

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 21st October, 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); Rt. Hon. E. W. BARROW, Q.C., LL.D., (Leader of the Opposition); Mr. R. St.C. WEEKES, C.B.E., J.P.; Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. H. deB. FORDE, Q.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); 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); Mr. DeL. O. BRADSHAW; Mr. L. L. SISNETT; His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker) and Dr. R. C. HAYNES, M.B., Ch.B., M.R.C.P. (Edin.)

Prayers were read.

Hon. L. R. TULL entered the Chamber and took his seat.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, 16th September, 1980.

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

Mr. SPEAKER: If there are no observations from hon. members, let those Minutes stand confirmed.

The Minutes of Tuesday 23rd September, 1980.

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

Dr. R. C. HAYNES: Mr. Speaker, with your kind permission I would like to make one or two observations about these Minutes which are causing me some degree of concern, and I should like to draw this matter to your attention.

On reading these Minutes, nowhere do I see any action in accordance with Standing Order No. 5(1) which states:

“When the Speaker’s absence is announced by the Clerk-at-the-Table, the Deputy Speaker shall take the Chair of the House and shall be invested with all the powers of the Speaker until the presence of the Speaker is announced by the Clerk or until the next sitting of the House, whichever shall first occur.”

This particular meeting deals with an amendment to the Constitution; it deals with matters placing an onus on the Accountant General for the disbursement of a large amount of funds.

It would seem to me that if this Standing Order which is made under the Constitution of Barbados was not complied with on that particular day that the proceedings of that day are null and void, and there is no mention whatsoever of any announcement on page 1. It simply says “Mr. Deputy Speaker took the Chair at 12.15 p.m.” and continues. There is no indication that the Standing Order was complied with.

Rt. Hon. J. M. G. M. ADAMS entered the Chamber and took his seat.

Mr. SPEAKER: The hon. member for St. Michael South Central seeks to draw to the attention of the Chair not an omission from the Minutes of Tuesday, 23rd September, 1980, but properly perhaps subject to further investigation something which did not occur in respect of Standing Order No. 5(1). The matter should be looked into, and I give the hon. member every assurance that I will seek legal advice on the matter from the Hon. Attorney General.....

Hon. L. S. CRAIG: Mr. Speaker, if you will permit me.....

Mr. SPEAKER: As soon as I am finished I will hear the hon. member.

.....and I will give a decision on the matter later.

Hon. L. S. CRAIG: Mr. Speaker, I do not know if my years of experience in here may add to this, but it is my understanding that at this time it would not be proper for any member to draw to the Chair's attention a matter which one could consider would be a reflection on a vote which was taken by this August Assembly. 12.30 p.m.

I would have thought, Sir, that the hon. member who raised the question should have drawn that to the attention of the House on the occasion when the House was sitting, Sir.

I also seek Your Honour's clarification on that. It is now reflecting on a vote taken of this August House of Assembly. I think what they have in mind has just backfired. They will not stop the people from getting the lands which we have set out to give them, Sir.

Rt. Hon. E. W. BARROW: Mr. Speaker, I am on a point of order, now. I think that one of the privileges which is claimed by Your Honour from an officer administering the Government of this country is that no improper motives may be imputed to members. It is actually part of the rules of this House.

What the hon. member is drawing attention to and my recollection is that Your Honour did not appear to have been here at the time and the hon. member was pointing out that there was non-compliance on the face of the records of the Standing Orders and since the Minutes are Minutes, therefore, the records should accurately reflect the procedural matters which take place, not necessarily the speeches made by hon. members to the extent, and I crave Your Honour's indulgence, that the Minutes actually say that Mr. Speaker takes the Chair or does not take the Chair at a particular time.

I have diligently searched the records, both of the preceding meeting and the subsequent meeting and the record went to the extent of stating the time at which the Speaker took the Chair. On the 23rd September, there is no such record but there is an entry that the functions of Your Honour appeared to have been usurped in an illegal manner, not in anyway reflecting on His Honour, the Deputy Speaker, but without compliance with the requisite Standing Orders so that the House was not given the benefit of knowing whether Your Honour was going to attend at some later stage, was temporarily indisposed or had even informed or instructed that you would not be taking the Chair on that particular day so it is not a question of reflecting on a vote at all, Sir.

It is for Your Honour to rule whether the proceedings were in order in the face of the non-compliance with the Standing Orders. My real point in rising, Sir, and I know that you have given me a lot of latitude, Sir, but I really resent the hon. member suggesting that we had some plan on this side and this is highly an improper remark. We are all here to preserve the honour and dignity of the Chair as well as any hon. member.

Hon. L. S. CRAIG: Sir, I would also like to draw to Your Honour's attention that in my 15 years in here I have never heard this announcement by the Clerk at the Table and therefore there has already been a precedent for it in here and where the Standing Orders are silent, then May's, Sir, you would refer to it, Sir.

In all of my 15 years in here, I have never yet heard when the Hon. Leader of the Opposition was on this side, Sir, I have never heard it, Mr. Speaker, that the Clerk would announce that Mr. Speaker is absent today and the Deputy Speaker therefore takes the Chair. I have never heard it yet, Sir, and therefore there is precedence in here already for it.

Rt. Hon. J. M. G. M. ADAMS: Sir, if I can add something to give a broader perspective on the matter of ordering and indeed the matter of privileges which has arisen, it would be, Sir, to counsel that the hon. member should have raised this point against the ridiculous. Certain inconveniences attend the impunity of Parliamentary process and for that reason folks lean very heavily against any such impunity.

I venture to suggest that it has never been raised in a Court of Law that an Act of Parliament in Barbados was not passed properly, or that proceedings of Parliament were not properly carried out. Are we now to go into..... I am on a point of order.

Rt. Hon. E. W. BARROW: The hon. member knows that Parliament is supreme.....

Mr. SPEAKER: On what does the Hon. Leader of the Opposition rise?

Rt. Hon. E. W. BARROW: I was on a point of order.

Mr. SPEAKER: Two hon. members are on their feet. We cannot have this. The Hon. Leader of the Opposition rose on a point of order.

Rt. Hon. J. M. G. M. ADAMS: I am on a point of order. Parliament, rather than the Speaker, of course, is the judge of a procedure and this is also the point which I will draw to the attention of hon. members but I think that a very dangerous precedent has been set for this point of order today. Are we going into a situation where Your Honour allows a Sitting to go on to 2.30 p.m. and we are told then that everything that happened is invalid because the time has passed? If for example, a quorum is obtained one minute after Your Honour decides to take the Chair, is it open to a member to say that Your Honour is a minute late so the House has to be adjourned until next Tuesday?

