THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 4th March, 1980.

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

PRESENT

His Honour W. C. B. HINDS, J.P. (Speaker); Mr. R. St. C. WEEKES, J.P.; Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. H. deB. FORDE, S.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Hon. H. B. St. JOHN, Q.C., LL.B., (Deputy Prime Minister, Minister of Trade, Tourism and Industry) (Leader of the House); Mr. V. L. JOHNSON, M.A.; Hon. L. R. TULL, M.A. (Minister of Education and Culture); Mr. DeL. O. BRADSHAW; and Mr. L. L. SISNETT.

Prayers were read.

MINUTES

Mr. SPEAKER: The Minutes of the Meeting of Tuesday, 19th February, 1980.

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

Mr. SPEAKER: If there are no observations by hon. members let the Minutes stand confirmed.

Dr. HAYNES and Dr. CADDLE entered the Chamber and took their seats.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: On the 19th February, at a sitting of this Honourable House, I drew to the attention of hon. members an incident which in my view constituted a contempt of the dignity of this Honourable House. I reported then that the matter had been referred to the attention of the Hon. the Attorney General who assured me that he would do all that was in his power to satisfy the requirements of this House whether or not there had been any attempt at impinging on the dignity of this Honourable Institution. I have now received a letter from the Ministry of the Attorney General and I think I should read it for the benefit of this Honourable House. The letter is addressed to me as Speaker of the House of Assembly and it says:

Your Honour,

At the request of the Attorney General, the Ministry has investigated the circumstances under which a member of the Police Force delivered a letter, within the precincts of the House and during a sitting of the House, to the Honourable Member for St. Michael South-East.

We have been informed that the letter was sent to the Honourable Member by the Secretary of the Commission of Inquiry which has been set up by His Excellency the Governor-General to enquire into certain unsolved murders. The letter had been entrusted to the care of Inspector Agard of the Royal Barbados Police Force. It was addressed in the usual form to the Honourable Member at his home, "Mayflower" Maxwell, Christ Church. The Police was asked to deliver the letter.

Inspector Agard states that he did not know the contents of the letter and assumed that it had been official correspondence issued on behalf of the Commission and which was to be delivered without delay. He therefore gave instructions to have the letter delivered without delay. He supplied information as to where the Honourable Member could be found if he was not at the address shown on the envelope. As a result, the letter was delivered to the Honourable Member at the House of Assembly on 12th February, 1980.

We have been assured by the Police and are satisfied that the act of delivering the letter in the manner complained of was genuinely intended to facilitate the Commission in its functions and was considered as being for the convenience of the addressee. It was never intended in any way to flout the authority of Parliament or to impinge upon any of its privileges or the dignity of any of its members, particularly of the Honourable Member for St. Michael South-East.

The circumstances under which the letter was served are therefore deeply regretted. The Police and all others concerned have asked that the House and you be assured that no offence of any nature was intended. It is hoped that this explanation will be accepted as a suitable apology.

I am,
Yours faithfully,

S. C. CORBIN

Permanent Secretary,
Ministry of the Attorney General.

I am sure that all hon. members will now feel a sense of contentment coming out of that letter in that they are now satisfied beyond a shadow of doubt that there was never any intention either on the part of the Police or of the Commission of Enquiry to impinge on our dignity or the privileges of this House. I do not think I can expect to deprive hon. members of exercising their views on the matter, but in the light of the apology tendered I would ask that the apology be accepted and let the matter end there.

PAPERS LAID

Hon. H. B. St. JOHN: Mr. Speaker, on behalf of the Minister of Finance and Planning I am commanded to lay the Report of the Commission of Enquiry on Gambling.

On my own behalf I have been commanded to lay the report on the account of the Child Care Board for the years ended March, 1975 to March, 1978.

GOVERNMENT NOTICES

Hon. H. B. St. JOHN: Mr. Speaker, on behalf of the Minister of Finance and Planning I beg to give notice of a Resolution to amend the note to Item 11 of Head 115 – Ministry of Education and Culture; and to grant the sum of $216,098 from the Consolidated Fund and place it as the disposal of the Government to supplement the Estimates 1979–80 Part I – Current, as shown in the Supplementary Estimates 1979–80, No. 30, which form the Schedule to the Resolution.

12.30 p.m.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant Order of the Day.

Hon. H. B. St. JOHN: Item No. 2.

LANDLORD AND TENANT (AMENDMENT) ACT, 1980

Hon. H. deB. FORDE: Mr. Speaker, Sir, last year the House passed the Administration of Justice Miscellaneous Provisions Act which increased the jurisdiction of Magistrate Courts from $1,000 to $2,000 in most issues of debt and civil litigation which at present go for trial before these Courts.

It is intended by this Bill which is now before the House to give the Magistrates increased jurisdiction into matters affecting the recovery of rents and the recovery of land under the Landlord and Tenant Act and it is with this simple amendment to Section 35 of the Landlord and Tenant Act, Chap. 230 hopes to achieve.

Mr. Speaker, I should take the opportunity to say to the House that the programme of reform to Land Law is almost complete. The House will recall that in the last year, we passed the various bits of legislation dealing with the reform of Land Law proper and the setting up of a system of compulsory registration of land titles. We have brought into effect the Land Bills dealing with the Law of Property, the Law of Charities and the Law governing Trustees.

The Ministry of Housing and Lands is at present now setting up the necessary administrative machinery for bringing into effect the Adjudication of Rights as well as the compulsory Registration of Titles Legislation and I would hope that during the next Financial Year it would be possible to have that part of the legislation fully implemented in this Island.

In addition, Mr. Speaker, the House has only some weeks ago passed the Land Surveyors Act and the Land Boundaries Act, both of which are part of the overall reform of Land Law in this country. I hope that shortly the House will have before it amendments to the National Housing Corporation Act which will update the system of conveyancing under that Act in order to simplify the grant of conveyances to persons purchasing from the National Housing Corporation and consequentially to effect a decrease in people purchasing houses from the National Housing Corporation. I hope it will be a substantial decrease in the cost of Conveyance Fees with various Attorneys-at-Law who work for such purposes.

