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THE

# House of Assembly Debates

(OFFICIAL REPORT)

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SECOND SESSION 1976 – 81

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## HOUSE OF ASSEMBLY

*Tuesday, 22nd July, 1980*

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock, on Tuesday, 22nd July, 1980.

### PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. C. L. BOLDEN, LL.B., (Minister of Communications and Works); Hon. H. deB. FORDE, S.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Mr. D. A. C. SIMMONS, LL.M.; Hon. L. B. BRATHWAITE, (Minister of Agriculture, Food and Consumer Affairs); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Mr. M. C. C. WARD; Hon. H. B. St. JOHN, Q.C., LL.B., (Deputy Prime Minister, Minister of Trade, Tourism and Industry) (Leader of the House); Hon. L. R. TULL, M.A., (Minister of Education and Culture); Mr. DeL. O. BRADSHAW; and Mr. L. L. SISNETT.

*Prayers were read.*

*Mr. SANDIFORD entered the Hon. Chamber and took his seat.*

Mr. SPEAKER: Order, please. The Minutes of the Meeting of Tuesday, 8th July, 1980.

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

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

Mr. SPEAKER: If there are no observations.....

Mr. SANDIFORD: Mr. Speaker, my only observation is in respect of a statement by the Hon. Leader of

the Hon. House that the Minutes have been circulated. I just came into the Hon. Chamber and saw the Minutes for the first time.

I do not necessarily want to hold up the Minutes, but all that I am saying is that I am unable to speak in terms of the accuracy of the Minutes. When we are confirming these Minutes, I think that we should be aware of that, in terms of circulation. I have only just seen the Minutes.

Mr. SPEAKER: I thank the Hon. Member. Let confirmation be deferred.

Mr. SIMMONS: Mr. Speaker, Sir, at the same time, I just wish to draw attention to a grammatical error under "CONGRATULATORY AND/OR OBITUARY SPEECHES".

Mr. SPEAKER: At which page?

Mr. SIMMONS: Page two, Sir.

Mr. SPEAKER: Thank you.

Mr. SIMMONS: "Mr. L. E. Sandiford paid tribute to the late Mrs. Erma Rock former member of the Other Place, and moved that the usual letter of condolence be sent to Mrs. Rock family".

It should be Sir, Rock's.

Mr. SPEAKER: The Clerk will do the necessary in the circumstances.

### ANNOUNCEMENTS BY YOUR HONOUR

Mr. SPEAKER: I have learnt that the Other Place will be submitting to this Hon. House, a number of small Amendments to Bills which were made by the Government Benches in the Other Place and in due course, we will proceed to debate these Amendments.

## PAPERS LAID

Hon. H. B. St. JOHN: Mr. Speaker, Sir, on behalf of the Hon. Minister of Finance and Planning, I beg to lay:

The Airline Service Business (Rate of Tax) Order, 1980.

Statement showing New Customs and Excise for three months ended 30th June, 1980.

Hon. C. L. BOLDEN: Mr. Speaker, I beg to lay:

Statement showing Money Order Transactions through the Crown Agents for Overseas Governments and Administrations for the months of March, April and May, 1980.

Statements of Post Office Advances for the payment of Money Orders for the months of March, April and May, 1980.

## GOVERNMENT NOTICES

Hon. H. B. ST. JOHN: Mr. Speaker, Sir, on behalf of the Hon. Minister of Finance and Planning, I beg to give notice of:

A Resolution to approve the use of the sum of £684 506 and the sum of £3 878 866 from Lloyds Bank International Limited for the provision of certain goods and services for the development of the Coast Guard.

A Resolution to grant the sum of \$253,589 from the Consolidated Fund and place it at the disposal of the Government to supplement the Estimates 1980-81 Part II, Capital, as shown in the Supplementary Estimates 1980-81, No. 1 which form the Schedule to the Resolution.

I also beg to give notice Sir, of:

A Bill to provide for the proper management and control of broadcasting in Barbados, the establishment of a Broadcasting Authority and for related matters.

I beg to lay, on behalf of the Rt. Hon. Prime Minister, and Hon. Minister of Finance and Planning:

A Bill to amend the Liquor Licences Act.

A Bill to repeal the Public Loans (Redemption) Act.

## ORAL REPLIES TO QUESTIONS

Also, that the reply to Parliamentary Question Number 46, asked by the Hon. Member for St. Michael South West is now ready.

*Mr. TAITT entered the Hon. Chamber and took his seat.*

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

Resolution to approve the compulsory acquisition of two parcels of land at the corner of Howell's Cross Road and Two Mile Hill in the parish of Saint Michael for the purpose of road improvement.

Also, Sir, a:

Resolution to approve the vesting of land and buildings at Friendship, St. Lucy, in the Barbados Agricultural Development Corporation for the purpose of implementing a Farm Project.

Hon. H. deB. FORDE: Mr. Speaker, Sir, I beg to give notice of:

A Bill to amend the Crown Lands (Vesting and Disposal) Act.

## FIRST READING OF BILLS

*On the motion of Hon. H. B. ST. JOHN, seconded by Hon. L. S. CRAIG, a Bill to provide for the proper management and control of broadcasting in Barbados, the establishment of a Broadcasting Authority and for related matters, was read a first time.*

12.30 p.m.

*On motion of Hon. H. B. St. JOHN seconded by Hon. L. S. CRAIG, a Bill to amend the Liquor Licences Act was read a first time.*

*On motion of Hon. H. B. St. JOHN seconded by Hon. L. S. CRAIG, a Bill to repeal the Public Loans (Redemption) Act, was read a first time.*

*On motion of Hon. H. deB. FORDE seconded by Hon. L. S. CRAIG, a Bill to amend the Crown Lands (Vesting and Disposal) Act, was read a first time.*

## STATEMENTS BY MINISTERS

Hon. H. B. St. JOHN: Mr. Speaker,

On 27th May, the Prime Minister stated in this House that one of the greatest disincentives to efficiency in the Public Service occurred when Governments could not make up their minds on how many civil servants they needed and kept people in temporary posts for long periods. The decisions expressed to have as many as possible of the temporary posts in the Public Service placed on a permanent basis.

When these observations were made the Prime Minister was moving the passing of a Resolution to approve the Civil Establishment General (Amendment) (No. 3) Order, 1980, to place a number of temporary posts, including some in my Ministry on a permanent basis. The Government has recently decided to establish the majority of those temporary posts which have not been provided for specific projects which are of a temporary nature. As a result some one hundred and forty five monthly paid employees and 45 weekly paid employees who are presently employed on a temporary basis will become eligible for permanent employment.

These employees would be afforded greater job security and the right to pensions in respect of their total service. The acquisition of these benefits should boost the morale of the employees and lead to greater productivity.

As a result of Government's decision several Departments of Government have been provided with additional permanent posts — the largest numbers going to the Ministry of Trade and Industry, the Post Office and the Ministry of Health and National Insurance, including the Psychiatric Hospital and the National Insurance Department.

It is proposed to include these posts, as appropriate, in the Civil Establishment (General) Order which will give effect to the outcome of the current salaries revision negotiations.

#### OBITUARY SPEECHES RE THE LATE WILLIAM ALFRED KELMAN

Hon. C. L. BOLDEN: Mr. Speaker, on Saturday, 12th of this month, the body of the late William Alfred Kelman was laid to rest at St. Joseph's Parish cemetery. He was the father of the Clerk of Parliament, Reynold Kelman, and he had five other children beside our own Clerk.