Now, some of these things get tried from time to time but ordinary commonsense solves them and once the House has proceeded, there has to be, as I submit, a matter of order that everything that had to be done was done correctly. It is a straightforward matter of order and I very sincerely hope that we will not become the first Parliament virtually in the World to rule its proceeding invalid on the grounds that the Clerk forgot, if he did forget, to say a form of words.

Are we really going to reduce ourselves now to be the laughing stock, not just of Barbadians but members of the whole Commonwealth? Do we really want to see it written up in the Commonwealth Parliamentary Association Journal that a member of the Opposition, the Shadow Minister of Finance, said that financial measures involving \$50 million where three or four important Bills are involved, that the Clerk forgot to say that the Speaker was at a Parliamentary CPA Conference? Really, what would we be reducing ourselves too, one of the oldest Parliaments in the Commonwealth? Where would we be carrying ourselves?

I remember Mr. Lloyd Smith used to say in here that we should not be peeping up under ourselves. Are we really going to get on like children? This is not a judicial trial where every technicality has to be observed. The House has conducted its affairs and in my respectful submission, as a matter of order, that is the end of that.

Mr. M. C. WARD: Mr. Speaker, I would just like to add one point that I recalled that at a particular meeting, I am not referring to the Clerk but the Marshal of the House had announced that His Honour, the Deputy Speaker, will now be entering the Chamber and this was an announcement and it was an announcement, that His

Honour, the Deputy Speaker. I only bring this to indicate that there was an announcement that the Hon. Deputy Speaker would be taking the Chair.

12.40 p.m.

Rt. Hon. E. W. BARROW: But, this is really a very important matter. I think that we have missed the whole point. This Honourable House is not properly convened, unless the person in whom the authority to sign, certify and signify that proceedings have properly taken place, is in the Chair.

The Standing Orders set out a certain procedure which takes place after we have entered the Honourable Chamber. We are nothing to do with what we hear somebody's voice outside announcing. That is not the point. The point raised by the Rt. Hon. Prime Minister, as he well knows, the point is not whether the law courts have ruled that Bills, or Resolutions passed by the Honourable House are invalid. The law courts cannot do so because as long as the Speaker certifies that everything done has been done, the certificate of the Speaker and his signature is sufficient certification to that effect and the law courts cannot go behind that curtain, cannot go behind it.

Therefore, you are the person Sir. Now, I do not want to make any reflection on the Hon. Attorney General, but I was a bit concerned that Your Honour said that you are going to seek the advice of the Hon. Attorney General because if the Government is now taking the attitude that this is a frivolous matter, the Hon. Attorney General is part of the Government and therefore, he may find himself in a very embarrassing position of having to overrule the Rt. Hon. Prime Minister on this matter. I would not like you to play Sir, with that position. If you can get some independent legal advice.

Mr. SPEAKER: The Speaker will not be embarrassed.

Rt. Hon. E. W. BARROW: Alright, Sir.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I would urge that we try and read carefully "Presiding in the House and in Committee" because I do have certain functions that are not purely parliamentary and one of those functions, as Hon. Minister responsible for Parliament is to ensure that things are done properly in Parliament. I have that function. I still have the function of dealing with the transmission, ultimately mine is the function of dealing with the transmission of Bills from the Lower House, to the Upper House, insofar as it is any Hon. Minister's responsibility.

The Speaker has no authority in the Upper House. The Speaker has certain functions outside Parliament too and the whole point about the announcement at the table relates to the general position of the Speaker. Order Five Rule Two quite clearly says:

"The Deputy Speaker may at any time, at the request or invitation of the Speaker, take the Chair temporarily without formal communications to the House."

and Order Five, Rule Six says quite clearly:

"Save as otherwise provided in these Standing Orders, the Deputy Speaker or other Member presiding shall have all the authority and power of the Speaker when presiding or otherwise performing the functions of the Speaker."

I mean they are quite clear. It may be possible that the courts can argue that the Deputy Speaker could not certify a Money Bill, unless the absence of the Speaker had been notified. I daresay that is possible, I give no opinion on it. That is up to the Hon. Attorney General.

It may very well be, that there are other functions which the Speaker carries out. The Speaker, after all, is a Member of the Governing Body of several schools. It may very well be, that he cannot sit on the Lodge School Governing Body unless it has been announced in the Honourable House. It may be and it may be, that the courts can question all that, but we would be carrying ourselves if we fly in the face of Order Five, Rule Six and if we fly in the face of Order Five, Rule Two and if we try to make Order Five, Rule Seven which says that,

"The Speaker.....shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders"

prevail over the Standing Orders. We will be doing an injustice to the parliamentary process that we do not deserve to do to ourselves.

The fact is that the Deputy Speaker took the Chair, the fact is that he presided over the Honourable House and that the Rule says that he shall have all the authority and power of the Speaker, in his absence. The Constitution also says quite clearly, that whenever the office of Speaker is vacant, or the Speaker is for any reason unable to perform any function conferred on him by Sub-Section One, or by Section 55, or 56, the function may be performed by the Deputy Speaker. Indeed, the Constitution would have to prevail over our Rules anyhow because you cannot make Rules inconsistent with the Constitution. So, clearly, if the Speaker is out of the Island and therefore, unable to perform a function conferred upon him, clearly, that would be the end of the matter. Are we really going to make ourselves ridiculous? I repeat the question. I mean, it may very well be, that we now have to amend the Standing Orders to conform with the Constitution. If they are contradictory, there is no point trying to rely on the Standing Orders. But, they are not even totally contradictory because clearly, Order Five, Rule Six clearly gives the Deputy Speaker power to do exactly what he did, on the day in question.

Mr. SPEAKER: The Minutes of the Meeting of Tuesday, 23rd September, 1980.

Rt. Hon. E. W. BARROW: Mr. Speaker, these are the Minutes which are in dispute and Your Honour indicated that you would take this on advisement, therefore, I am suggesting that these Minutes be not confirmed because I understood.....I just want to be clear which because the 23rd, I take it that you, Your Honour are going to defer these Minutes, until Your Honour have had time to consider the points which have been raised on both Sides. I am a bit concerned, whether it is the 23rd, or the 30th.

Mr. SPEAKER: The point I tried to make was this, that the Hon. Member for St. Michael South Central was not contending, in any way, that the Minutes for the 23rd September were in any way wrong. Nothing was wrong with those Minutes, but rather, that Standing Order No. 5(1), had not been invoked so the Minutes of the Meeting of the 23rd September, 1980 stand confirmed.

The Minutes of the Meeting of Tuesday, 30th September, 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 now confirmed.

