 1980, was put and resolved in the affirmative without division, and Mr. **SPEAKER** adjourned the House accordingly.*
6.56 p.m.