William Alfred Kelman was better known in the parish of St. Joseph by the nickname of "Belgium". He was the son of James Kelman and as I understand it he was born at Mount Dacres also in the parish of St. Joseph. He had a checkered career. He was a policeman for some time in our own Barbados Police Force. After spending part of his life there he went to Curacao where he worked and he returned to Barbados and joined the Sanitation Department. Over and above that he was also a fisherman for some time. He was highly regarded in the parish of St. Joseph and it is generally known that he was a man always in search of truth, a man who believed in rightness, a man who believed in law and order. Many people would call on him, they would go to see him, they would sit around him and hear him say things which were so true and which

could only have been spoken in the way he could speak them, and at the end whatever he had to say, you never went away with wrath. He was also a fearless man. He has had his run-ins with the people of St. Joseph and yet still at the end of it they were very good friends.

I would hesitate to repeat a joke which he had with his own brother, but Mr. Speaker, I would say that even until death he carried with him a charming personality. I know for sure that when the vacant post of Clerk of Parliament was advertised, he spoke to his son and he said he believed so much in Parliament and what it stands for today in this changing world that he thought Ren should try his best to become the Clerk of Parliament because he believed that he carried with him the same thoughts and the same spirit that our Parliament would be the better in the long run. I am happy to say that today young Kelman is Clerk of Parliament and he exhibits the same qualities as could have been found in his father. He was hospitalised for some time, and as I understand it, the type of illness he had restricted the amount of liquid intake, and about a week before his death when many of his relatives were standing at his bedside, somebody said "Belgium, are you going to get anything to drink tonight?" This was after the first bell had been rung for visitors to leave the hospital. He looked up with a smile and said "well they scarcely give me anything during the day far less at night!" and there was a laugh. He knew that the end was near, but he was a happy and contented man. He died as he lived.

With that, Mr. Speaker, I therefore beg to move that the usual letter of condolence be sent to the sorrowing family as would have been sent to any other member of this Chamber.

Mr. TAITT: Mr. Speaker, in rising on behalf of the hon. members on this side to join in the statement made by the Hon. Minister of Communications and Works, let me first of all say that we regret that we only discovered the passing of the father of our Clerk, at least I myself only discovered it as the Hon. Minister got up, and I must confess that I am very saddened to know that this bulwark of Horse Hill and Bathsheba has in fact now passed on to the Great Beyond.

Mr. Speaker, he represented a class of Barbadian that is very slowly leaving us and we are in danger that the high qualities which that group of our forefathers possessed may not all be passing on to us and the generations that follow us. These were people who have had to battle in the long, hard, difficult days to provide the platform from which the rest of us have been able to benefit and have been able to point some way for our sons and daughters to go. It is not incidental that I have the task and duty on this side because all of us

in Barbados have long extended families, and it has been well known in the parish of St. Joseph that part of my extended family and the Kelman family in that area of St. Joseph have had a long and pleasant association.

12.40 p.m.

I cannot speak of the father of our Clerk with the intimate knowledge with which others may be able to speak, but Sir, I think it is fair to observe that if the son of this man is an indication of the quality of the man, then we need look no farther. Those of us who had known him in his earlier days and watched him as he has returned to Barbados determined to uphold some of the old time qualities for which our country had become renowned, those of us who see in him a courtesy and a courteousness which in more recent times had seemed to be dying out, those of us who recognise a willingness on his part to listen even though the person to whom he is listening may be ignorant can only pray that the father and the environment which that father created will not pass in Barbados and that many more persons will come to be able to enjoy that kind of family upbringing.

A policeman, a sanitation department worker, a fisherman, Mr. Speaker, all modes of earning a living which call for hard, steady, physical work. A man who was able to do these jobs and still retain the love and affection of all who lived amongst him and his family and all who came into contact with him is something which we all can aspire to when we shall have passed this part of our existence.

Mr. Speaker, we wish to join in the sending of such a letter and in extending to the Clerk of Parliament and his relatives and relations our heart felt sympathy on the passing of his father, a man for whom he had the greatest respect and I know the greatest love.

Mr. SPEAKER: I too am saddened by the passing of the father of the Clerk of this Hon. House. I did not know the old man but I understand he lived to a ripe age and that it can be said he passed through life's journey gathering many an experience, and it is that experience I understand that he shared with many others who sought his advice as time went by in more ways than one. He was an able councillor, he showed himself to be a true father, and as has already been expressed, he was a lover of the truth.

With those few remarks I wish to ask hon. members to stand with me for a moment in silence in respect of the passing of the late Mr. Kelman.

*Members stood in silence in their places for one minute.*

## ORAL REPLIES TO QUESTIONS

Hon. H. B. St. JOHN: Mr. Speaker, I beg to give notice that the Reply to Question No. 46 asked by the hon. member for St. Michael South West is ready.

## ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I want to invite this Hon. House to revert to Announcements by His Honour the Speaker since I have just been presented with copies of Messages from the Other Place.

I am to announce that I received a Message from the Other Place concerning amendments that were made to a Bill to amend the Evidence Act Cap. 121, a Bill to authorise the issue and payment in Barbados of Savings Bonds, and another Message informing this Hon. House respecting a Resolution concerning the vesting of land at Indian Ground, St. Michael in Plantation Trading Limited.

That is the end of the Announcement.

## SUSPENSION OF STANDING ORDERS

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

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

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

## ORDERS OF THE DAY

Hon. H. B. ST. JOHN: The first Item, Sir, is the Item referred from the Other Place. I think it was an amendment which was suggested by the other side and the Bar Association. It was adverted to in one of the speeches by the other side and it deals with the question of other people who are indispensable in certain types of cases, that they be included and be allowed to give their certificate too. The Attorney General will move it, Sir.

Mr. SPEAKER: I understand from the Opposition that there is no objection.  
12.50 p.m.

## AMENDMENTS TO A BILL TO AMEND THE EVIDENCE ACT

Hon. H. deB. FORDE: Sir, I am moving that this Hon. House concurs in the Amendments made by the

Honourable the Senate to the Evidence Amendment Bill, 1980.

The short Amendment, Mr. Speaker, relates to the insertion of a Certificate or, Report of an Analyst, or Consultant in the field of Toxicology in respect of his examination, analysis, or any matter. That is the new sub-clause, 28(b).

The purpose of this Amendment, is to make it unnecessary for the Government Analyst who may be given a Report on drugs, for instance, whether or not a particular plant happens to be of the marijuana for instance, within the relevant Legislation, it makes it unnecessary for him to attend court unless, he is specifically summoned for cross-examination or at the request of the Court, or at the possible request of the Prosecution.

Mr. Speaker, Sir, The Bar Association, after the Bill had passed the Hon. House, requested an Amendment and I willingly concurred in recommending the Amendment to Cabinet and I now also recommend it to this Hon. House. I must say that a copy of the Bill has been sent to the Bar Association.

Indeed, this Bill had originated several years ago, out of the Judicial Advisory Council, well before the change of Government. But, in keeping with the usual pattern of things, apparently, nothing more has been heard of. Events, have to some extent, overtaken this Bill.

Since this Bill has been drafted, we have circulated a substantive Bill dealing with the complete reform of the whole Law of Criminal Evidence. We are at the moment, also giving consideration to substantial reforms of the Law of Civil Evidence and we would hope that the consultations which we are proposing to hold with the Bar Association, the Judiciary and other Parties, about reforming the Law of Evidence, will be complete before the end of the year, so that that major reform Legislation will be in this Hon. House, by the beginning of next year, at the latest.

As a companion to this Legislation too, Mr. Speaker, will be a complete reform of Criminal Law and Proceedings in Barbados. The first draft of that Bill has been completed. It is now going into departmental ground and being looked at particularly, by members of the Judiciary. It will next be handed over to the Bar Association and we will also consult with the University of the West Indies. So, that, hopefully, in the new year, Mr. Speaker, we will have, before this Hon. House, Legislation amending the reform of the whole Evidence Act, the reform of all the Laws dealing with criminal proceedings. We have completed, as well, the reform of the Civil Procedure in the High Court and those Rules, will, I hope, before the end of the year, be made by the

Judicial Advisory Council and we will also be bringing before this Hon. House, substantial reform of wide areas of the Criminal Law of this country.

