
THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Tuesday 6th May, 1980.

Pursuant to the adjournment, the House of Assembly met on Tuesday 6th May, 1980 at 12.20 o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Mr. R. St.C. WEEKES, J.P.; Hon. C. L. BOLDEN, LL.B., (Minister of Communications and Works); Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Mr. M. C. C. WARD; Mr. 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: Minutes of Meeting of Wednesday 9th April, 1980.

Hon. H. B. St. JOHN: I understand these Minutes have been circulated, and subject to any observations as to error by any hon. member, I beg to move that the Minutes be confirmed.

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

DOCUMENTS LAID

Hon. H. B. St. JOHN: Mr. Speaker, on behalf of the Minister of Housing, Lands and the Environment, I beg to lay the Annual Report of the Parks and Beaches Commission for the year 1977–78.

On behalf of the Minister of Finance and Planning, I beg to lay the Annual Report of the Central Bank of Barbados for the year 1979.

On my own behalf I beg to lay the twenty-eighth Annual Report of the Natural Gas Corporation for the year 1978–79.

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to lay the Financial (Drug Service) Rules, 1980.

Hon. L. R. TULL: Mr. Speaker, I beg to lay a Statement of details of destination of 14-year old school leavers in respect of the years 1976–77 and 1977–78.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Speaker, I beg to give notice of a Resolution to approve the compulsory acquisition of land at the Ivy, St. Michael, for the purpose of housing development.

Also, a Resolution to approve the compulsory acquisition of land at Lower Estate, St. Michael, for the relocation of the Barbados Marketing Corporation.

Also a Resolution to approve the lease of land at Reef Road, Fontabelle, to Mr. Paul B. Altman, for the purpose of providing seating accommodation for outdoor dining.

Also, a Resolution to approve the compulsory acquisition of land at Brighton, Black Rock, St. Michael, for the purpose of Industrial Development.

Also a Resolution to approve the compulsory acquisition of land at Six Roads, St. Philip, for the purpose of housing development.

Hon. H. B. St. JOHN: On behalf of the Prime Minister I beg to give notice of a Bill to alter the Con-

stitution to enable payment of certain expatriate public officers' pensions to be assumed by the Government of the United Kingdom pursuant to an agreement between the Government of the United Kingdom and the Government of Barbados.

Also, on behalf of the Minister of Finance and Planning, I beg to give notice of a Bill to amend the Offshore Banking Act, 1979.

Hon. L. S. CRAIG entered the Chamber and took his seat.

ORAL REPLIES TO PARLIAMENTARY QUESTIONS

Hon. L. R. TULL: Mr. Speaker, I beg to give notice that the reply to Parliamentary Question No. 13 is now ready.

Mr. L. E. SANDIFORD entered the Chamber and took his seat.

BILLS READ A FIRST TIME

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that a Bill to alter the Constitution to enable payment of certain expatriate public officers' pensions to be assumed by the Government of the United Kingdom be read a first time.

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

Mr. E. E. ALLEYNE entered the Chamber and took his seat.

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

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that a Bill to amend the Offshore Banking Act, 1979, be read a first time.

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

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

GOVERNMENT BUSINESS

BILL TO PROVIDE FOR PROTECTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS

The First Order was called – To move the Second Reading of a Bill to provide for the protection and punishment of crimes against internationally protected persons and related matters.

Hon. H. B. St. JOHN: Mr. Speaker, this Bill is a Bill to implement an international convention. Canada approved Barbados' accession to the convention in 1978 and the instrument of accession to the convention was deposited with the Secretary General of the United Nations on Octo-

ber 29, 1979. The convention has been acceded to by the requisite number of countries and the convention came into force in respect of Barbados from 25th November, 1979. Of course, as hon. members are aware, the mere fact that the Executive has acceded to the convention does not in our legal system make the convention law in Barbados; it is necessary that a Bill to implement the convention be brought before this House. The Bill has therefore been brought in order to put into effect the terms of the convention.

A large number of countries have acceded to or ratified this convention in accordance with their own procedures. It arises out of the concern by the international community over a particular type of crime becoming all too popular, and it is an attempt by all of the States who believe in the sanctity of human life and the sanctity of convention to ensure that people who are involved in crimes of this nature should be treated in accordance with a civilized system of law.
12.30 p.m.

Those Sir, are the reasons for the Bill. We will find a Resolution of the General Assembly of the United Nations in the Schedule and also the terms of the Convention. The Bill itself implements the Provisions in such a way as to conform with the Legal System. That has necessitated a few additional Clauses because of the Common Law System and they have been introduced Sir.