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

Mr. SPEAKER: If there are no observations by Hon. Members, let the Minutes of Tuesday, 30th September, 1980 stand confirmed. (PAUSE). Those Minutes are confirmed.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I have to announce that I have received copies of Accounts and Statements for the months of June, July and August, 1980, as prepared by the Accountant General. I am also to report that I have received the Report of the Accountant General for the Financial year 1979-80. I have also received the Annual Report and Accounts and Statements of the Insurance Corporation of Barbados and I am also to report that I have received the Report of a Committee appointed to investigate the causes for the deterioration in conditions and control at the Government Industrial Schools.

PAPERS LAID

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I beg to lay the document, The National Assistance Amendment Regulations, 1980.
12.50 p.m.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I am commanded to lay the Annual Report and Statement of Accounts of the Insurance Corporation of Barbados for the year 1979, which Your Honour, and I am also commanded to lay the Statement showing Net Customs and Excise Receipts for five months ended 31st August, 1980.

In connection with this, Sir, I have given instructions that Accounts and Statements for the Government must as far as possible conform with the law, that their laying must conform with the law. Statements should be done within one month of the end of the month to which they relate. We are a little late with this but we are attempting to bring matters up to date. Once they used to be very much in arrear but now they are about two weeks in arrear.

Hon. L. R. TULL: Mr. Speaker, I beg to lay the Report of a Committee appointed to investigate the causes for the deterioration in conditions and control at the Government Industrial Schools and to make recommendations for the better administration of the Schools.

GOVERNMENT NOTICES

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to give notice of a Resolution to grant the sum of \$786,800 from the Consolidated Fund and place it at the disposal of the Government to supplement the Estimates 1980-81 Part I - Current, as shown in the Supplementary Estimates 1980-81, No. 10, which form the Schedule to the Resolution.

Also, a Resolution to grant the sum of \$18,000 from the Consolidated Fund and place it at the disposal of the Government to supplement the Estimates 1980-81 Part I - Current, as shown in the Supplementary Estimates 1980-81, No. 12, which form the Schedule to the Resolution.

Hon. L. R. TULL: Mr. Speaker, I beg to give notice of a Resolution to grant the sum of \$2,775,600 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. 11, which form the Schedule to the Resolution.

Also a Resolution to grant the sum of \$376,000 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. 13, which form the Schedule to the Resolution.

Hon. H. B. St. JOHN: Mr. Speaker, I beg to give notice of a Bill respecting ships, crews and safety at sea

and for matters consequential, related or incidental thereto.

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

A Bill to provide for the performance of certain statutory functions by the Solicitor General of Barbados.

A Bill to make new provision respecting civil liability contribution.

A Bill respecting the recovery of compensation for injury caused by accident, inter alia.

FIRST READING OF BILLS

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that a Bill respecting ships, crews and safety at sea and for matters consequential, related or incidental thereto be now read a first time.

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that a Bill to provide for the performance of certain statutory functions by the Solicitor General of Barbados be now read a first time.

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that a Bill to make new provision respecting civil liability contribution be now read a first time.

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that a Bill respecting the recovery of compensation for injury caused by accident, inter alia be now read a first time.

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

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

ORAL REPLIES TO PARLIAMENTARY QUESTIONS

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to give notice that the Reply to Parliamentary Question No. 54 is ready.

SUSPENSION OF STANDING ORDERS

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

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

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

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant Order of the Day. Item No. 5.
1.00 p.m.

THE TRESPASS TO PROPERTY (REFORM) ACT, 1980

Mr. SPEAKER: Order No. 5 stands in the name of the Hon. Attorney General, to move the second reading of a Bill to reform the law respecting trespass to property.

Hon. H. deB. FORDE: Mr. Speaker, I believe this is a resumption of discussion on this Bill. I understand the Bill has been read a second time. If that is so, I beg to move that the House go into Committee on this Bill.

Hon. H. B. St. JOHN: Mr. Speaker, on the last occasion when we dealt with this matter, this matter was read a second time and I moved then that further consideration of this matter be postponed.

I now beg to move that we resume consideration of this matter and that Your Honour do now leave the Chair and the House go into Committee on the Bill.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Clauses 1 to 7 inclusive were called and passed.

Clause 8 was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 8 stand part, I would move an amendment

to the last line of sub-clause (2) (a). Delete the word "of" and substitute the word "on"; so that it reads "Vienna Convention on Diplomatic Relations".

I beg to move that Clause 8 as amended stand part.

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

Mr. SIMMONS: Mr. Chairman, when this Bill came before the House last time, I questioned the sense of Clause 8, sub-clause (3) which purports to give a defence to a person charged merely to say that he believed that the premises in question were not premises to which the section applies, and I suggested at the time to the Leader of the House that perhaps a way round this would be to provide that every diplomatic or consular residence or set of premises should have some clear identification of the fact that it is a diplomatic or Foreign Mission or residence or set of premises, because I still maintain, and I have heard no attempt to amend sub-clause (3) Mr. Chairman, that if somebody goes at the residence of, let us say, the Ambassador for Venezuela, all he has to do if there is no clear marking on the premises that it is an official residence, is to come to court and give a statement from the dock or even go on oath and say "well really I lost my way, Sir, and I really thought it was a private residence, but I found myself there." That is all this section says. It makes a nonsense. It is going to encourage all kinds of privileged defences, and I cannot as a lawyer sit down, Mr. Chairman, and support this as presently drafted. I really can't. It provides too simplistic a defence. You are seeking to protect the Foreign Missions under the Vienna Convention on the one hand and still allowing a person who trespasses to have an easy way out. You are not doing anything; it is a waste of paper.

1.10 p.m.

Why do you have to give a person a defence here? He should have the same defences available to him as the General Law. You are creating a special defence which is meaningless in its effect having regard to the practicalities of this, Sir.

Look what is says:

"In any proceedings for an offence under this section it is a defence for the person charged to prove that he believed that the premises in question were not premises to which this section applies."

We are really going to vote for this, Sir? Mr. Chairman, I am objecting to supporting the provisions of this legislation on the grounds that they do not make sense in reality.

Hon. H. deB. FORDE: Mr. Chairman, Sir, Section 8 of this Bill is modelled almost verbatim on the U.K.

Legislation which has been implemented since 1967 under the Criminal Justice Bill of the U.K. which gave effect to strive to strengthen the Vienna Convention on Diplomatic Relations.

The Section as drafted, has been construed by the Courts of the United Kingdom. I wish to go a little bit further on this Section 8, Sir, because if the hon. member would read Hallsbury Law of England, the Fourth Edition of Criminal Law, he would be able to understand the number of circumstances in which it is possible for a person to have a *bona fide* and genuine belief that the premises were not diplomatic premises.

In the first place, because of the spread of international terrorism, it is not always possible for one at all times to carry signs designating each premise which is occupied by a Diplomatic Agent. A Diplomatic Agent does not only include a Head of Mission but it includes other persons as well, and you will notice that the private premises of Diplomatic Agents are considered to be within the scope of Clause 8, Sir. Therefore, where Diplomatic Agents reside at houses and not necessarily on the Embassy premises, it is obvious that there may be genuine circumstances in which a person has unwittingly trespassed on such a premise and that defence should be available to him.