We are also, Mr. Speaker, working on substantial amendments to the Landlord and Tenant Act. Only a

couple of weeks ago I was in correspondence with Professor Sir Roy Marshall who has been our Consultant on these Laws and I regret to say that it is because of limited time he would not be available to us to assist the Government on the Landlord and Tenants Act. Therefore, my Chambers will have to carry out this part of the exercise on its own.

We have therefore, Mr. Speaker, already drafted an amendment of the Judicial Sales Act in order to simplify conveyancing where there are sales of land through the court, and this amendment, I hope, will be before Parliament before the middle of this year, assuming that it goes through all of the other hurdles.

The only other substantial bit of Land Law which will call for amendments are those parts of the legislation dealing with the Security of Tenure for small tenants and for agricultural holdings.

We have already drafted two substantial bits of legislation dealing with the rights of tenants of agricultural holdings to purchase those lots and this means that Government will be implementing that part of its Manifesto which will give ownership rights to persons all throughout Barbados and particularly in the rural areas who at present are agricultural tenants of Plantation lands.

It is not only the agricultural tenants we are dealing with. The Government has already drafted – and we have had a Committee sitting on this and the Committee has now reported and we hope that we will be over the final hurdles with the Cabinet in a couple of weeks – laws to permit tenants who at present live in tenantries, either Plantation Tenantries or otherwise, to purchase their house spots to give them the option to purchase which they can leave by will or they can assign; and it is hoped that in relation to Plantation Tenantries in particular that the cost, if any, to the tenants will be minimal. This will implement the Government's promise in its Manifesto to permit the Plantation tenants to become owners of the land on which they reside.

I am happy to see that the Opposition have, rather belatedly, and bereft of ideas as it is, recently passed a Resolution at a Conference agreeing on the necessity for Plantation tenants to own their house spots. I am happy to see that they have at long last read the Government's Manifesto. They are getting near to the bell, Sir, anytime between now and the end of 1981 and they are getting a little bit excited but we intend to implement the social legislation which is so necessary for security of tenure in this country. If anyone wanted any ideas of the seriousness with which the Government has approached this matter, it is that within 3½ years we have implemented a substantial portion of the Government's Programme for reform of Land Law Legislation in this country with the greatest of pains and we have provided legislation that is now a model for the Commonwealth.

I have had requests from various Commonwealth countries, Trinidad and Tobago and beyond for parts of the legislation which we have implemented in relation to Land Law and I think the country can be proud not only of the standard of the legislation but of the social content of the legislation which we are bringing before the House. Mr. Speaker, I know that you look forward to the legislation dealing with both Agricultural tenantries and the Plantation tenantries.

I want to take the opportunity to thank the Officers of my Ministry who have been concerned in this programme, for the seriousness with which they have approached the task. I should state that very often on Saturdays without extra remuneration they have seen it fit to come to the Office and work with me, sometimes all day on Saturdays and sometimes on Sundays. I hope that I am not breaching Church Laws in order to get this legislation through.

We have been assisted in this regard by the Permanent Secretary in the Ministry of Housing and Lands, the Permanent Secretary to the Prime Minister and Head of the Civil Service, the Permanent Secretary, Special Assignments, Major Headley, the Commissioner of Valuations, the Chief Town Planner and officers from the National Housing Corporation.
12.40 p.m.

All of them have seen fit to give freely of their time without extra remuneration, Sir. So that whilst people talk, snipe, lie, tell rumours and denigrate, I have, quietly, together with dedicated public servants, gone about the Government's and the people business.

Therefore, it gives me pleasure, though this is a slight amendment and a temporary amendment to what will be legislation implemented before 1981, it gives me pleasure to ask the House to agree to the passing of this Bill.

I now move that it be read a second time.

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

Mr. SPEAKER: The question is....

Mr. SISNETT: Mr. Speaker, I have a few points which I would like to put before the House in relation to landlords and tenants in this country. Indeed, I am happy to hear the Attorney General state that the Landlord and Tenant Act is under consideration for some reform. The matters which I want to address the House on are perhaps some which all of us who are representatives are fully aware of.

It has been said that the second most passionate relationship in life is that between the landlord and his tenants. Landlords view their apartments and houses as their businesses. Tenants view these houses and apartments as their homes. Invariably, Sir, confrontation between landlord and tenant is likely to arise over home and business.

In my area, I have received a number of complaints from tenants who are threatened with eviction by their landlord for requesting certain modifications to their homes, by requesting that certain structures be fixed in order that they might have a more comfortable living.

Landlords, on the other hand, view this with much concern that the tenants are perhaps only there at their whims and fancy people renting properties in Barbados automatically find that their rents are increased overnight. People usually have the sad experience of a landlord turning up at their homes because of some dissatisfaction between the tenant and the landlord removing a door or window. You find these complaints in every constituency in every part of Barbados.

I would like to know from the Attorney General if any consideration is being given to curb this power which landlords hold over their tenants. I have had the unfortunate privilege of going to one of my constituents in the dead of night and try to get satisfaction between a lady and a landlord who had removed her windows. I find these things unsatisfactory. As a representative I do not believe that any tenant should have recourse only to me as a representative to have satisfaction over matters pertaining to landlords. To whom do tenants appeal when such action is taken against them? Do they find a lawyer? Must they go to the expense of going to the courts to have satisfaction from a landlord who, because of some dissatisfaction prefers to evict his tenant?

What I see is needed in this country Sir, is perhaps a code of conduct for would-be landlords or people who want to rent their apartments or their homes. I see it is very necessary that the National Housing Corporation be involved in such a code of conduct for landlords. I feel that landlords can too easily evict their tenants, I feel landlords can too easily raise their rents.