You will notice in particular, Sir that Section 10 is of importance. It sets out very clearly that before prosecution can take place, it is necessary for the consent of the Director of Public Prosecutions of Barbados to be obtained. In short, Sir, this Bill is one of those Bills which has as a pre-requisite to a prosecution, a fiat of the Director of Public Prosecutions.

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

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

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

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

Clauses 1 to 19 were called and passed.

The Schedule was called and passed.
12.40 p.m.

On the motion of Hon. H. B. St. JOHN, 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. B. St. JOHN, seconded by Hon. L. S. CRAIG the Bill was read a third time and passed.

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, that concludes Government Business for today and I beg to move that this House do now adjourn until Tuesday, 13th May, 1980, at 12 noon.

Mr. SPEAKER: Let us have some order on the Government Benches, please.

Dr. HAYNES: Mr. Speaker, just a small point on the motion of Adjournment. There is a motion under Private Members' Business which I think would reach its three months' limit today. The Hon. Prime Minister had previously indicated that he would wish to make available to all hon. members of the House certain information relating to that and according to the Standing Orders it would appear to me that unless the House so determines, then the three months' period result in automatic collapse of the particular Resolution and I would express the hope that the Leader of the House would, in his motion for Adjournment, indicate that without prejudice to any time limits on that particular motion he can accommodate us in that particular way.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, we have no objections at all to the motion standing on the Order Paper. I am aware of the fact that information was promised and the information was awaiting the return of the Prime Minister and it has been prepared so that it can be circulated.

I believe that the House has power, with Your Honour's concurrence, to ask that the three months' period do not now apply.

Mr. SPEAKER: According to Standing Order 26(3), if it is the decision of the House that the period be extended to accommodate the present situation, it can be done and I take this to be the feeling of the House.

Hon. L. S. CRAIG: Sir, I would hope you will direct me on the necessary procedure when you say this is the feeling of the House, Sir, because I am part and parcel of the House and this is not my feeling and therefore, Mr. Speaker, you will have to direct me if it has to be put to a vote or not.

I can assure the hon. member in whose name it is standing, that I am not supporting it under any condition so I do not know, Sir, if you can direct me what are the procedures of the House. I understand that we have to live within the limits of the Standing Orders and if the Standing Orders say "within the discretion" of the House,

on this occasion, I am part and parcel of the House and I am not supporting the Resolution. Let the hon. member go to the Market Square and talk about the Resolution, that is his point of talking.

Mr. SPEAKER: Is it the wish of this Honourable House that the time limit be extended for the Resolution of the Hon. member for St. Michael South Central to remain on the Order Paper? Is it the feeling of the Honourable House that the time limit be extended for the Resolution of the hon. member for St. Michael South Central to remain on the Order Paper? All hon. members in favour will please say "Aye" and those opposing will please say "No".

I hear the "Ayes".

Hon. L. S. CRAIG: Divide.

Mr. SPEAKER: I have heard a division called for. Please do not ring the bell. The Chair has no obligation to accept notice of a call of a division unless the Chair is satisfied that it is purposeful. In other words, that there is a possibility of the call appearing meaningful when the count is taken. I am not now so satisfied.

Hon. L. S. CRAIG: Sir, I am not challenging Your Honour's ruling. I would never ever have the audacity to challenge Your Honour's ruling, but, as I understand it. 12.50 p.m.

Am I now going to be deprived of my right to cast my vote? I seek Your Honour's information on this. If within your discretion a vote which goes "Aye" on which side and "No" on the other is not going to be meaningful, am I therefore denied the right to cast my vote or to register my objection to any particular item before this honourable and august Assembly? I would like Your Honour to please direct me on such.

Mr. SPEAKER: The hon. member has already cast his vote. He has already cast his vote when he voted with the House when the others said "Aye" and he said "No".

Hon. L. S. CRAIG: Sir, I am only asking Your Honour's direction. Am I to understand therefore that Hansard will record that the member for St. James — Lionel Craig's — vote will be recorded in Hansard as "No", because there were hon. members who said "Aye" and hon. members who said "No"? Will Lionel Craig's vote be recorded as "No"? That is a direction I need from Your Honour and I am not arguing with the Chair; I am only asking Your Honour's direction as Chief Executive Officer of this Assembly.

Mr. SPEAKER: The hon. member's vote will be recorded as the Chair directs.

Hon. L. S. CRAIG: Which would be, I take it, "No", and will appear in Hansard as "No".