Now in addition, Sir, in the context of Barbados one would understand why this Clause makes a lot of sense in that some of the Missions rent joint premises with other Diplomatic Agents. Let me take the case of the Canadian High Commission. The Canadian High Commission shares premises with the Commonwealth Development Corporation. The Commonwealth Development Corporation does not have the benefit of that section and they do not necessarily share premises on the same floor completely. You can find two rooms on one floor occupied by the High Commissioner and the balance occupied by the other people without any clear demarkation or indication that it happens to be diplomatic premises.

Now, Sir, it is rather difficult to reply to the hon. member instead of his asking for an enlightenment to take the extreme position that this does not make sense when they could be several circumstances in which there is a genuine belief based on a mistake and it has always been the principle of law not to penalise persons in such circumstances but to give them legitimate defence and that is all that that Clause does. If it is foolishness in Barbados it is foolishness in the United Kingdom and I do not believe that it is foolishness and if the hon. member does not wish to support it, he does not have to support it.

Mr. SIMMONS: Mr. Chairman, you can speak more than once in Committee. I am not persuaded, Mr. Chair-

man, even by the reply of the Hon. Attorney General. He has made three points that this is modelled on the English Act, so I ask "So what? Who are they?" It is true that we have been slavishly and since independence been following them and showing no native innovative powers. I do not accept these models from England and America and I am one who is against following slavishly on that, Sir. I want to make it clear, so because it is taken from England it does not persuade me.

I know the Diplomatic Privileges Law of 1964 in England and the categories of persons to whom immunity is extended. I believe there may be four categories. It has been construed judicially according to the Attorney General. I would like to hear about some of the cases. Give me the names of the cases and thirdly, to say that all the Section is saying is that it is a mistake of fact. What you are now doing is creating by statute and enshrining in the law the Statutory defence of a mistake which is available to him.

In any event, it is a mistake of fact so I am not satisfied. I still feel that a lot of people will get around this and it will become nonsense in its application. I stand by that.

Hon. H. deB. FORDE: I am not here to argue law with the hon. member. If he wants to argue law he can come into the Law Courts and argue law with me. That is the point, Sir, and I think that on most occasions I can argue it reasonably successfully but the point remains, Sir, that it is nonsense for the hon. member to say that this section creates in the law a defence of mistake of fact. That is not what I said, Sir, and the hon. member must understand that to talk about following England slavishly is absolute foolishness again because the hon. member daily in the Courts get up to cite English precedence so honestly I really do not understand.

If the hon. member had asked for an explanation and got it but he is not prepared to accept gracefully that his views may be wrong. He must be able to accept that he is wrong on this section and that is what it is.

The question that Clause 8 stand part of the Bill was put and resolved in the affirmative without division.
1.20 p.m.

Clause Nine was called.

Hon. H. deB. FORDE: In moving that Clause Nine stand part Sir, I will move that in sub-clause (b) at the end of the second line, the word "with" be deleted and the word "without" be substituted and subject to that, I ask that Clause Nine stand part.

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

Mr. CHAIRMAN: The question is that Clause Nine, as amended, stand part. Hon. Members in favour.....

Rt. Hon. E. W. BARROW: Clause Nine, Sir, I am not clear what the purpose of this Clause is. As a matter of fact, I join with the Hon. Member for St. Philip North in wondering what the purpose of this Legislation is, except slavish imitation of what has been done in 1967 in England.

Now, "trespassers will be prosecuted." When I was at the Council of Legal Education and at University, it used to be known as the "wooden lie". I was horrified when I came back to this country to find that we still had a Petty Trespass Act, in which the more offensive Clauses have been repeated in the Legislation which we are now passing. Anybody lawfully entering upon premises and remains there, after having been asked to depart, be guilty of a criminal offence. In England, that is known as the "wooden lie". It says, "trespassers will be prosecuted". Anybody passing over that....You could not prosecute anyone in England, prior to this for passing over a field, although technically, you are trespassing. It was known as the "wooden lie".

The reason why I mentioned that Sir, is that we seem to be reinforcing, by saying that if anybody sees a sign and it is not clear in the Section of the clause, that we are now dealing with, what the replacement is supposed to be, but the Section reads Sir, if I may crave your indulgence for one short moment:

"A person who defaces, or causes the defacing of, or procures any building, structure, wall, fence, tree, or pale with the previous written consent in each case of the occupier"

Note that Sir,
"is guilty of an offence".

Did you notice what it said Sir? That if you deface, or cause, or procure the defacing of a building, that is, if you write what they call graffiti on the building, you might say, "Barrow go home", but that is not the interesting thing Sir, like I see still in St. George, as you go up the hill on the Mount Hill, you see "Vote Tull". Four years, although on the date of the Elections, it was an offence to have that there. Now, technically, the Hon. Member for St. George South can be prosecuted because he has defaced something which comes within the purview of this particular Clause. What I wish to draw.... The learned Hon. Attorney General is there getting very.... The learned Hon. Attorney General has a propensity to try to bring in as much garbage from outside in the form of Legislation, during his term of office, to say that he has brought in this, in accordance with this Convention and that, in accordance with the other Convention and all that kind of nonsense. No previous

Attorneys General have tried to do this. You know why, Sir, because in many respects, the Barbados Legislation has been in advance of I.L.O., in advance of the Warsaw Convention and in advance, not due to me, or anybody else, but it has been so.

So, to try to clobber up the Statute Book of Barbados with a lot of ill-considered trivialities is not doing justice to this community. But, look at the Section and I do not think, that even the Hon. Member for St. Philip North has really seen the insult in the Section. The Section says that, if "a person defaces, or causes, or procures the defacing of any building, structure, wall, fence, tree, or pale with the previous consent" (ASIDES) In moving the Amendment, we now say, "without the consent". It means, Mr. Chairman, that if a little boy goes and scrawls something on a wall, it need not be offensive language, the rider of vesper MJ 609 having a dance and he sticks a bill alongside somebody's wall, you pass a whole lot of Legislation now to lock the man up. So, you are holding a dance at the Harbour View, or something like that, so before we used to say, "post no bills", that is all. But, nowhere did it say, bill posters will be prosecuted, but we are prosecuting bill posters now.

Dance keepers like Mr. Ormond Graham, if he goes and sticks a bill now saying that his dance is coming off Exhibition night, he would go to jail. That is what we are occupying ourselves now with in Barbados as a serious Legislature. (ASIDES: Hon. H. B. St. John: Your Party men welcomed it last week)

Rt. Hon. E. W. BARROW: Is he addressing the Chair? The Hon. Member could not be addressing me.