I believe that some of the houses which are rented in this country are unfit for human habitation and yet the tenants are paying exhorbitant rents for such homes. I would like to see the National Housing Corporation operating as an agency of Government to inspect and investigate homes which are up to rent. I would like to see a minimum standard for clean, safe living conditions set up in this country, for people to have better living. I am not at all happy, Mr. Speaker at some of the conditions which people are renting their homes today.

Mr. SPEAKER: I take it the Honourable Member means renting houses rather than homes.

Mr. SISNETT: Thank you, Mr. Speaker. I am not happy at all at some of the conditions which people are renting their homes and I would like to see a code of conduct set up to curb the power which landlords have over their businesses. We know the National Housing Corporation is doing its best to assist in housing the people of this country and yet you find that there are many landlords who prefer to raise their rents in excess of what would be accepted as the minimal standard in order to force people out. I would like to know that the Government is aware of these problems.

I would like to know that the Attorney General in making the Land Reform Law is cognisant of some of these things that the tenants of Barbados daily meet in trying to procure a home and in trying to make a livelihood out of a rented house. Mr. Speaker, I hope the Attorney General would pay some attention to these few points because they are burning points with many people throughout Barbados because of inadequate housing, because of delapidated housing have to take what is on the market and that is far from the best. It is the concern for which I think this Government should pay its attention to immediately because many people in this country are unhappy over the power which some landlords have.

Dr. CADDLE: Mr. Speaker, while welcoming this amendment to the Landlord and Tenants Act, Cap. 230, I would like to draw to the attention of the Honourable Attorney General that I believe that a limit here is still too low. You are raising it from $1,000 to $2,500 and the reason is simply this. Due to inflation and all that flows from inflation, rents have gone up terribly in this country and to limit it to $2,500 will mean, in effect, that many people who would be seeking to recover rents through a court would have to go to a higher court and thereby that would entail higher costs either by course of the Court or by legal representation. I feel that this limitation of $2,500 is not taking into consideration the trend in the course of rents in this country. I appreciate that the Honourable Attorney General is well aware of the need to increase the amount, but I think that if he is aware of the rents being charged in this country, he would also see a need to increase it still further at some other time.

12.50 p.m.

In relation to what the previous speaker has said, there are always two sides of a story. It is refreshing to hear the hon. member calling for a code of conduct sort of regulating the behaviour of the landlords, but he will also be aware of the fact that the landlords themselves will be asking for some protection from the

tenants because you get problems if we are going to be facing up to the truth, you have problems coming from some tenants who rent houses and they give headaches and cost to landlords, as there are landlords who give headaches and problems to tenants, and if you are going to look at this matter totally, we will have to be concerned with regulations which set about to regulate the business between the landlord and his tenant and not purely to curb certain activities which we may consider undesirable on the part of the landlord. This state of affairs is likely to continue for a very long time as long as there is an inadequate supply of houses in this country, and one has to look seriously at the question of developing ways and means of increasing the rate at which houses are built in this country. Right now may not be the appropriate time to go into full details of this, but I am aware that there are some things in the area of tax concessions to people who are building houses, in building materials and things of that nature which may go a very far way in accellerating the rate at which houses are being built in this country, because as long as there is a shortage of houses in this country, you will always find that there are some landlords who will be prepared to take advantage of the situation to suit their own ends, and until we can rectify that or reduce this shortage to a considerable extent, we will expect to find this type of behaviour to continue.

Sir, as regards the other comments made by the Hon. Attorney General as regards land law reform, we are well aware of this. This has been through the House already, the House has passed a number of these Bills, I think some of these Bills have come into force this year, and we accept that it is necessary. We have been through all of that already and we recognise that the Hon. Attorney General has been the moving spirit behind the introduction of such new laws. What the Hon. Attorney General has to be concerned with is that right now there appears to be some confusion in the area of Attorneys-at-Law who are dealing with conveyancing of properties. I am not fully seized of the details, but I hope he is keeping his ear close because as a result of these new changes introduced in the land law of this country, people find that there has been a slow down in the rate at which conveyancing is being done, and as a result in some cases where mortgages and borrowing of money are concerned, people have found as a result of the slowing down of the process they have to pay more interest on money that they are borrowing because of the time that lapses between the getting of a loan from a bank and finalisation of the affairs. I hope the Hon. Attorney General will be giving adequate consideration to this aspect because as the Barbadian will say "while the grass is growing the horse is starving"; and while people are awaiting these changes with a view that the changes are going to redound to their benefit, in the interim some people who are involved in the borrowing of money and in getting mortgages are being handicapped due to the passage of time and the interest which accrues as the result of the passing of time.

Hon. H. deB. FORDE: Mr. Speaker, if no other hon. member wishes to speak, then I will reply very briefly to the points raised by the hon. members. The hon. member for St. Michael North Central has raised the question of how far has the legislation which has been implemented working effectively. I am aware of the fact that some members of the Bar Association got together and devised and agreed on a draft conveyance which will be used in the profession for the transfer of the fee simple or an absolute title from a vendor, a seller to a purchaser. I think it is rather significant that although the Bar Association knew well a year and a half or more in advance that the legislation was going to be implemented on January 1, 1980, it was not until after the legislation was proclaimed that they agreed among themselves on the draft conveyance which would be acceptable to all members of the profession.

In so far as the mortgage document is concerned, I am told that this has now been agreed on, but I know that at the time when the legislation was proclaimed that some members of the profession had not themselves given thought to the type of mortgage or the sort of form of the mortgage which will be generally accepted by the profession; and if there has been a delay in the profession settling among themselves what would be an acceptable form of conveyance or an acceptable form of mortgage, then of course that can't be blamed on the legislation *per se.* The legislation has simplified the laws of conveyancing and most of the substantive law dealing with the sale and purchase of land. I admit that some of the lawyers are probably not deeply familiar at present with the new legislation.