Mr. SPEAKER: It will appear as the hon. member cast it.

Hon. L. S. CRAIG: Yes, Sir; but all I am concerned with is that you are giving me the assurance that when I read Hansard that posterity will reveal that Lionel Craig voted "No".

Hon. C. L. BOLDEN: Mr. Speaker, just on a point of clarification, I sitting here heard a single voice say "No". I heard other voices say "Aye", and from what I heard Your Honour say it seems to me that a single voice in this Chamber saying "No" will not satisfy the presiding officer that a vote of "No" will have any significance, and I really want to get a clarification because from 1970 I have been sitting in this Chamber and I have heard a single voice say "no, divide" and we have had a division. I just want to know what the future practice will be, if a single voice shouted "no, divide" will put the House into a division or not. I am only seeking clarification for the future because I like to deal with the past when I start to make a point in the future. I just want clarification on this point.

Dr. HAYNES: Just briefly, I want to make it crystal clear that my position in this matter is that I am personally ready to proceed, I am willing to accommodate the Government's position for an adjournment, and I am also willing to respect the wishes expressed on the floor of the House by the Rt. Hon. Prime Minister who indicated that he would prefer to have certain information available to all members before the debate takes place. This has not been done. I do not wish to appear to be pressing on with the debate when he has given such an undertaking and may not have had the chance to do so as yet, and as far as I personally am concerned, I am ready to proceed. I am just trying to accommodate the Government by not proceeding with the Resolution today, because they wish to proceed with the adjournment of the House. That is the position. I just want to make that clear. I am willing to proceed.

Mr. SPEAKER: You see the position now is that everybody feels this is their House and they can proceed or not proceed. In the case of the hon. member for St. James, all that was required of him when other hon. members voted "Aye" and he voted "No" and called for a division and the Chair did not uphold his call for a division, was to ask that his dissenting voice be recorded. That is all.

Hon. L. S. CRAIG: Sir, I can appreciate that. That is why I was seeking your clarification, and if I am not mistaken, I made it abundantly clear I am going to vote "No". I hope you have directed the Clerk to put my

voice as a dissenting voice. However, Sir, I was under the impression that my voice was the loudest voice on this side, but there were other "Noes" which were cushioned by my carrying, and you may not have heard the thunderous "No". The voice was much more carrying than my colleagues. I am quite sure you heard the "Aye" of the Leader of Government Business, but my voice was I think drowned out by the "Noes" on this side.

Mr. SPEAKER: I believe the hon. member's voice drowned the "Noes".

Mr. SANDIFORD: I think this is a very interesting point we are dealing with here, the point raised by my colleague the hon. member for St. Joseph, because what Standing Order No. 41(3) does say is that after the Speaker has declared the result, his opinion as to the decision of a question may be challenged by a member claiming a division, and I take it that is what the hon. member for St. James — not the member for St. James, he is Lionel Craig, whoever he may be — is saying. The member may challenge that decision and claim a division; and it goes on to state at section 4 that when a division has been claimed, the officer then presiding shall direct the clerk to ring the bell for a division; but you directed the Clerk otherwise. It may be a question that outside these Standing Orders there are grounds for you to proceed on that matter, and that is why I say it is a very interesting point, the point raised by the hon. member for St. Joseph.

Mr. SPEAKER: You may recall some time ago the hon. member for St. Lucy called for a division which was a most unnecessary call, just a waste of time. He did not have the numbers to support a division, nothing of the kind. The Chair does not have to entertain this. You read Erskine May at pages 396 and 397.
1.00 p.m.

Hon. L. S. CRAIG: Did I understand Your Honour to say that I made an unnecessary call?

Mr. SPEAKER: If you were to refer to Standing Order No. 41 referred to by the hon. member for St. Michael South, it tells you that the Speaker's opinion as to the decision on a question may be challenged — his opinion.

Hon. L. S. CRAIG: Your opinion, not your decision.

Mr. SPEAKER: Just so.

Hon. L. S. CRAIG: I must say, Sir, this was a particularly interesting exercise and I enjoy it. I am sure you will appreciate that we have had many interesting times on the back bench, and I hope you will not overlook the fact that, not disparaging university graduates

or legal men, you can only know and learn from your experience in here. I have the same amount of years in here as you have, Sir, and I believe we are going to be together in here for a very long time.

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that this House do now adjourn until Tuesday, 13th May, 1980.

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

The question that the House do now adjourn until Tuesday, 13th May, 1980 was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the Sitting accordingly.

1.05 p.m.