Hon. H. B. St. JOHN: On a point of order, Sir. The Hon. Member was not in here last week, when this Clause was specifically welcomed by the Hon. Member for St. Michael South West.

Mr. CHAIRMAN: Order please.

Mr. TAITT: Mr. Chairman.....

Mr. CHAIRMAN: I cannot really entertain you at this point. The Rt. Hon. Leader of the Opposition was on his feet. He gave way to a point of order.

Mr. TAITT: I am on a point of order, Sir. The question of the marking up of a wall is not in (b) which the Hon. Member was reading. The question of the advertisement is in the next sub-clause, so do not use the next sub-clause to say that I supported that Clause. He is raising a question which is a fundamental question.

Rt. Hon. E. W. BARROW: My real point Sir, is that this Clause has not been put and passed. Clause Eight was put and there was a dissenting voice over

there. Does that mean then, that the Hon. Member for St. Philip North is going to be read out of the Government Party because he does not agree with "not", so if somebody over here does not agree with a part of this Clause, you mean to say that I cannot agree with the other part, as Rt. Hon. Leader of the Opposition? What kind of nonsense are you talking nowadays?

I am saying, that these are trivialities.....We, as Legislators do not have any right to be wasting the public's time with Petty Trespass Act and it should be between subject and subject, and the "wooden lie" should remain the "wooden lie". You are prosecuting people now for bill posting and I do not think, that that is a widening of the freedoms of the citizens of this country. It is an abridgement, although in some respects, it is an interference with the proprietary rights of other persons.

The point which I am making, although it may appear to be above the head of the Hon. Deputy Leader of the Honourable House is a matter of compensation between subject and subject, not anything that the overworked Police Force should be getting involved with people keeping dances putting bills on the side of a wall innocently.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, Sir, the Rt. Hon. Member obviously is seeking to recapture a conservative audience, such as he had in 1971, by taking up issues about the people against the Government, subject must fight with subject, the Government shall not intervene.

Now, I believe that the Rt. Hon. Member was Prime Minister for 15 years and the piece of Law he is objecting to was the Law for the whole of that 15 years, it was Law all the time that he was a lawyer, it was Law when he was born, when he went to St. Croix, when he came back, when he went away and when he came back, it was Law. Why did he not change it? This does not add anything to the Laws. It was in the Petty Trespass Act. It has always been against the Law to deface premises with advertisements and there has always been a presumption that the advertisement was put there by the subject to whom it applies.

So, why is the Honourable House's time being wasted with trivialities on such a subject as this. First, we had the trivialities of whether the Clerk announced the Speaker's absence and now we have the trivialities of whether Ormond Graham is going to be prosecuted for putting up a bill on a wall.

Mr. CHAIRMAN: Order, please.

Rt. Hon. J. M. G. M. ADAMS: If Mr. Ormond Graham was never prosecuted all these years, why should he be prosecuted now?

I know that the slogan in St. George.....I do not know anything about "Vote Tull". I know that there is a slogan saying "Please vote for Mr. Tull", and I know that this slogan got written up in a big American Magazine and Sir, I go by Manning's Village where the slogan is fairly often, I happened to see it up to Sunday afternoon. But, that is not advertising a product, Mr. Tull is not a product, Mr. Tull is an outstanding human being, so do not say anything about advertising politicians.

If the Hon. Member believes that he can persuade the owners of the Bridge at Sturges St. Thomas, where there is a big sign up, "Vote Tom, Vote Tom", if he can persuade them, to prosecute me, I will be willing to take my risk with that. But this is surely not a Section to which there can be serious objection. It is a great offence when things get painted up on people's wall against their will. It disfigures many countries, many Spanish speaking countries, it disfigures Jamaica.

1.30 p.m.

Undoubtedly it has caused some disfigurement in Barbados, although not too much, and I believe that it is one of people's property rights if they paint a wall or paint a side of their house that they should be able to have the law protect them from somebody coming and painting something on it. I do not know how the hon. member would feel if people crept through the bushes of Paradise some night and painted on the wall "vote for Vic" or "vote for Ezra" or vote for whoever the candidate might be. I know I would not like it, because it can go too far.

The question of writing graffiti on walls, it is not everybody who paints on a wall "we wish all our readers a happy Christmas and a prosperous New Year," a lot more offensive things are put on. (Mr. SANDIFORD: Like 'Tom must go'). There are many offensive things that are written and I think we are entitled to be protected from them.

Hon. H. deB. FORDE: Mr. Chairman, I am going to deal with the hon. member, and I want to take up first his statement that the Attorney General is picking up garbage and bringing in here and expecting the House to deal with it. The problem with the right hon. member is that after 20 odd years in this House his memory is fast fading, and it is about time that garbage be taken out, not be brought in this House. That is the point I want to take up.

There was a time when he was a distinguished lawyer who would know what was in the Laws of Barbados. Having listened to him on occasions I wonder if he is beginning now to fade so rapidly that he has no memory at all of even the most simple legal statutes of this island. The care that I expect from the right hon. member is that he would have taken the

opportunity to look at the Petty Trespass Act which is being repealed and see which of the sections we are carrying over and if there are any new sections being brought in here, but the hon. member is so anxious to think he is going to divide this side by praising the hon. member or trying to support the hon. member for St. Philip North as against me, his usual tactic, and he is so anxious to attack me, whenever he gets an opportunity he wants to attack me that he will pick on any triviality and talk any garbage, regardless of whether it is valid in law or not, in order to decry the performance of the Attorney General. I feel sorry for him, Sir.

This was the law of Barbados in 1903, and if it is garbage the hon. member sat down in here for 20 odd years with garbage and did nothing about it, because he likes garbage. That is the position, Sir. If he does not know the Chapter 143 of the Laws of Barbados, he will find it in Vol. IV and he will find the provisions that we are re-enacting in section 6 of the Petty Trespass Act, and we have modified that section tremendously in order to remove some of the wide offences that existed. That is the problem with him, Sir, any nonsense he can talk to decry me, any foolishness that he can talk. He tried it in the Constitution debate and the Christ Church West people replied to him with 77.9%. Keep trying it now and you will get 97% next time in Christ Church West.

The hon. member, like the former Leader of the Opposition and his family, is jealous of the fact that he has produced Attorneys General, at least the former hon. member for St. Michael South Central, who sat down in here and did nothing about the laws of Barbados. They are getting reform of the laws, they do not want to face it, but they are talking about garbage. I am treating the hon. member with the greatest decency now, Sir. I hate to have to get up and reply when he uses that sort of pejorative term, because it is not in keeping with my character, but unless I reply to him in that way he is not going to stop it, and I have warned him before, I can give him as good as he can give me, and more. I have failed to reply so far to a rather scurrilous attack he made on me once in Brittons Hill. I think it was unworthy of him, I believe he was sick, I was looking at the moon those days to see what the movement of the moon was and the forces outside, but he must understand that he is not the only person capable of replying in a nasty manner, and if he wants it he will get it. That is all I want to tell him, Sir.