Therefore, it gives me great pleasure in asking for the Hon. House's concurrence in saying that this will be a temporary measure until the substantive changes come before the Hon. House next year.

Mr. TAITT: Mr. Speaker, I shall be very short.

I am very happy and welcome the announcement by the Hon. Attorney General that we can expect, during the next year, or so, substantial bits of Legislation which will reform a number of areas of the Law in Barbados. I would like to make a point which may seem, for some persons, as revolutionary, but Sir, it is agreed, on all Sides, that there are certain areas of Legislation, in which there is no political controversy.

It would seem to me and the matter which we are dealing with now, I think evidence the points, that if all the persons who have an interest in some of this Legislation can get a chance to comment on this Legislation, not in the traditional way of the file, or a letter being sent out to Departments, or to an Organisation and that Organisation sometimes not remembering to reply, but if there could be public hearings, on some of this Legislation, I believe that in the end, we would save a lot of time and therefore, a lot of money.

I would like to suggest to the Hon. Attorney General, that in the case of the reform of Laws which he has just alluded to, that copies of the Draft Legislation be forwarded, not only to those persons who traditionally get it, but he could even consider sending copies to the Opposition. Hon. Members of the Opposition have an interest, assuming that the Legislation is not controversial and will not cause the Government to feel that they can be attacked on it. It seems to me that we could implement, in Barbados, a system of sending Draft Legislation to all Hon. Members of both Hon. Houses of Parliament, so that comments can be made.

But, I go further, Mr. Speaker. I think that there should be public hearings on some of this Legislation, so that those members of the public who may not be circulated, but who may have an interest in the Legislation can get an opportunity to comment on that Legislation and persist in making sure that when the Legislation is eventually passed, that it serves the purpose for which it is designed.

Now, I have no doubt, that as soon as this Legislation which we are dealing with now is settled, that we are going to discover some professions connected with the Medical profession, whose evidence is required fairly frequently, in the Courts and who fall in the

category of the doctors and now the Toxicologists. It would seem to me that, if all of the various professions had had the opportunity to say that they would like to be treated in a similar fashion, that the Government and subsequently, Parliament would have had the opportunity to exhaust all the areas where a Certificate would serve to satisfy the requirements of evidence, as opposed to the individual having to make one, two, three, or more treks down to the Court.

I hope that the suggestion will find favour with the Hon. Attorney General because I believe that if we can work out all that area of our Laws which will cause no controversy among the political Parties, then, we can have the assistance of people in Barbados participating, rather than having to go back and forth, as we seem to do, from time to time.

Mr. SANDIFORD: Mr. Speaker, in rising to speak on this Motion very briefly, I would like to support the points made by my colleague, the Hon. Member for St. Michael South West and I would like to suggest very strongly that, as part of the process of consultation, before measures such as the reform of the Evidence Act, or any other matter which may be dealt with by the Government, which has part of that process of consultation, we are suggesting, to the Government, that the Hon. Members of Parliament should be circulated with the same information which is sent to the various Bodies which are being consulted.

1.00 p.m.

I am not accusing the Government of failing to consult in depth with the Opposition or indeed with members of Parliament, but this is a suggestion that we are throwing out bearing in mind the nature of politics in this society today. We are in the age where it is considered right and proper for interest groups to be consulted on legislation or draft legislation. This draft legislation or draft proposals may be submitted to a wide body of persons and the situation we are finding ourselves in, Mr. Speaker, is that you have citizens in the country who may be circulated with a new Evidence Act or who may be circulated with proposals for a National Health Service, but the members of Parliament who have to deal with the matter at some stage themselves are not circulated with any of the draft material in circulation. I believe that no principle would be abrogated if purely for matters of information, and that would have to be made clear, that it is purely for matters of information, such draft legislation or if such draft proposals or governmental proposals were circulated to members of Parliament that it would put them in a position of being *au fait* from very early on, on the first rung of the ladder or at least the second rung when it leaves the Government Department of what is proposed, the measures being proposed, and they would be able to start doing their own analysis of the matter at that particular stage. So I throw out the suggestion

in this age of interest group politics that the members of Parliament should not be left out from that particular procedure and I commend this particular proposal to the Government.

Hon. H. deB. FORDE: Mr. Speaker, I have listened to the proposals of hon. members on the other side and I will take their suggestions under advisement. Let me say, Mr. Speaker, that in relation to the reform legislation, the ideal situation is to have a Law Reform Commission established on a permanent basis. Such a proposal had been advanced to the Cabinet, but because of the financial priorities facing the Government it has not been possible for us to establish a Law Reform Commission on a permanent basis with the adequate staff and the process of consultation which will take place over the whole gamut of the public. We have therefore had to follow the precedent followed with great success by New Zealand since 1932 in which we have consulted broad interest groups on areas of reform of the law. Now if both political parties had legal committees, it would be easy to do exactly the matter recommended by the hon. members on both sides because then we would send on not what we consider to be non-controversial legislation to Committees, but we would have to ask them, Mr. Speaker, to exercise the usual restraint that we ask of people, because sometimes when we circulate legislation it has not even received the final stamp as a Ministry Bill, and it is really a thought provoking Bill. I would be prepared, however, after consultation with the Cabinet, to recommend to the Cabinet that some of the legislation now being developed in our Ministry which may be quite uncontroversial, like the Evidence Bill, be referred to both political parties for their comments.

I hazard a guess though, Mr. Speaker. Mr. Speaker, we have not had much success with some of the professional bodies and other interest groups on consultation, and I doubt whether we will have very much more with the political parties themselves, for the simple reason that people are very busy; they themselves say they have not got the time nor the research material or personnel to go into matters in the indepth way in which we try to do it in our Ministry, but what we can possibly do is to invite them, and we have been inviting interest groups like the Church, women's and men's organisations etc. to sit in at deliberations which we have when we are developing policy on these non-controversial areas of legislation.

The other thing that I wish to bear in mind is that there is a certain impatience in the reforming zeal which I am trying to bring to this task because we have been a little bit behind time in reforming legislation in wide areas of the law. In relation to the Land Law Bill, Mr. Speaker, we did have consultations over a period of years; we even had a meeting of the Select Committee, Mr. Speaker, and I regret to say that the performance of some members of Parliament both on this side and the other side in

attendance was not one worthy of any significant commendation, and that is why I said I am a little skeptical that the intention, the goodwill to be able to make a contribution will mature except in areas where particular individual members have a special interest in the particular legislation. That has been our experience.

In the Bar we have found in many instances that it is better for us to write to particular attorneys-at-law whom we know have a particular interest in the legislation than to send it to the Bar in general. The Bar probably has about twelve to fourteen bits of legislation now before it in which I have been seeking the Bar's recommendations and views in some cases for several months. The bottleneck is there; I cannot get past them and this is where we have some problems.

In relation for instance to the legislation dealing with the Labour Law, we have circulated that legislation for quite some time and we are still waiting for interest groups to react. Admittedly it is only a discussion draft, but we have had some public comments on the legislation without us being able to explain that we either do not agree with that ourselves or we want a reaction or we are prepared to modify the position. The only bit of labour legislation that I know we have had full comment on has been the Factories Bill. We probably have not had full comments on that, I am not sure. I see from the hon. member for St. Lucy that probably full comments have not come back from that, but maybe the Employers Confederation or somebody we are waiting on. But there are these problems because the Severance Payments Bill, for instance, I do not know if that has been circulated, but that has left our office now for upwards of two years. The Factories Bill we have sent out various drafts, various other bits of legislation are around the place. The Traffic Bill which the Hon. Minister of Communications and Works should shortly be bringing before Parliament, the first draft was actually drafted before the Hon. member for St. Michael North Central was Minister of Communications and Works, and I remember my predecessor who was finally the hon. member for St. Michael South Central saying how he had given the Chief Technical Director a special assignment and special leave and he guaranteed it was going to be in the House. You will remember because we spoke at length on that, and I think within a few weeks hopefully that Bill will be in this House.