Now, Sir, I have reported to the House before that we went out of our way to run a course of lectures on the legislation and to allow a time of well over a year between the passing and the implementation of the legislation in which the profession should have familiarised themselves with the legislation. The profession is after all supposed to be skilled in conveyancing, they are being remunerated for their work, and I would hope that they would therefore not cause any prospective mortgagees or mortgagors or purchasers to suffer from any delay due to their lack of familiarity with the legislation.

The Government still strongly feels that the cost of conveyancing under the new legislation should be reduced, and I would be closely monitoring the charges being made for conveyancing to see in what way the profession on its own is prepared to take into account the need to reduce conveyancing costs, and if there is no voluntary system of regulation in this respect, then I will have to consult with

the Bar Association and the judiciary on what would be proper statutory fees to be implemented if necessary by regulations.

In so far as the points made by both the hon. member for St. Michael North Central and the hon. member for St. Michael North East are concerned as to codes of conduct for landlords as well as for tenants, let me say that part of our problem here is that people do not recognise that under common law there are certain rights and obligations of the parties which ought to be enforced, and unless it is put in a law, a statute, people believe that there are no existing rules of law to deal with the situation; but there are existing rules which lay obligations on landlords to keep the houses they are renting water-tight and there are obligations laid on tenants to make sure that they comply with various implied covenants to pay the rents on time, keep the house in a proper and healthy condition outside the provisions which are contained in the various health regulations governing sanitary conditions in houses regardless of whether they are rented or not. But part of the reform of the Landlord and Tenant Act will involve laying down in statute law an improved system of implied rights and obligations and we are looking at this, Sir.

In so far as levying on the houses or the furniture and fittings and the other chattels of tenants are concerned, I am very concerned myself about this. Indeed we have been looking at legislation passed in other parts of the Commonwealth, most recently in Jamaica, which restricts the right of distress and instead compel landlords to go by way of execution through the normal court process.
1.00 p.m.

I believe that it is a much more humane law to go by way of execution through the court than allow a landlord to come in and levy on every bit of furniture, sometimes everything other than working tools above a certain monetary limit or below a certain monetary limit can be levied on. The law is archaic, it is still common law pre-existing 1897, and our present programme involves abolishing the right of distress.

I would hope that our recommendations would be accepted both by the Cabinet and the House on this part of the reform of the land law of Barbados. I hope that we can complete the legislation in time to be in the House in the middle of the year or shortly after the middle of the year in this regard.

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

On the motion of Hon. H. deB. FORDE, 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. H. deB. FORDE: Mr. Chairman, in begging to move that clause 2 stand part, I take the opportunity to reply to a point made by the hon. member for St. Michael North Central. I regret that in my main reply just now I omitted to advert to this particular point.

The hon. member raised the point of whether or not we are setting a sufficiently adequate monetary limit of $2,500 having regard to the inflationary effect, the effect of inflation on the monetary values. Let me say that the bulk of litigation in Barbados, both civil and criminal, is still done by the Magistrates of this island, and one of the points we have to keep constantly in mind is the need not to over-burden the Magistrate's court by either creating new offences and raising the monetary limit either in civil or criminal matters, and on this aspect of the matter we have taken the advice of the Judiciary, including I believe the Magistrate with whom the Chief Justice had consulted, and it is their recommendation and I believe the recommendation of the Bar itself that we should go to the figure of $2,500, but this will be kept mostly in mind.

We have prepared already a new Supreme Court of Judicature Bill and a new Court of Appeal Bill, new Supreme Court Rules, new Magistrates Court Rules, and we are preparing a new Magistrates Court Act, and when those Bills are ready for the House the whole question of the jurisdiction of the High Court as well as the Magistrates Court will be thoroughly reviewed. I am anxiously awaiting the comments of the Bar on those various bits of legislation, some of which were circulated to the Bar as long ago as October last year, and I regret to state that I have had not even a single letter of acknowledgement of either the Bills or the Rules, despite the importance of these matters to the legal profession.

In fact, Mr. Chairman, we have got about some 80 Bills which have been prepared in the various Departments of Government and have gone out to various organisations for consultation, and the process of getting their views and their opinions is a very time consuming one, so that if members do not find us coming ahead rapidly on some of these areas it is because we are waiting for various people to give us their views. I could bypass them and come down with the legislation, but then I will be probably accused of not taking into account the views of the people, so that consultation is a painful process, Sir, but at the time when we have done the new High Court Bill, Supreme Court Act, the new Criminal Court Act, the new Rules for the High Court and the Magistrates Court, the new Summary Jurisdiction Act, I will pay due regard to the necessity to revise and have a simple way of revising the monetary limit of the jurisdiction of the Magistrates.

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

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

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

Hon. H. B. St. JOHN: Mr. Speaker, Item No. 1.

THE INSURANCE CORPORATION OF BARBADOS (AMENDMENT AND VALIDATION) ACT, 1980

Hon H. deB. FORDE: Mr. Speaker, the purpose of this Bill is to validate Acts already done by the Insurance Corporation under the principal Act since the Insurance Corporation came into operation on the 1st April, 1978.

Mr. Speaker, you will note that under the Act sections 7, 10, 30 and 31 call for certain dates to be appointed for the taking over essentially of the assets, rights and obligations of the Standing Insurance Corporation which was an unincorporated body which preceded the establishment of the Insurance Corporation of Barbados Act.
1.10 p.m.

The Insurance Corporation proceeded to operate but did not advert to this point. It was drawn to their attention by the Ministry of Finance and as a result this Bill seeks to validate what has been done from 1978 to 1980. This is really all that the Bil seeks to do.

Let me again point out that as with another Bill which came before the House some time ago there has been no illegality at all as far as any moral turpitude is concerned. Had the Corporation asked for the necessary Statutory instruments at the correct time it would have been unnecessary to come with this Bill.