This is merely a repeal of section 6 of the Trespass Act. The hon. member should read the laws.

The question that clause 9 as amended stand part was put and resolved in the affirmative without division.

Clause 10 was called.

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that clause 10 stand part.

Mr. SIMMONS: I beg to second that.

Mr. TAITT: Mr. Chairman, you may recall that during the second reading of this Bill I raised a question regarding this particular clause, and after further study of the clause I still find myself unable to support it in its present form.

Mr. Chairman, this clause seeks to give power to the citizen *vis-a-vis* his fellow citizen, which I suspect is a dangerous departure. If you look at clause 10(2) Sir..... I am sorry, Sir, I am anticipating, it is clause 11, I will wait for the next clause.

The question that clause 10 stand part was put and resolved in the affirmative without division.

Clause 11 was called.

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that clause 11 stand part.

Mr. SIMMONS: I beg to second that.

Mr. TAITT: Yes, Sir, I mis-sighted, I thought you were on clause 11 just now. It says: "A member of the Police Force may, without warrant, arrest a person who is, of whom he, with reasonable cause suspect to be guilty,..... etc. etc." That is standard procedure, and the policemen have always been able to arrest without warrant where they have reasonable cause, but, Sir, the following clause says: "Where a person who is required to identify himself under section 10 fails or refuses to do so, ..." Section 10 says: "A member of the Police Force, or an occupier or a person authorised by him," meaning the occupier, Sir, and then 11(2) now says: "Where a person who is required to identify himself under section 10," that is, to a police officer or to an occupier, or to a person authorised by the occupier, "or there are grounds to believe that the identification given is false, a member of the Police Force...." and here is the rub, Sir, "or an occupier or a person authorised by him may, without a warrant, arrest that person for the purpose of establishing his identity."

Now, Sir, a citizen's arrest is well known in the common law and I am not questioning the right of a citizen to arrest where he sees a crime being committed or about to be committed. The Attorney General said earlier if you go in the extreme cases to make the point you are bound to find some solution.

1.40 p.m.

The point I am making, Sir, is that we ought to be extremely careful before we give by statute the right

to arrest without warrant to a person on the basis of the failure of another person to identify himself. There must be circumstances where the person who is claiming to be an authorised person asking for identification may himself be suspect.

Mr. Chairman, if I happened to be standing on a piece of property, let us say it is a pasture, and I see a man coming across the pasture and he says to me "who you" or "what is your name" and I refuse to tell him my name, I am acting within my right. Now he will not be carrying any badge which says "I am an authorised person, I have been authorised by the owner", so what this law is setting out to do, as I understand it, is to give that person who is not required to identify himself a legal right to arrest me without warrant if I refuse to identify myself. There is nothing which says that anybody that comes up to you and states a proposition and then requires you to identify yourself must have the result of your identifying yourself. This is a serious piece of legislation. A citizen ought to be able, if he does not feel like, to say "well I don't know you and I do not feel like giving you my name."

It is already part of the law that if a police officer asks you for your identification you have to show him, and if he has cause to believe that the identification is false, he may arrest you. I am not questioning that; I do not think anybody wishes to question that. Generally speaking I know you have not been around for a little while, but the fact is that if a policeman has reasonable cause to suspect that a crime is being committed or has been committed, he may arrest. Let us say that the hon. member for St. George South walks up to somebody and asks him for identification and the person lives in St. Lucy and therefore does not know him at all, but he happens to be an authorised person for somebody, he does not have to identify himself, but he is suddenly given power to arrest without warrant, and when the man who gets arrested believes that he has been falsely arrested, he trots out this Bill and cites section 11 (2) and says I arrest you.

Now there is a clause which follows which requires as is the case with all citizens' arrests that so soon as is humanly possible after each arrest the person should be handed over to the police, but that is a common law right and a common law protection. I am saying that without warrant of the occupier or his authorised representative is a departure, and I would suggest to the Attorney General that in the enthusiasm to make this Bill as tidy as possible the drafters might have gone a little far. I would find myself unable to support it in its present form, Mr. Chairman, because it opens the way for all manner of things to happen. For example, let us suppose a Rasta is walking across a track, somebody comes out and attacks him; that person who attacks him subsequently lays claim to having been an authorised

representative of the owner of the property; it does not identify how the person is authorised, so anybody can subsequently be authorised, and this business of arresting without a warrant is not one we should take lightly.

You will recall, Mr. Chairman, that for a number of security guards in this country to be able to arrest people without warrant they had to be made Island Constables, and that is desirable, because when the time comes for them to be made Island Constables an opportunity is taken to review their character to see what they are made of and see if they, like policemen who are trained, can form a reasonable view of whether someone has committed or is about to commit a crime. We cannot go giving everybody who has property in Barbados the right willy nilly to arrest somebody for the simple reason that a person refuses to identify himself. One of the rights which has been entrenched in every Bill of Rights is the right to remain silent, and now here we are in Barbados about to legislate that you can get arrested for remaining silent. Mr. Chairman, I cannot accept that. Everybody had the right to remain silent except now we are about to say if any hon. member over there asks me to identify myself ... (A VOICE: That is nonsense.) Whenever you are against it, it is nonsense. Pray tell me the nonsense, then I will hear it; but if a man refuses to identify himself according to this, as I understand it an authorised representative can arrest him. I would appreciate an enlightenment to show me that that is not the case from either the Attorney General or the Hon. Leader of the House who seems to be able to shed a different interpretation on it, and I look forward to the enlightenment so that I can agree with the Bill. Unless I get an enlightenment, I will find myself unable to support it.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I really want to appeal to hon. members opposite that there must be some easier way of getting headline news than taking up non-points. The typical home owner in Barbados.....

Mr. TAITT: On a point of order, Mr. Chairman, since the hon. member speaks immediately after I have just sat down, to suggest that what I have said was motivated by my desire to have a headline presumably in a newspaper, I believe, is insulting, and I ask the hon. member to withdraw it. I object to that.

Rt. Hon. J. M. G. M. ADAMS: I will withdraw it. I am sure the press will take note that the hon. member for St. Michael South West never wants headlines. But we have a situation in Barbados where there are a lot of people that own property and the property sometimes gets trespassed on. The hon. member who has just sat down moved himself into a real passion as his speech went on. He started with security guards and Island Constables and he ended up with the Bill of Rights. He

says he is not prepared to legislate that in Barbados the right to remain silent is to be infringed by this Bill; but it has been the law for many years that if a policeman sees you commit an arrestable offence or indeed a non-arrestable offence and he asks your name and address and you do not give him, you convert the non-arrestable offence into an arrestable offence.