I think the suggestion is a valuable one. Having said that, let me say it is a valuable suggestion, since I am a consensus politics politician that wherever possible I like to get the maximum amount of consensus in this community because I think it leads to political stability and have myself advocated similar suggestions, I will promise the hon. member that between now and whenever the House finally ends its term of office during this session of Parliament that we will consult with him

subject of course to Cabinet's final approval on this matter.

*The question that the amendment as proposed stand part was put and resolved in the affirmative without division.*

1.10 p.m.

#### AN AMENDMENT TO THE RESOLUTION TO APPROVE OF THE VESTING BY THE CROWN OF A PARCEL OF LAND IN PLANTATIONS LIMITED

Hon. H. B. St. JOHN: Mr. Speaker, subsequent to the acquisition notices Plantations Trading Company changed its name by deleting the word "Trading" between "Plantations" and "Company" and it became Plantations Limited, but the conveyancers followed the words of the acquisition and it was drawn to the attention of the Minister subsequent to the passage of the Resolution here that they had formally changed the name of the company by filing the requisite documents, so therefore opportunity is being taken to ensure that the parliamentary Resolution accords with *de facto* situation.

It is purely a technical correction and I beg to move that the amendment proposed by the Senate be accepted.

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

Mr. SPEAKER: There being no objection, the amendment is accepted.

#### AMENDMENT TO EVIDENCE (AMENDMENT) ACT, 1980

Hon. H. B. St. JOHN: Mr. Speaker, this is again an amendment that has been proposed in the Senate and it deals with section 5 which is purely an evidentiary section. Section 5 sets out that the bond must be signed by the Governor of the Central Bank and by such other officers of the Central Bank as the Minister approves, and the proposed amendment is that a facsimile signature of the Governor of the Central Bank and of such other officer of the Central Bank as the Minister approves shall be adequate for the purposes of this section. Under (d), Sir, when the bonds are printed apparently it is possible to have an embossing document which will be placed on the bonds rather than the signature of everyone. This is normal practice, and in order to clarify any doubt that a facsimile signature would be satisfactory, the amendment proposes to set it out very clearly in the Act.

I beg to move that the amendment proposed by the Senate be accepted.

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

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

# THE CARRIAGE OF GOODS BY SEA ACT, 1980

Hon. C. L. BOLDEN: Mr. Speaker, this Bill seeks to introduce into our laws the UN Convention on the Carriage of Goods by Sea which would replace our own law of 1926. The regulation of carriage of goods by sea, Mr. Speaker, started way back in 1893. What was generally used were what was referred to as the Hague Rules which were based on an American Act known as the Harter Act of 1893. The Convention for that Act was signed in 1925, it came into force in Barbados in 1926, it was adopted in other countries including Great Britain, the Commonwealth, places like Australia, India, etc.

There was an amendment to those rules in 1974 called the Brussels Protocol. Unfortunately our laws in Barbados were not amended to take into account the 1974 amendment. The UN now has come up with a new Convention which deals much fairer with the question of carriage of goods between the shipper and the ship etc. and we are seeking at this point in time to introduce the Convention Law to Barbados. The Bill will come into operation by proclamation, Barbados will seek to accede to the Convention, and with that, Mr. Speaker, I beg to move that this Bill be now read a second time.

Mr. SISNETT: I beg to second that.

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

*On the motion of Hon. C. L. BOLDEN, seconded by Mr. SISNETT, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.*

*Clause 1 was called and passed.*

*Clause 2 was called.*

Hon. C. L. BOLDEN: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. TAITT: Mr. Chairman, I think this is the most appropriate point to ask a question. I wonder if the Minister could inform us whether Barbados has become party to the Convention yet and what is the technique, if we have not signed the Convention, what is the technique of having the Convention being given the force of law before we sign it. It seems to me that we should approach it the other way round and I am sure there is some reason for that.

The second thing is, while I am on my feet, the Convention seems to be attached to the Bill as stage 3 of the Bill as it is circulated. Am I to assume that that is an annex?  
1.20 p.m.

Was it intended to be an Annex, or was it circulated for information as to what the Convention is? I wonder if the Hon. Minister could take this opportunity to explain it to us.

Hon. C. L. BOLDEN: In the first place, Mr. Chairman, at the end of the Convention, it was open to ratification by Members of the United Nations. The Convention would come into force, after twenty Nations had ratified the Convention.

Barbados was among the smaller Third World countries and Barbados has no shipping interest as such, in registering Ports for ships. Cabinet agreed that we should ratify the Convention but, the time had passed and therefore, the correct procedure is to accede now to the Convention. The Bill is historical. What has happened and this is the reason why the Convention is considered as an Annex to the Bill, is that previously, for instance, in Great Britain, there was the Merchant Shipping Act. This Convention regulates carriage of goods by sea, whether or not, a document such as a Bill of Lading has been issued. Previous to that, the ship owners could exclude certain liability.

When the first Convention came into force, which is known as the Hague Convention, several countries either adopted the Convention, as Law in their countries and passed Legislation word by word, or certain other countries amended the Convention in their technical language. In Great Britain for instance, the Merchant Shipping Act of, I think it is, 1894, was still in existence when the Carriage of Goods by Sea Act came into force, in 1924. In places like Italy, and Yugoslavia, they enacted the entire Convention.

For us, in Barbados, we annexed the Convention to a Bill, giving the Convention the force of Law in Barbados. It could have been done in either way. Either take the Convention and call it a local Bill, or you annex it to a Bill and give it the force of Law in Barbados. As I said earlier in the Second Reading, it will come into operation by proclamation, that is, as soon as we have acceded to the Convention, the Bill will then come into force in Barbados.

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

*Clauses three and four were called and passed.*

*Clause five was called.*

Hon. C. L. BOLDEN: Mr. Chairman, I beg to move that the word "Bill" in Clause five be deleted and that the word "Act" be included in its place.

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

Mr. TAITT: Mr. Chairman, is this the Merchant Shipping Act which you said that you were going to bring down, or are you bringing it now?

Hon. C. L. BOLDEN: It is a different Act.

Mr. TAITT: It is a different Act. Now, Mr. Chairman, I am wondering if the Government does not wish to take this back and make sure that the format is what we wish to do. I cannot think of any overwhelming hurry on this.

It strikes me that they are not quite sure as to how to handle this correctly. I would recommend that they postpone consideration, let the Hon. Attorney General be certain that he has dealt with it in a manner in which it should be dealt with.

My copy does not, for example, indicate whether the Convention attaching to the printed copy which I have is an Annex, or a Schedule, as referred to. If you look at Clause two which we have passed already, you see "Schedule" in the margin, when you come to the end of Clause five, the next thing which you see, is "United Nations Convention on the Carriage of Goods By Sea", then we have the Preamble and then, we have a number of Clauses of the Convention.

I have a suspicion, that technically, something has not been done which should have been done. Otherwise, what we would have, Mr. Chairman, is, suppose you wanted to refer to a part of the Bill, you would then have to say what? Please refer to the Convention which you will find attached to the Bill? It does not make sense. The Hon. Attorney General now wants to change "Bill" to "Act" and says that that is a typographical error. Take it back and bring it down when it is ready.