As you know, Sir, the Report of the Corporation was laid before this House recently. It has shown a profit and seems to be doing a reasonably good job. It is perhaps an instance of the Government showing that it is a government believing in democratic principles and not only talking about it but owning vital areas of the economy in the interest of a country; and besides owning these areas, showing that the areas owned by the people can be operated economically and effectively in the interest of the country. I therefore have great pleasure in moving that this Bill be read a second time.

Dr. CADDLE: Mr. Speaker, while accepting the view of the Attorney General that there are no illegalities that have caused this Bill to be here today, I would like to draw to the attention of the Attorney General that there is some concern over the operation of the Insurance Corporation, both within the Corporation itself and within the insurance business in general. There is concern about the non-issue of policies as is usually the case with other insurance companies in Barbados, and one result of that is that people buying insurance from the National Insurance Corporation do not know what are the terms and conditions under which they have bought the insurance. It appears that there is likely to be a series of legal actions taken against the corporation, and I understand that recently the Corporation sent a policy to one person two months after that policy had expired. The contention here is that since no policy had been given earlier it was not right for the corporation to come now and state what should have been the terms and conditions under which the person bought that policy. If this is so – and I expect to hear from the Attorney General whether this is so or not – one cannot accept this as a fair practice in the insurance business in this country, because other insurance companies when you buy insurance issue a policy whereby you can see what are the terms and conditions under which you are buying the insurance coverage; and if the National Insurance Corporation of Barbados is not doing that, it is certainly not to the credit of the corporation or to the government as a whole.

Another area of concern is the high rates which the corporation has been paying for repairs to damaged vehicles. It seems that the repair facility to which these cars are directed charges from two to two and a half times what other reputable garages in Barbados are charging for doing similar jobs. If this is the case, it seems somewhere along the line to be a rip-off of the insurance corporation, and I wish to draw this matter to the attention of the Attorney General. If we regard this as a national effort we cannot stand by and let it be undermined by people concerned with their own aggrandisement.

Within the Corporation itself there seems to be some concern over the pay and conditions under which some of the staff are working and it appears that the most experienced officer in that corporation is seeking to return to the public service because he is not satisfied with conditions there. It has been drawn to my attention that the Assistant General Manager of that Corporation – his salary, perks and other conditions of service are far in excess of those of the Supervisor of Insurance.

Another area drawn to my attention is the relationship between Mr. Money on one hand, the insurance corporation and the New India Assurance Company and I think that has been provoking some concern in insurance circles and generally in Barbados. I hope that the Attorney General is aware of this and will be in a position to

clarify this matter not only to the satisfaction of the members of this House by also to the people in the insurance business in particular and the public of Barbados in general.

Sir, we accept the contention of the hon. Attorney General that a government which claims to be socialist should be doing things which cement its belief in socialist principles. But at the same time we are concerned that these undertakings are run properly and efficiently without creating any distress or worry among the various sectors of the community. And I am throwing it out to the hon. Attorney General that there is some concern being expressed by the other insurance companies in this country. Maybe they see the Insurance Corporation as a threat to their business, but there are also other areas which are concerned which I believe the government should be appraised of and as such enquire into from the point of view of the best interest of the Insurance Corporation to people of Barbados and the government as a whole.

I would like to assure the hon. Attorney General that what I have drawn to his attention is not politically motivated but is done because I have heard these things expressed and know that people in the insurance business and other people in the community are concerned about what is going on in the Insurance Corporation.

Hon. H. B. St. JOHN: Mr. Speaker, the hon. member has been a member of this House for a long period of time and I view with great concern the statements made by the hon. member.

This Corporation has been set up by the Government in implementation of its commitment to the view that there are certain areas of economic activity which in a country like Barbados are suitable and desirable for the government to undertake, and one of these is the Insurance industry. When the Government set up the Insurance Corporation it took over part of the old Standing Insurance Committee's area of activity, and secondly, the Government made it clear that the Insurance Corporation in Barbados would be expected to operate along proper practices.

Now that the Report of the National Insurance Corporation has been laid in Parliament the hon. member says he has been hearing things I hope the hon. member knows that this is a rumour-mongering society and I hope he will be sufficiently wise when he hears rumours to ask for the basis of facts.

The hon. member spoke about some connection with the New India Assurance Company. What is the specific allegation the hon. member is making? When hon. members come in here and make these statements they are just repeaters of filth. As a responsible member of Parliament it is a duty to state what is the allegation.

1.20 p.m.

Of course, we do not get that. That is the style and pattern of the manner of debate on the other side, trumped up allegations.

Now, Sir, the Insurance Corporation of Barbados is subject to the same jurisdiction of the Insurance Supervisory Body as any other Insurance Company in Barbados. Is the hon. member saying that the Supervisor of Insurance in Barbados is not doing his duties. You see, one of the things we have to remember here is that in our Constitutional system of Government there are certain duties which are passed upon people. The hon. member's political party was the one who had a large part in shaping and fashioning the Constitution. The hon. member knows that this House has passed Laws which have set up very clearly a Supervisory system for all Insurance in Barbados.

It is the hon. member's duty, as a member of Parliament, to rush to the Insurance Commission if he has had any doubt instead of coming in here trotting out a bunch of rumours. After all, he should be part of the view since he expresses the view that he is in favour of certain commanding hikes of the economy being under public review. He ought in those circumstances to ensure that something like the Insurance Corporation is carried on along proper lines.

Now, Sir, let us go further. It must also be remembered that in Insurance in Barbados, a number of the Companies in Barbados act as co-insurers with one another for certain purchases of the risks because no one Insurance Corporation likes to undertake a risk if the amount involved in the event of a claim is exceptionally high. This has been going on for a long period of time so that the Insurance Corporation no doubt acts as co-insurer of the other Corporations.