I myself think that the police have been known to abuse this provision. I think so. I know there was one particular policeman whom I think had something psychologically wrong with him and he went through a passage about six years ago when he kept on and on arresting decent women and finding some reason for it. He arrested an old lady from Porey Spring, St. Thomas, carried her into the Police Station and left her at the gate of the Police Station when he realised he was wrong. He arrested a senior young lady at Secretary/Receptionist level at the Barbados National Bank and so all under this she would not give her name and address, and I believe that disciplinary action was taken against him. So clearly the provision can be abused, but the fact that the provision can be abused should not mean that it should be removed from the legislation, because there can be no point in having criminal offences where it is impossible to identify and bring to justice the person concerned.

If somebody commits an offence for which the law does not prescribe arrest, they will be able to laugh at the law. If a policeman comes and says I just saw you do such and such, what is your name, now he is asking the name so that a summons can be sent out. If the person is so important with himself that he cannot give the name, the only way you can identify such a person is by taking him into custody. I understand that to be the purpose of the law and administered properly by a police force it will be a useful law.

Now this is the background with which we come into this because that is the law for the Police Force relating to offences at large.
1.50 p.m.

Now, in this case you have a situation where the offence is that of petty trespass. Petty trespass must by its nature be committed on private property. It would often be committed on private property where there is no Police present. Common law at present provides self-help. I myself would not like to give a legal opinion as to how far you can defend the bounds of your property.

I believe that in the United States it has been held, I think it was in a Kansas decision that the common law allows you to flee up to the boundary of your property, stand your ground and shoot anybody who attempts to come on your property by force of arms. I do not believe that to be the common law of Barbados nor would I push it to be the common law but the common law of Barba-

dos even within this Bill allows a householder to take hold of somebody on his premises to put him off even without this Bill and to put him off using force. (*Asides*).

Well, I hear the hon. member for St. Philip North say "reasonable force." I am not sure that is the law. I have not heard anybody being convicted for using unreasonable force in putting people off their premises, as long as the purpose in using the force was putting them off and as long as the Court held it as necessary, I think they said "necessary force" rather than "reasonable force".

Now many of us, I believe, have parents alive and so I may be forgiven if I draw an example of my mother. I have a mother who lives on large premises. Policemen do not live there. Suppose people constantly trespass on those premises. She cannot arrest anybody. Is she then not to be able to authorise me to go and arrest that person and bring a charge? I may not be able, Mr. Chairman, but there are hon. members on the other side who perhaps can see the point.

You may be talking about somebody who is constantly plagued by groups of people who come on the premises to take fruits and so on. Is the whole majesty of the law to be put into operation? You must wait until a Policeman come when the people are no longer there or you deal with who is there and ask their name and address. "What is your name? I am going to prosecute you for trespassing" or alternately the present position because the present Petty Trespass Act says that you can call on anybody to assist you in clearing your premises, or alternately the present position brought up-to-date.

It was a law when the hon. member was a Minister that you could authorise people — does the hon. member feel that there is really a significant difference in taking up a stick and giving a man two blows and getting him off your premises as against arresting a person? Is there really a substantial difference between it? Does the hon. member really want to see a situation as I could well tell in the Courts where a man made a nuisance of himself. He was bodily removed from the premises and he came up and made a nuisance of himself and finally in desperation the houseowner took up a shovel and gave him a lash over his head that nearly took out one of his eyes. Does the hon. member prefer that? It would have been much easier for that particular householder seeing that he was being visited by a persistent trespasser on the first occasion when he first held the man to lift him bodily off the premises to have been able to hold and somehow confine him until he could somehow hand him over to the Police.

I think it is very unfortunate when people have to take the law into their own hands at all. I think it is unfortunate but I do think that the power to authorise a watchman, because that is really what he is doing, I think

the example that a mother may authorise her son, that the hon. member for St. Michael South could authorise a brother as the case may be, I do not think that is a realistic example. The realistic example is that people who wish to take example of this would authorise a watchman, Brinks Guards and so on to look after their premises. That is what the law is there for.

I put an extreme case but all of us in here know perfectly well that householders in Barbados do not take on such even though the law would be understandable, to push about people. They do not want to fight with people that come to them on their premises. We know that quite well. We know that you hire a Brinks Guard or a watchman or you hire some other person to do that for you and you never act with the authority which the law gave you and it is the Brinks Guard who would be doing the arresting on private premises

The other point I would make with some force, Mr. Chairman, Sir, is that the hon. member really should not give any impression by his speech that there is going to be some general authorisation by all householders in the Island for people to walk around arresting others. The arrest can only happen on the premises or in relation to the premises.

The hon. member cannot get in Stanmore Terrace and authorise somebody to arrest a person who is hooting him at a political meeting in Belleplaine. He knows that quite well. It is only in relation to Stanmore Terrace that the hon. member would have authority to give to the watchman or somebody else to carry out the arrest by virtue of this Bill.

Mr. TAITT: Just to respond to that. Just in case it would not be thought that one was unaware of Section 8 of the Petty Trespass Act. Section 8 of the Petty Trespass Act is worded thus:—

"It shall be lawful for any constable or the owner, occupier or person in charge of the lands upon which such offence is committed or his watchman or other servant or any person authorised by such owner, occupier or person in charge to seize and apprehend such offender upon such lands or, in case of pursuit being made, in any other place to which he may have escaped therefrom and to deliver him as soon as may be into the custody of the police at the police station of the district to be dealt with according to law."

If the Clause we were discussing was so worded, I do not believe I would have a quarrel. This Clause that we have here, Mr. Chairman, that we are debating now deals with the question of refusal to identify yourself. This Clause in the Petty Trespass Act deals with the offense having been committed at night. If you would

read the Petty Trespass Act you would see that. He comes back now and fails to identify himself in accordance with Section 10 and Section 10 says that if.....

Rt. Hon. J. M. G. M. ADAMS: On a point of order. Would the hon. member agree that the existing law allows you to arrest those who give their names and addresses as well as those who do not give their names and addresses.

Mr. TAITT: Mr. Chairman, I really do not intend to waste any more time trying to argue with what obviously the other side does not wish to see. They have this attitude which I find sometimes unacceptable and deplorable that so long as they have brought something that God has spoken and blessed it and sanctified it and therefore it cannot be questioned. Mr. Chairman, if they are satisfied that failing to identify yourself when seen on a property, not when committing an offence because we have just passed legislation which says you can mistakenly go and trespass on property, let it be.