Hon. H. deB. FORDE: Mr. Chairman, if the Hon. Member had any points of substance, I would really listen to him, but, he has one point of substance and I will answer him because he is in some doubt, as to whether in dealing with Conventions, one should have them as self-executing, or whether one should pass similar Legislation as to that set out in the Convention.

When the Draftsman drafted this Bill, I discussed with him, two methods of approach. This Legislation was manifested in similar Legislation, implementing Legislation in others of our Legislations, Sir.

Anyone who has followed Barbados' Legislation for implementing Conventions, or Treaties, will see that inevitably, we append the Convention, as part of the Legislation and if my friend, on the Other Side, had taken the opportunity to look at the Bill which is being repealed, which is Cap. 307, he will see that Cap. 307, which was passed in 1926, adopted a similar Provision, where there were very short Sections, only six because they were provided for executing certain particular Provisions which had to be changed here and that the Schedule became a self-executing Schedule.  
1.30 p.m.

It says "The Rules (which was the Convention contained in the Schedule) shall have the effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from this Island to any port outside this Island".

Section 2 is the main self-executing section. I see the hon. member is laughing because the hon. member for St. Lucy has managed to score the point, so they hold me as a good lawyer. I see he is laughing. So that what we have done is to continue in Barbados the tradition which we have adopted in drafting most of this legislation, and the hon. member will see that his Government followed the same system in relation to the International Monetary Fund Act, for instance, and the World Bank Act, and followed the same precedent in relation to the Caribbean Development Bank Act. It is only where it is necessary to change certain internal laws of Barbados or for instance to create a legal corporation in Barbados that you will find particular sections drafted, but to save time we self-execute the treaty, because the treaty cannot change the laws of Barbados except in so far as Parliament may legislate that treaty. If the treaty introduces new principles of law to contradict either existing statutes or common law, therefore I asked the draughtsman at the time whether he wished to follow the existing precedents or did he wish elaborately to redraft every section of this Convention and he agreed that this was not necessary.

Now in relation to Clause 5 which is the only clause before this Committee, the Government proposed that the word "Bill" be changed to "Act" because when the Bill is passed it is the Act which comes into operation on a date which is being proclaimed.

Now, Sir, the hon. member really used your discretion widely with your consent to go on to the Schedule, in that obviously the Government is moving an amendment to use the word "Schedule" at the top of the next page, and the hon. member for St. Lucy drew the point to the attention of the hon. member for St. Michael South West, I did not have to hear it because already the Minister of Communications and Works had instructions that there were certain printing errors in the Bill which had to be corrected and it is usual in the Committee on a

second reading where there is an error to correct the error. These are technical arguments. In my view the Bill is completely in order and the amendment can be made.

Mr. TAITT: On a point of order, so that the record will be perfectly clear, I think the Attorney General quite inadvertently, and I prefer to say "quite inadvertently" has managed to make suggestions which only became valid at the point when he said he intends to move an amendment to have the word "Schedule" attached to the Bill at the top of the Convention. You will recall, Mr. Chairman, each time I raised the question I asked whether this was a Schedule, an annexation or what, and the point I was making is precisely the point he has now made. If it was a Bill, Mr. Chairman, as it was, at the time when I was speaking I was speaking on Clause 2 and I raised the question, and all he had to say was that it is going to be an Act and we are going to attach it as a Schedule and that would have been the end.

Hon. H. deB. FORDE: On a point of explanation, I was not here when Clause 2 was discussed. I came into the House afterwards. Had I been here I would have told the hon. member that.

Mr. TAITT: Do you mean to tell me, Mr. Chairman, that the Hon. Minister of Communications and Works, himself a lawyer of high standing in this community and the Hon. Leader of the House, himself a lawyer also of high standing and other high sounding lawyers on that side have all looked at this Bill, and now the Attorney General says the only reason he has behaved the way he has behaved is because he was outside? Do you mean he did not instruct the Minister? I am not wasting time. He said he intended to move an amendment and he would move it at a certain stage and he had told the Minister. He accused the Minister of not listening to him.

Mr. CHAIRMAN: Did I hear that we have another lawyer of high standing?

Mr. TAITT: Yes, Sir, of very high standing. Seriously, Mr. Chairman, obviously now the Attorney General has agreed that the word "Schedule" is missing from this and that the word "Act" is in its proper place we do not now have a problem, but we did have a problem at the point when the question was raised.

*The question that the word proposed to be left out stand part of Clause 5 was put and resolved in the negative without division.*

*The question that the word proposed to be inserted stand part of Clause 5 was put and resolved in the affirmative without division.*

*The question that Clause 5 as amended stand part was put and resolved in the affirmative without division.*

Hon. C. L. BOLDEN: Mr. Chairman, I beg to move that the word "Schedule" be inserted immediately over the words "United Nations Convention on the Carriage of Goods by Sea, 1978."

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

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

Hon. H. B. ST. JOHN: Mr. Chairman, I am very pleased that the Government has accepted the recommendation that we accede to this Convention and that we have got this Bill here before us, for the new rules of liability as contained in the Schedule will cure some of the greatest injustices that have been repeatedly taking place against people in the Caribbean area, and I refer to the practice which exists by shipping companies, small, big and everything of refusing to pay consignees of goods when the goods do not turn up at the port. Now anybody with any experience particularly of shipment of cargo which is break bulk cargo or of small packages would know that there is nothing more frustrating than a shipper sending goods to a person and when they turn up for the goods the goods cannot be seen, and very often, particularly in intra-Caribbean trading you would have paid in advance for the goods, and the shipper sends you the Bill of Lading and you turn up and the boat Captain tells you "I don't see them here now" and you have great difficulty.

Now under these new rules unlike the previous rules, the liability will be very clear, for once goods are shipped, no excuses will prevent the carrier from carrying out its obligations. If they get lost in the port, that is his business. These are modern rules and I hope that we will accede to the Convention with all due speed, because this is an international convention that was designed to get rid of the difficulties which used to arise for lost goods on board, and I well remember the difficulties we used to have in the old days and today still particularly with small packages, not container shipping but with small packages, and a lot of Caricom trade takes place with merchants shipping packages of shirts, packages of medicine and things of that kind.

1.40 p.m.

And it is well known that for some mysterious reason although your Customs Broker can certify to you that he saw them loaded they do not turn up at the other end, they disappear between territories, and under this the liability of the carrier is made abundantly clear. You will see that in the period of responsibility and you will see that in Article 5 in particular that once it was in his charge it is his business. I have no doubt that the hon. member for St. Lucy will recognise the importance of such a clause because he is very familiar with the

difficulties that surround the loading and unloading of goods and delivery.

Mr. SANDIFORD: Mr. Chairman, I am very glad to hear the Deputy Prime Minister speaking in the way that he has spoken. Following him I would like to raise a general question in respect of the loss of goods and in particular to the Caricom trade. I do not know if any goods are lost, let us say, between any of the Eastern Caribbean territories and Barbados, but I know a lot of fruit is imported into this country and I do not know if any mangoes or anything like that may be lost on the way, but I am wondering if the Minister would take this opportunity of letting this House and people of this country know what are the proposals for dealing with the unnecessary congestion that takes place at the lower wharf and in the Hincks Street area as a result of that trade. I believe that this is a suitable opportunity in which some information could be told to this House and to the public on that particular matter. We have not heard any statement on it but I think there could be some clarification telling us exactly what the problems are and what the Government propose to do in respect of that matter.