Now we also have to talk about the rest of the Insurance Companies in Barbados. Jealousy, Mr. Speaker, in this country has been the cause of more trouble than anything. The truth of the matter is that there is a little clique who monopolised the Insurance in the past who do not like the Government coming into this area of activity and they will do all the rumour-mongering in Barbados and they feel very glad when they have somebody like the hon. member willing to listen to them and willing to come in here and plead their cause. They feel very glad. The hon. member is pleading the cause of a little clique who hitherto monopolised the Insurance in Barbados but this Government is strong enough to say to them that we are committed to this principle and we will carry it to its logical conclusion and the fact that the Managers and others there are black, we have faith that they can conduct their business honestly and if they are wrong, Mr. Speaker, we in our usual style will investigate them and let the facts hang out.

Now what else do we have in relation to this? What other points do we have – that it does not issue policies. The Insurance Corporation has an obligation to issue policies so what are we hearing that they do not issue a policy? Who will be foolish enough to pay money out for an Insurance risk and do not get a policy? What is that? I do not credit the hon. member with a lot of sense in that respect. You are under the Insurance Laws of Barbados and under an obligation to give a policy. The Insurance Corporation could not get $50,000 in revenue if they had not issued policies. Barbadians have commonsense. They would not pay out their money without a policy.

Of course, under the Marine Insurance Law it is quite proper to weigh co-insurance joined together to have what is called a Master Policy and your receipt refers to it very clearly that there is a Master Policy in existence.

Now if you are also part of a Group Insurance Scheme for Health there is a Master Policy and the Policy document is incorporated in your receipt. There is an old legal doctrine which says "that is certain which can be made certain." I will not bother to quote the Latin for it, Sir, but the basic position is that where the terms of Insurance are that there is a Master Policy and you have reference to it, that is the policy and you are entitled to represent it at any period of time so that I am very worried and the hon. member instead of coming in here and pointing out precisely what is wrong so that constructively all of us who are agreed on this will be able to ensure that this great ship that we have launched sails ahead in very smooth waters, that he would come in here and trot out repetitions which he has heard in some rumour shop.

Dr. HAYNES: Mr. Speaker, I rise to clarify in my presentation one or two distortions of a typical nature which is a classic evasive style of the hon. member for Christ Church South Central.

Hon. H. B. St. JOHN: Unless the hon. member specifies the particular point upon which I have distorted then the hon. member will have to withdraw that. I am perfectly prepared to be subjected to the charge of distortion what the hon. member would particularise.

Mr. SPEAKER: Point well taken.

Dr. HAYNES: The hon. member for St. Michael North Central made the point of saying that he had absolutely no quarrel with Government intervention in the field of Insurance, yet in the presentation by the hon. member for Christ Church South Central, it was a clear suggestion that that very basic point of policy was being questioned by the hon. member for St. Michael North Central.

Hon. H. B. St. JOHN: On a point of correction, Sir. I never said any such thing. I said in view of the fact that this is a common thing, it is his duty to ensure that the Sugar Estate which is being launched should be properly done. I never said that.

Mr. SPEAKER: I believe the hon. member said St. Michael South Central and he will withdraw the allegation of distortion.

Dr. HAYNES: Now we have had clarification of the position, certainly I will be very happy to withdraw the allegation of distortion.

On the question of legislation for validation, whereas I do not wish to suggest that there is anything of any moral turpitude which is being validated by this Act, I think that all hon. members must be concerned that now in a matter of three weeks this Honourable House is being asked to consider Validation Legislation in respect of Companies carried out by Government Corporations particularly with Corporations dealing with financial matters and it would seem to me that it is most important that the Minister responsible, the Prime Minister and Minister of Finance, should take steps to make sure that those Financial Institutions which come under his portfolio should adhere to the Law as it stands or if they have to indulge in any business which is outside of the limits of the law as it stands then this should be brought before Parliament before such business is transacted.
1.30 p.m.

I do not think that it is good legislative practice. I do not think it is good administrative practice to have to do this kind of validation exercise coming one after the other.

On a previous occasion, I indicated that some leniency on our side would be agreeable but I am to see that once again, in a very short period of time, that we are being asked to be involved in a validation exercise. It is bad administration and it is not the best kind of exercise which should be conducted.

I believe that this kind of thing is happening because the Minister responsible for Finance is not paying sufficient attention to those corporations that fall within his portfolio. There are many matters I would have wished to advert to today but I think in all fairness, he is not in his place and therefore I will not deal with them.

On the other hand, Mr. Speaker, it is most important that because an institution has been set up, because there is general agreement in relation to the principles of that institution, it is equally crucial that the Government should make sure that the level of

administration and efficiency in all these institutions should be of the highest order because unless this is done, no matter how fundamental and how important is the basic policy, if, at the end of the day, mal administration takes over in a given institution, the objectives of the policy must be frustrated. It is not only in the matters referred to by the hon. member for St. Michael North Central, there are many matters relating to other financial institutions, such as the Barbados National Bank, particularly the agricultural sector of the Barbados National Bank, the airport division of the Barbados National Bank the Barbados Development Bank and now this particular insurance corporation. The point I am trying to get at, Mr. Speaker, is that there is not a single hon. member in this House who would seriously challenge the principles involved but there are administrative, there policy thrust, there are misdirections of day to day policy arrangements and these things have to be looked at. There is no point each time it is challenged, pushing your head in the sand like an ostrich and because an hon. member on this side takes a position and draws it to the attention of the hon. members on the other side that something can be done to assist them in carrying out their policy objectives by paying more attention to what is actually taking place on a day to day basis within these financial organisations, to make it appear as though we are being unpatriotic simply because we looked at the details of the functioning under the particular financial institutions.

Mr. Speaker, as I said before, I do not think it would be right for me to go ahead with the areas of criticisms, an opportunity will certainly arise again in the future, because the Minister who is responsible is not here and I hope that the general tenor of what I had to say would bear some fruit in the future because it is in the interest not only of all members of Parliament, but in the interest of the country as a whole.

Hon. H. deB. FORDE: Mr. Speaker, if no other hon. member wishes to speak, I would probably wind up on behalf of the Government.