Dr. CADDLE: Mr. Chairman, I would like to begin by saying that in a way I am grateful to the Leader of the House for attempting to explain the importance or the impact that this Convention will have on Barbados. I was looking forward to hear the Minister who was in charge of the Bill give some background to this matter, also explain the important benefits that are likely to come about in Barbados by having this Bill being part of the Barbadian law and what new adaptations the people in Barbados who are likely to benefit or to be affected will have to make in getting acquainted with this Bill, but so far we have just had the Bill introduced in the usual run of the mill manner and I hope that the Minister will now seek an opportunity to let us know, as his Leader has been attempting to tell us, the important areas of this Bill which are of great importance to people in Barbados who are involved in shipping. Also I would like to draw to his attention that I see there is some need for some public relation effort to be made in letting the Barbadian people know about this particular new Convention and how they will have to adjust and what benefits will accrue to them from Barbados' accession to this particular Convention.

Hon. C. L. BOLDEN: Mr. Chairman, if I should deal with the last people first. Shipping is a specialised field in Barbados and those persons who are involved in shipping probably know more about what is involved in this Convention as against the Hague Rules which I said earlier, and I said that the Hague Rules allow the carrier to exclude certain liabilities. I said these rules which are much improved upon what is called the Hague

Rules now spread the liability evenly among shipper and the carrier. That is the first thing. (*Aside*). The hon. member wants some examples, I do not know if he is doing business overseas.

Mr. Chairman, the hon. member knows full well that even passengers coming from abroad are allowed certain weights that they can carry, others have to come as general cargo. I know of an example where a girl came from England well over a year ago and up to this day she cannot find two large trunks she brought down to Barbados and she has not been paid because the carrier can deny liability. As a matter of fact goods come to Barbados, and as one man told me, you find a pallet covered over and when you look at the pallet there is nothing inside, the goods are gone. There are shipping agents who deal with these things, the agents full well know what their rights and liabilities are, so there is nothing I can tell the general public because as you know the general public is not even accepted in the Port. Shipping is a specialised field.

To deal with the other question, Mr. Chairman, about the congestion along the wharf, I am glad the hon. member has raised that question. From the time the present extension to the Harbour came to an end, Government through the Port Authority wrote to the Barbados Workers' Union, we settled rates for cargo in the main part of the wharf, and we looked at Caricom rates for the shallow draught facility. The Deputy Leader of the House fought with Cabinet to reduce the rates for the shallow draught facility, because he argued that in order for us to extend our Caricom trade there had to be special Caricom rates in the shallow draught facility.

Under the Agreement there must be a 6% return on the cost of building the extension to the harbour, and the Port sought to spread its charges right across the new facility in order to meet the terms of the agreement. The Government will have to pay some of the expenses in the shallow draught facility. The Port Authority has written the Barbados Workers' Union asking to settle an agreement to get the shallow draught facility in operation. We have not up to this day received any suggestion from the Union, they have just refused what was put up by the Port, they have not made any counter-proposals, and the Port is sitting trying to get proposals out of the Union so that they can move all the Caricom trade from the basin down to the shallow draught facility.

It has been said that the inner basin should remain idle for at least two years for purification. We would like to get the boats from in there, we would like to clean up the side of the wharf, we would like to run the Transport Board buses from the Lower Green to this bus terminal and back along the wharfside, instructions have gone out that we should start preparing a sort of security along the side of the wharf to prevent vehicles

going into the Careenage, but we have not been able to reach agreement with the Union. We have had to move the two Jolly Rogers and the Captain Patch and all the boats down in the shadow draught facility but we cannot move the inter-island schooners because we have no agreement. We are in for industrial peace, we are not looking for war with the Union or anybody else, if we have to wait we will wait. Meanwhile the shallow draught facility is lying and as soon as the Union is prepared to come up with proposals, they will be discussed and we will be only too happy to remove the congestion from along the wharf. As soon as the congestion goes you will see an extended bus service linking up town to down town. We cannot do it now. If you go down the wharf today, if you went down yesterday you had single line traffic with pressures on both sides from the mangoes and everything coming off the ship onto the wharfside, people on the other side trying to get across the road, and that is what we are faced with.

1.50 p.m.

We have not abandoned hope, but we have been trying from the time we went into this Shallow Draft Facility, to get the Union to put up suggestions. The Board came with counter Proposals, Cabinet accepted the counter Proposals and I am informed that they have gone to the Union. We have had no reply so far. We stand now, ready to employ 74 workers in the Shallow Draft Facility, as soon as we get agreement from the Union. That is it. If they do not respond, we have to find ways and means of getting things done.

Mr. TAITT: Mr. Chairman, I have just heard the most extraordinary statement coming from an Hon. Minister in this Hon. House. In an attempt to put the fault of the ineptness of this Government on the shoulders of the Barbados Workers' Union, an Hon. Minister gets up in this Hon. House and says that the reason why we have the congestion is because he has not heard from the Union.

Mr. Chairman, if you will stretch your mind back, not very far, in this Hon. House, I told that Government that they were making an error to allow the IADB to bully them and to tell them what they must do. Now they come talking about. . . . .

Hon. C. L. BOLDEN: Mr. Chairman, on a point of Order. The Hon. Member should remember that when the Agreement was signed it was signed under your Regime. You were responsible for Trade, the terms were included in the Agreement and we found them there when we came in.

Mr. TAITT: Mr. Chairman, the Record will show that it was under the Hon. Member, who is now Hon. Minister of Agriculture that those particular terms when they came into this Hon. House and asked this Hon.

House if we would let them push through the Legislation because they wanted to get the Agreement done in a hurry. We had refused, Mr. Chairman (*Asides*).

Mr. CHAIRMAN: Order, please. The Hon. Minister.

Hon. L. B. BRATHWAITE: Mr. Chairman, on a point of Order. That is not true.

(Mr. TAITT: Bring the Record).

Hon. L. B. BRATHWAITE: The conditions under which we came in and found and were working, were the conditions laid down for us and I go further and tell you this, that had it not been for the quick action of the learned Attorney General, this country would have been saddled with tremendous fees by the Contractors who were involved.

Mr. TAITT: Mr. Chairman. . . . . (*Asides*)

Mr. CHAIRMAN: Order, please.

Mr. TAITT: Mr. Chairman, I will recall for you. It was late in this Hon. House an evening, when they asked us to allow them to pass the piece of Legislation because they wanted to sign the Agreement, the people were down here. We had indicated to them that the Agreement had not been signed because we had reached an impasse on the same point which he now says that the Hon. Leader of the Hon. House fought Cabinet against. It was, that they insisted that the Port must be operated on a business basis and they insisted that the rates for the Shallow Draft must be the same as the rates for the rest of the Port and we told them to go to hell.

Then, this Government came into power and this Government said that it was going to somehow allow this Agreement to be signed because it was being held up and you were warned on the Hon. Floor of this Hon. House. (*Asides*) The Record will show it, do not let us say I am wrong, or you are wrong, bring the Record, the Record will show that we warned you that the question of paying the same rates for the entire Harbour would create a problem and you have to tell the IADB, or any other International Agency, that this is our country, not their country. The result is this, the rates that they have agreed to, in the context of the Agreement, would have to be on the same basis as the overall Port and it would be impossible because of goods landed, it would almost be impossible and therefore, Mr. Chairman, it is not correct to blame the Union and say that it is the Union whose fault it is.

What you have to do is to come to an Agreement in which you set the rates, you determine to a large extent what the position is going to be for your Shallow Draft. You also have to try and treat the new Shallow Draft, or

its replacement, as a separate part of the Port. *(Asides)*. That is what you have to do. The result would be that you would be able to charge different rates for inter-Island schooners than you charge for ships. That is how you will be able to have an Agreement which does not put the Union's Agreement in jeopardy.

If you are trying to insist that the rates..... *(Asides)* I am fully aware of the political implications of what you are trying to suggest. The fact remains that if you..... *(Asides)*

Mr. CHAIRMAN: Order please. The Hon. member will have a chance to speak I am sure. I must assure the Hon. member for St. Lucy that he will have a chance to speak.

Mr. TAITT: Mr. Chairman, my colleague is suggesting that I should let him speak on this matter. I just wish to make this point, Mr. Chairman, you cannot insist that the people in what we now call the Shallow Draft, be moved from there, into the Port and expect that without more, that the rates will come down for some reason. You cannot expect in the same compound, to be working for different wages. It is impossible. *(Asides)*.

Mr. CHAIRMAN: Order, please.

Mr. TAITT: They are all working in the Port.....

Mr. CHAIRMAN: Order, please. *(Asides)* Please let the Hon. member continue.

Mr. TAITT: Mr. Chairman, it is very simple if you have one Port, one enclosure, you cannot have one set of workers working for one wage and another set working for a next.

If they know that the IADB insist that there must be a six percent return on the overall operation, they have a problem in terms of their Agreement with the IADB. It is for the Government to find a way around that, it is not for the Union, it is for the Government to find a way around that and all I am saying is that it is wrong for the Hon. Minister to attempt to suggest that it is the fault of the Union that we have the congestion. Let us be realistic and recognise that we have the congestion because there is a problem relating to the Agreement. There is a problem relating to the moving from the Shallow Draft, but it is not fair to suggest that the only thing that you are waiting for is the Union to make a decision. It seems to me, that that would be misleading and would lead people to believe that it is the Trade Union which is causing the problems on the wharf. That is not correct.

Hon. H. B. St. JOHN: Mr. Chairman, Sir, I am delighted to hear the Hon. member speak. He spoke in a

vein which I believe conforms to logic. The gist of what he is saying is that if you want to have the same conditions at the Shallow Draft, as you have at the Careenage now, you must re-define your definition of the Port to exclude the Shallow Draft. That is what he said. That is what the Hon. Member said, he said so in here.

Now, Mr. Chairman, I am delighted that the Hon. Member has put forward that point of view, it conforms to logic because as he said, it is a little difficult to expect people in the same area known as the Port, to work for differential wages.

2.00 p.m

On the other hand if you are going to have stevedoring paying the rates in the shallow draught which the other ships pay, you would expect that in respect of the small vessels that that would be reflected in the cargo rate. At the present moment unloading takes place by ship's crew, it is not stevedoring rates, so that what has happened is that we are in a situation in which there is a very great change in the economic conditions under which the cargo is shipped. Now if you want existing conditions you have to re-define the port area. That I believe is a proposal that has been put. I am going to sit down very soon because I would like to hear the hon. member for St. Lucy.

I have a very great interest in this not only because of the fact that my Ministry is down there; everyday I have to pass the congestion. I think it has been repeatedly pointed out that there is a criminal amount of wastage in the CARICOM trade arising from improper packaging. The amount that is wasted and lost by improper packaging in fruit alone is very significant. Now I understand that suggestions have been made which I may say I understand also have not received unsympathetic consideration, namely, that certain tonnage of ships would be exempt from the usual stevedoring labour. As hon. members would be aware stevedoring labour is not labour that goes at \$2 an hour; I think the hon. member would be able to tell you that. I believe it is \$20 to \$30 an hour. I am not sure what the rate is, so unless you have either a redefinition of the port or exempt certain tonnage of ships, particularly ships which carry fruit and all that and you agree also on the shore handling, then you can see where the problem will be. At the present moment the operation is that people go and as the case swings out of the ship, people receive it. I understand that the practice at the port is that when it swings over it then has to be handled by the shore handling company, it has to be put on the pallets and carried into the warehouse and you can't touch it before then. That is the stevedoring of on-shore and labour.

We have to make up in our minds what we are going to do about this problem. We cannot duck it and

run away from it. If we pay the same rates as related to other ships, the cost of handling cargo in the shallow draught will be high. The logic which appeals so much to the hon. member for St. Michael South West of the situation is staring you straight in the face. Either you change the port, you exempt ships, or pay the cost. Now we were hoping and we are still hoping that with the addition of the 70 odd jobs or whatever it is that has been offered that as a trade off for the additional employment on land that we could get some compromise, but as the Hon. Minister said, this matter is a matter that we are trying to deal with by negotiation. Now if we had come down here with a Bill to redefine — I want the hon. member for St. Michael South West to tell me this — if we had come down here with a Bill to redefine the port to exclude the shallow draft and the shed and the area immediately surrounding it, whether we can get their support. (Mr. TAITT: You wouldn't have any more port!) How inconsistent can somebody be in argument. The hon. member is the one who put forward the proposition that you should redefine the area and now he said if you redefine how he suggested that you would not have any more port.

Mr. TAITT: On a point of order, Mr. Chairman, the hon. member is misleading the House. I never put forward a proposition. What I said was that you would have two situations... Mr. Chairman, you hear my speech; I never put forward any proposition.

Hon. H. B. St. JOHN: The hon. member did state that commonsense would tell you that you cannot have two people working in the same area for different wages, therefore you have to take the area where the shallow draught is situated.....

Mr. TAITT: On a point of order, at the point were he puts on the "therefore" that is where I stopped. Don't put on any "therefore"; I did not say any "therefore" and carried on. I said you cannot have persons working in the same compound for two different wages. That is what I said and now you are going on with a "therefore" and adding on your part.

Hon. H. B. St. JOHN: The hon. member did say that you would have to exempt the shallow draught area from the port area. (Mr. TAITT: Is that a proposition to redefine?) No, it is a statement of fact pregnant with implications though, because what you are saying is that you should have two ports down at the Deep Water Harbour: one called the shallow draught port where one set of rules apply, and the other port called the Deep Water Harbour Port and another set of rules apply. Even out of the frustration I only want to say that public opinion is now fed up with the situation and it is time it gets settled, because everybody is fed up with the situation. I do not

know the details of the negotiations, but I hope that in the near future we will get an agreement in the usual manner of negotiations in Barbados. If the Government had legislated a settlement the hon. member would be the first to quarrel, but we want to exhaust all the bargaining processes.

Now on the question of the IADB role, I want to make it abundantly clear that the facts are that the loan agreement and the negotiations were signed long before 1976. I will give you the facts. The facts are, because the Harbour had started to be built long before then — that the argument with the IADB related to the argument on the autonomy of the port legislation which was part of the loan agreement. Under the loan agreement the Government of Barbados had agreed to pass legislation acceptable to the IADB for incorporating the port. The legislation in relation to the establishment of the Port Authority as a legal entity was what came here after a long set of arguments about the terms of the legislation, but the principles of the economics were contained in the loan agreement; but I am also quite happy to say that we have tried; my Ministry did an analysis of all of the outward cargo charges in all the CARICOM countries and it is well known that our careenage outbound charges were exceptionally low and we did not feel that you could phase in the port charges down there in one go, and I believe that figures were eventually arrived at which put us in a reasonable position in relation to that. But it is not so much the outgoing charges that is the problem; it is the problem of the freight rates which reflect the cost of whether you have stevedoring or non-stevedoring, so the only logical compromise is going to be that you have to exempt certain boats of a certain tonnage and the rest will then have to pay the charges. That is the only logical thing, and it is a delicate matter. Everybody knows the power of port workers all over the world, but everybody also knows that public opinion in the end settles all these things because what is charged down there is reflected in the cost of the imported goods. That is the position.

Mr. GREAVES: Mr. Chairman, this debate has taken a rather interesting turn and whereas I do not propose in spite of the many provocations and suggestions to throw open the present negotiations between the Barbados Workers' Union and the Port Authority for general discussion on the floor of the House, I would want to just make one or two statements on this particular matter. 2.10 p.m.