Mr. Speaker, "the Deputy Prime Minister", the hon. member for St. Michael South Central has replied rather effectively to the point raised by the hon. member for St. Michael North Central and I think that I do not need to belabour the points made in his reply, particularly in view of the rules dealing with repetition but having regard to the fact that the hon. member for St. Michael South Central has gone on to expand the area of criticism to other Government financial institutions and to make a general charge unsubstantiated by any particulars whatsoever of mal administration, I think it is my duty to reply to this particular fact.

The first thing I want to say, Sir, is that the accounts of the Barbados National Bank, as well as, the accounts of the Barbados Insurance Corporation have been audited by reputable firms of auditors who have found that the accounts are in order and that there is nothing at all wrong with any account at any financial institution in Barbados. There are independent auditors in this country, Peat, Marwick, Mitchell and Company, Senator Ken Hewitt, I believe, is a partner of that firm and there is another auditing firm which has also audited the accounts of the Barbados Development Bank. It is a fact, that independent auditors, not people seeking political office and who want to make political points whether they have any validity or not, only to get power. These independent and disinterested persons have given a clean bill of health to the day to day operation of the financial affairs of three Government institutions and I want to stress it clearly, that is a fact, Sir, because there is a difference between cheap political talk for being returned to power and the responsibility.....

Dr. HAYNES: Mr. Speaker, Sir. On a point of elucidation, the hon. member seems to equate mal administration with financial mal practices. I am not talking about stealing at any of these banks, or any matter that the auditors would necessarily deal with I am talking about the directions of policy thrusts in the day to day administration of the bank; for example, the allocation of loan portfolio and so on. You missed the point altogether.

Hon. H. deB. FORDE: I am glad the hon. member has clarified for the basis of the public that he is not alleging that there is any financial impropriety in any of these institutions. I have to stress it, Sir, because I have heard from the platforms of the party to which the hon. member belongs allegations telling people do not place their money in the banks, just as I have heard allegations that they are not to cut the canes in this country. It is a reckless attitude for a party who wants to run this country to seek to deny and defeat the economic advancement of the country in such a way, that is what I want to say, Sir.

When it comes to the day to day administration, Sir, the distinction between that party and this is that we believe that corporations must be allowed to do their day to day business in accordance with the Acts under which they are established. You remember the report which said "all roads lead to Mr. Barrow". I am using a quotation. It is a very dangerous precedent and that is something that should not be practised in constitutional Government, for a Minister to interfere with the day to day affairs of a Statutory Corporation and it is a stringent condemnation of the Democratic Labour Party and the Rt. Hon. member for St. John that they extended their fists into the day to day interference of corporations in this country contrary to the established law.

I am surprised in the hon. member, as a freshman in here will not reverse the disastrous policy of the Democratic Labour Party and respect the laws of not interfering in the day to day operations of the institutions set up by statute.
1.40 p.m.

Now why should the Government who don't believe that that is correct and that it is illegal accept the hon. member's strictures on this, Sir? The problem we had in the Housing Authority was that the Ministers in that past Government interfered in the day to day administration to the extent of awarding contracts to companies with which they had some sort of association in breach of conflict of interest, and had there been proper integrity legislation in here a few of them would have gone to prison. That is the position. In breach of conflict of interest regulation. I have sat down with the Rt. Hon. member for St. John coming in here and saying that we brought the wrong Resolution at the wrong time in the wrong place by the wrong people, and now I hear that party having the gumption to come out and talk about victimisation, independence and integrity in public life. All I say is, the good Lord isn't sleeping, Sir, and I hope the people have a long memory because I remember you, Sir, fighting exactly these issues from the floor of the House from the Opposite side, exactly these issues, and now the hon. members want to be returned to power to interfere with the day to day administration of the banks; no doubt to say who should have loans, which friends should have loans and what should be done. It is a very dangerous precedent in this country, therefore one must deal with it for what it is worth, and dismiss it as an unworthy suggestion as so many of the suggestions of the hon. members are these days, Sir.

I have challenged him to debate, you know, not to tell Cameron Tudor to hire people like Eric Sealy to go around the country abusing people and spreading dirty rumours. That is what I wanted to tell them. I am not asking them to do that, Sir.

Mr. SPEAKER: We must have some order.

Hon. H. deB. FORDE: They spread all sorts of rumours about members on the back bench; they are now starting on the hon. member for Christ Church North Central and myself and our sons. That is the sort of dirtiness.....

Mr. SPEAKER: We must have some order in this Honourable House.

Hon. H. deB. FORDE: And the price one has to pay. I am not ready for them yet, you know, Sir. I am only praying God that one of them will repeat it on a public platform. No proper debate....

Mr. SPEAKER: It seems as if we are going to have to take out insurance against all of this.

Hon. H. deB. FORDE: I don't want any insurance against you, Sir. The insurance that I have against all that foolishness is the integrity with which I have lived my life, absolute foolishness, and the insurance that I will get 95% of the votes despite all the ignorant allegations they are making. The same campaign they ran in 1961, 1966 and 1971; Cameron Tudor absent from the Island in 1976 and at least you had some decency. The same indecent rumourmongering that we hear of in a debate like this, and insinuation, vicious and unfounded innuendos against officers of corporations and politicians. That is what this country is coming to, and when I see it in debate I am going to condemn it because it is the most vicious thing that is being done in the interest of a political party seeking to be returned to power, and we have middleclass people in particular getting on the telephone day in day out and accepting cheap, dirty, nasty rumours to destroy people's reputation and do not recognise that it is a pure power ploy. I hope the hon. member has the decency to get up on the platform and dissociate himself from some of the rumours that I hear. I challenge him to a debate in here at any time on any of the issues facing the country and let us see if he could debate properly. That is the position. Sir.

Mr. SPEAKER: The Hon. Attorney General, Please. I cannot sit here and allow these continual references to Mr. Goring and the hon. member for St. James must not interrupt the Chair in reference to the hon. member for St. Michael South Central. I do not want it and I will not have it. Mr. Goring is for the political platform and the Commission of Enquiry.