I noticed that the Deputy Prime Minister when he spoke on the Schedule made a suggestion in the hope that he would draw me out in this debate for the precise reason, I suspect, of the specific area that this debate has got into. I do not propose to really throw open the negotiations for general debate because I know for example, Mr. Chairman, you yourself will have an interest in the negotiations,

being one of the stevedores in the Port, but the fact of the matter is that the Minister of Communications and Works indicated that the Port Authority has put suggestions to the Barbados Workers Union on this particular matter, the question relating to the shallow draught, and that to date no suggestions have been forthcoming from the Barbados Workers Union. That is not true. The Barbados Workers Union has had many meetings with the Port Authority on this matter, a number of suggestions have been made, and as a matter of fact the Barbados Workers Union has stated quite clearly that the question of the handling of cargo must relate to the present rates which are in existence in the Harbour because this is our position pure and simple.

Whether or not my colleague or any member of the Democratic Labour Party thinks otherwise that is a matter for the Democratic Labour Party, it is not a party matter, it is a matter now for the Barbados Workers Union, and the Barbados Workers Union will not be guided by any decision or any feeling or thinking on the part of the Barbados Labour Party or the Democratic Labour Party in this matter, we are dealing with a matter relating to the workers. I just want to make it very very clear that decisions which are made by the Executive Council of the Barbados Workers Union are not influenced one way or another, and these negotiations will not be influenced by the thinking of the Democratic Labour Party or the thinking of the Barbados Labour Party, they will be influenced by the thinking of the workers who have got to handle the cargo at the Bridgetown Harbour.

Secondly, Mr. Chairman, I would like to make the point that at present negotiations are going on, as you well know, and there is no point in coming here and expecting me, for example, to report on the stage of the negotiations, we are not conducting negotiations with the Government *per se*, we are conducting negotiations with a Statutory Corporation of the Government. The fact of the matter is that negotiations are at present going on, all of these matters which have been raised here are matters which will be raised in the negotiations, one does not know as yet how the ball will swing and therefore the position is that we will have to wait on the outcome of those negotiations.

Mr. TAITT: Mr. Chairman, just one small point of clarification. You will recall that during the course of my intervention it was suggested when I said that we had a debate in this Hon. House during their regime and I was taken to task for it. I wish to draw your attention, Mr. Chairman, to the Act 1978-33 in which the question of the Barbados Port Authority was discussed in this Hon. House and in which the Schedule has a definition of the Harbour which was the first time we were getting a definition of the Harbour to include the area which now constitutes the shallow draught area, and we were told at that time that there was some urgency in the matter and

that the agreement had to be signed, etc., etc. I do not wish to go back into the debate, I am merely clarifying for the record that I was not speaking off the top of my head because that is the debate in which we discussed the matter and at that time the hon. member was the Minister responsible. That is all I have to say.

Mr. CHAIRMAN: If no other hon. member wishes to speak, the Hon. Minister of Communications and Works will wind up this debate.

Hon. C. L. BOLDEN: Mr. Chairman, the hon. member is clearly incorrect in what he is looking at there. Part of the agreement for the whole Port included a definition of the Port. This was laid down in the agreement. What was passed then was the Act and definition as laid out which had to be part and parcel of the whole law to satisfy the IADB agreement, so even if the hon. member had raised the question of the IADB and the economical return on the money that would have already been settled in the agreement.

With that I beg to move that this be the Schedule to the Act.

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. C. L. BOLDEN, seconded by Hon. L. B. BRATHWAITE, 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. C. L. BOLDEN, seconded by Hon. L. B. BRATHWAITE, the Bill was read a third time and passed.*

#### SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, the time being 2.20 I beg to move that this sitting be now suspended until 3.30 p.m.

Hon. L. B. BRATHWAITE: I beg to second that.

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

#### *On Resumption*

Mr. SPEAKER: This sitting is now resumed.

## QUESTION TIME

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I beg to move that Question Time be now taken until 4 o'clock, or such time as is necessary.

Mr. SPEAKER: It is now Question Time. Question Number 46, standing in the name of the Hon. Member for St. Michael South West who I do not now see in his place. Let the reply be laid.

This brings us to the end of Question Time.

## PRIVATE MEMBERS' BUSINESS

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

There is one Item of Private Members' Business standing in the name of the Hon. Member for St. Michael South Central who I do not now observe in his place. This brings us to the end of Private Members' Business.

## GOVERNMENT BUSINESS

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

### BILL TO AMEND THE PROPERTY TRANSFER TAX ACT

*Order Number Six was called – To move the Second Reading of a Bill to amend the Property Transfer Tax Act.*

Hon. H. B. St. JOHN: Mr. Speaker, Sir, this Bill before us is to implement a Budgetary Proposal, whereby, the Tax Payable by non-Barbadians, is increased from 10% to 15%.

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

Hon. L. B. BRATHWAITE: I beg to second that.

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

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

*Clauses one and two were called and passed.*

*On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. B. BRATHWAITE, Mr. CHAIRMAN reported*

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

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

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I believe that there was something referred from the Other Place to us.

I am wondering Sir, from the point of view of procedure, and I seek your guidance; as I understand it, it is within the competence of either, to pass a Bill in Barbados, except there is a Bill with financial implications which could not be introduced in the Other Place. A Bill, having been in the Other Place, and circulated to the Hon. Members of this Hon. House, at the same time that it is circulated initially to Hon. Members in the Other Place; I am wondering whether it is necessary, when the Bill is passed and sent here that we have to allow further circulation of the Bill.

Mr. SPEAKER: I think that it is my bounden duty to explain that what the Hon. Leader refers to as circulation in the first instance, was not authentic. It was just a courtesy, it amounts to no more than this, now is the time for circulation.

Hon. H. B. St. JOHN: I am grateful to Your Honour for the Ruling because I know what happens when a Bill is originated in the Other Place, because I have experience of what happens in the Other Place. In the Other Place, Sir, the procedure is that when a Bill originates in this Place at the same time that it is circulated to Hon. Members here, it is also circulated there. So that, when it comes up, having passed here, it is usually proceeded with there, unless, of course, it is of such a magnitude that a longer period of time is required. I do not propose to deal with that in any event today, Sir.

The next item will be a Resolution to approve the vesting in the Barbados National Bank of a parcel of land.  
3.40 p.m.

### RESOLUTION TO APPROVE THE VESTING OF LAND IN THE BARBADOS NATIONAL BANK

Mr. SPEAKER: Order No. 3 stands in the name of the Hon. Minister of Housing, Lands and the Environment to move the passing of a Resolution to approve the vesting of land at the corner of James and Lucas Streets, St. Michael, in the Barbados National Bank.

Hon. H. B. St. JOHN: Mr. Speaker, this Resolution is to vest a parcel of land which was acquired by the Government by a Resolution under the Land Acquisition Act and gazetted as Statutory Instrument No. 40 in the Barbados National Bank.

As hon. members are aware the Barbados National Bank headquarters are situated at the corner of James and Lucas Streets in the city of Bridgetown, and on the opposite side of it there is an area of land which is now used for car parking. This land is owned by the Crown and it is proposed to vest this land in the Barbados National Bank. I do not think one needs to go through the history or origins of the Barbados National Bank. I think we have had many occasions to debate its establishment, its functions, and the position of the Government on the Barbados National Bank is well known.

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

Hon. L. B. BRATHWAITE: I beg to second that.

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

#### THE ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, that concludes Government Business for today. There is one other item on the Order Paper which could theoretically have been dealt with today, standing in the name of the Hon. Attorney General, but it is connected with a Bill which he gave notice of today, the Crown Lands (Vesting and Disposal) Act, and he proposes to do the two together so that hon. members will see the relationship between the two.

I beg to move that this House do now adjourn until Tuesday, 29th July, 1980 at 12 o'clock noon.

Hon. L. B. BRATHWAITE: I beg to second that.

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