Hon. H. deB. FORDE: Mr. Speaker, I am afraid that I made no such references. When the time comes for me to deal with that, I will deal with it. As I have said before, there is nothing that I have done in public life that I am going to apologise for, not one thing at all. Sir, people must get me straight from the start. This is a proper Bill. The allegation is that the Hon. Minister of Finance had not attended to the day to day matters otherwise we would not need this Bill.

Mr. Speaker, within a few months of my becoming Attorney General I gave an opinion that the past Government was in breach of the Special Loans Act in coming down here and getting money without following the proper legislation of this country, a clear breach of the constitution of this country. I go further and say that there has been a breach of the Financial Audit Rules and Regulations in this country. The past Government has been in several instances including the buying of the North Point, a point on which unfortunately they have not asked for an opinion of the Duffus Commission. They

gave an opinion of one aspect of it and Duffus agreed with that opinion, and it is in the Duffus Report; they never brought validating legislation to deal with obvious illegalities that had serious implications for the finances of the country. Was the Rt. Hon. Minister of Finance, the Hon. Leader of the Opposition attending the day to day business of the country at the time? The hon. member does not concern himself with that. He said there last week that when he is not in the House he dominates, that even if he is not in the House his presence still dominates everything that goes on in the House. You see you have got him as a Godhead, but I've got him as a pure individual who can get up and fool people on a lot of nonsense all the time, but the position is that his Minister of Finance because they do not acknowledge there is any other, you know, and from whom he is now taking instructions, could not even follow the Special Loans Act or the Financial and Audit Rules in this country, and you only have to look at the Duffus Report to see the opinion which was given by the Solicitor General and concurred in by me on that particular point, and it is a correct opinion; don't mind the allegations that I am the worst lawyer in Barbados. I like that. That is the whole point, so that I am not accepting their views on this bit of legislation. The day to day operation is that the Insurance Corporation if it wanted legislation passed should have at the appropriate time addressed itself to the problems when the Board met and have got in touch with the Minister on this matter.

We will seek in the future when we are dealing with these Boards to see that all the instruments are available before the Acts come into being, but this is a matter to which most legislation Validation Acts are passed including validating titles, Sir. This is standard form. In addition, it is not unusual for Government having passed legislation even within the same session or the same year to bring down amending legislation in order to rectify any defects or to improve that legislation. It is not unusual, it is not a waste of the House's time, but the hon. member wants to score political points; he wants to be seen as equal to the Minister of Finance, but he has a long way to go in order to learn the basic rudiments of economics, Sir. If he could come back to the portals of Oxford and Cambridge, maybe we would teach him some economics or even the UWI, but so far he is learning from rudimentary books and he doesn't even understand the first thing about how the economy of the country acts, neither in insurance nor in banking, but I am quite prepared to lend him some of my library, and hope that his head is soft enough to take it in.

1.50 p.m.

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

On the motion of Hon. H. deB. FORDE, seconded by Hon. L. R. TULL, 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. H. deB. FORDE: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Dr. HAYNES: Mr. Chairman, one appreciates the very high level of twitching anxiety emanating from the Attorney General, and in fact in his entire presentation. . .

Hon. L. R. TULL: On a point of order, Sir. I believe the House is in Committee and we are dealing with clause 2. The hon. member is not addressing himself to clause 2, Sir, and he is irrelevant.

Mr. CHAIRMAN: So far the hon. member has been relevant. Would you please address yourself to clause 2?

Dr. HAYNES: Mr. Chairman, I have not even completed the full sentence of what I was saying. I started off with a preamble by saying that one appreciates the twitching anxiety of the Attorney General . . . . .

Mr. CHAIRMAN: Please address yourself to clause 2.

Dr. HAYNES: Clause 2, Mr. Chairman.

Mr. CHAIRMAN: I object very much to the manner in which the hon. member is addressing this Chair. I must warn the hon. member not to let it happen, please.

Dr. HAYNES: Clause 2, Mr. Chairman. On clause 2, the point that I was trying to make was that I welcome the assurance given by the Hon. Attorney General right at the end of his speech, the only sentence that had any relevance to what was going on today, that the Government itself . . . . .

Mr. SIMMONS: On a point of order. He is reflecting on the competence of the Speaker.

Mr. CHAIRMAN: And very much out of order.

Dr. HAYNES: Mr. Chairman, I welcome the assurance given by the Hon. Attorney General that Government would take steps that Corporations would conform with the law as it stands so that in future. . . .

Mr. CHAIRMAN: I would like to inform the hon. member he is out of order. Will the hon. member please take his seat? Does any other hon. member wish to speak on clause 2?

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

Clause 3 was called.

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that clause 3 stand part.

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

Mr. CHAIRMAN: The question is. . . .

Dr. HAYNES rose.

Mr. CHAIRMAN: . . . .that clause 3 stand part. Hon. members who are in favour say AYE, those against say NO.

Dr. HAYNES: Mr. Chairman, I was on my feet before the question was put.

Mr. CHAIRMAN: Will the hon. member please take his seat.

Dr. HAYNES: I will take my seat and go home as well. Thank you.

Dr. HAYNES left the Chamber at this point.

Mr. CHAIRMAN: I will note the manner in which the hon. member has left the Chamber. *(Asides).* Order, please, from the hon. members on the Government side. The AYES have it.

Clause 4 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 and passed.

ADJOURNMENT

Hon. H. B. ST. JOHN: Mr. Speaker, this concludes Government Business for today. I beg to move that this House do now adjourn until Tuesday, 11th March, 1980 at 12.00 noon.

I also give notice that the Estimates will be laid next Tuesday and that the debate on the Estimates will commence on the 17th March in the usual Estimates time, 10.00 in the morning, but I am giving notice that the Estimates will be laid next week, so we have to come back to lay the Estimates. The debate will be on the 17th.

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

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

2.00 p.m.