If any client goes up and says "who are you" and you refuse to answer, that person now has grounds for arresting you legally under this Bill if we pass it. 2.00 p.m.

That is what it says here man. Do not tell me that that is not what it says. That is what it says, Mr. Chairman. It is early for the Hon. Member for Christ Church South Central to be getting on in that way. He usually does not behave in that manner, until after lunch. Mr. Chairman, it says:

"In accordance with Clause 10".

Clause 10 is the business of when a policeman, which the Rt. Hon. Member for St. Thomas deliberately failed to understand that I had stated categorically, that a policeman has certain powers and that we were not questioning the powers of the police which were being given here. No one was questioning that. He gets up — he must have been awful in court, you know Mr. Chairman — and puts an argument, that if one did not listen carefully, one would believe that I was arguing against giving the police the powers which they already have.

He took 20 minutes to put the case about the police and two minutes to put and case about the son of the mother, or the watchman. So, you get so confused worrying about how somebody can be arguing against the police, that you fail to catch the little, tiny argument which he put forward for the second part.

Mr. Chairman, it is very simple. All I am saying is that this Act, which we are about to pass seems to give an ordinary citizen the right to arrest, without warrant for failure of a person to identify himself, on premises

claimed to be authorised. The point is that (*Asides*).... the person who is an occupier, or a person authorised by the occupier is nowhere in here, whereas in the Petty Trespass Act, it says:

"A watchman, or a person in charge of the land".

This says:

"An occupier, or the authorised person."

Mr. Chairman, it is a waste of time continuing the argument. Let them do it. We obviously will not agree. Let time decide for us. I find myself unable to support it.

Mr. SIMMONS: Mr. Chairman, I really cannot find myself on the same side of the fence as the Hon. Member for St. Michael South West on this occasion. In the first place, he wants authority for the principle in Clause 11(2). If he looks at the Road Traffic Act, Cap. 295, Volume 7, Section 48, first of all, which deals with reckless and dangerous driving, sub-section 4 of Section 48 says:

"Any police or parish constable may arrest without warrant, the driver of any motor vehicle who commits an offence under this Section within his view, if he refuses to give his name and address, or if the constable has reason to believe that the name and address so given is false, or if the motor vehicle does not bear an identification plate"

and you will see a similar right to arrest for failing to give name and address, or giving a false name and address, in Section 70, sub-section (2):

"Any police, or parish constable may arrest without a warrant, the driver or....."

Mr. TAITT: Sir, on a point of order, Sir. I do not wish to interrupt the Hon. Member, but he seems to have missed the gravamen of my speech. I am not questioning the right of a policeman, or an Island Constable. I have never questioned that, it is only the private citizen.

Mr. SIMMONS: Mr. Chairman, Sir, I was coming to that, I was going to take all three together. Let me dispose of one other point which was raised by the Hon. Member. It does not affect the right to maintain silence, in terms of giving a statement. I think that most of us who are consulted by clients, the first thing that you tell them is, "give your name, address, age, nothing else, say nothing else to the police." That cannot help them in proving a case. It is where — we are not interfering with the right to remain silent and refuse to give an account of how an incident took place. You are not obliged to make a statement and this Act does not interfere with that at all. The name and address are only formalities.

Sir, my friend seems concerned about the right of the individual to exercise a citizen's right of arrest. Well, my friend must know that this has been in the Law before any Statutes were passed, it is part of the Common Law. If a person comes on my land, commits an offence, let us say, under Section Five, or Six, he comes and he threatens and he is abusive and I ask him for his name and address, so that I can issue process against him and he refuses, I do not think that it is unreasonable, in those circumstances to give me the right to deal with him by arrest. I do not have to grab him by his hand, but if I can hold him and stick him up, I arrest him until the police comes. That is as good as an arrest. If I can say, you are not moving from here this evening, unless you give me your name and address and threaten him. If I catch anyone where I live, I will do that too, so make it clear, get your hands in the air, let me know what you are doing on my property because they are telling me that they hear that I have itals up by me and I tell them I have itals and itals bullets too. I think that it will depend on the circumstances.

Obviously, no citizen is going to want to exercise the right of arrest, unless he is pushed in a situation where it is the reverse, where he is defending his property. Now, the Hon. Member is not going to oppose the right of the citizen to defend himself, his family, or his property. In the case of *Simmonson*, an old case about 1895, you are not going to defend that right. So, if a man is on your property, threatens you, you have a right to defend your property. It may amount to behaving in a manner of arrest because if you hold the man, the man may say that you have arrested him, but, in fact, you may be defending yourself, preventing him from getting beyond a certain part of your property, or however the circumstances may work out.

I do not think, that there is any difficulty with this, Sir. If I had the slightest doubt about it, I would oppose it. You know me. But, I think that this will pass. It is well within established Laws of Barbados and I do not think that it extends the principle unhappily for the citizen to have a right of arrest.

Rt. Hon. E. W. BARROW: Mr. Chairman, I hope that anything which I may have to say here now is not taken as being..... will not spoil the good relationships which previously existed between myself and the hon. member who just sat down. He is the last person that I would have expected to quote the Road Traffic Act and this deals with reckless and dangerous driving and even giving the police the power to arrest because from the correspondence which I saw, he bitterly resented the police exercising those powers, on a previous occasion, when he was in a motor car. I am not saying that he was arrested, Sir, but he is the last person that I would expect to advance that argument.

Now, he has gone and compounded it by saying that a citizen would have been right, when his colleagues were unceremoniously taken to a Police station in London one night. He is the last person and then he gets up and defends that position. But, anyhow, Sir, I hope that he takes it in the spirit. I have tried not to embarrass the hon. member.

Mr. SIMMONS: You cannot embarrass me. I was convicted for obstructing the police in London, ordered to pay £20, have not paid one cent.

Rt. Hon. E. W. BARROW: For not giving your name and address.

Mr. SIMMONS: No, for obstructing the police.

Rt. Hon. E. W. BARROW: That is worse.

Mr. CHAIRMAN: Two hon. members are on their feet.

Mr. SIMMONS: I am on a point of order.

Rt. Hon. E. W. BARROW: I thought that you did not give your name.

Mr. SIMMONS: No, Sir, there was no point of not giving my name. My name was given. I was given bail the night, Sir, £5 bail. What happened was that after they punched Brandford Goddard who was a diplomat out of the station, a big, ugly Englishman cuffed him in his chest and I was present and I knocked him straight out of the station. I banged the table and I said that I was not witnessing any further brutality to black people that night and for that, a very big policeman, the biggest policeman I have ever seen held me, spinned me around and pelt me in a cell and he slammed the door one time. The irony of it Sir, was that there were two of us who were arrested, Neville Todd, who is very fair skinned and I am black, obviously, hopelessly black, Sir. So, they put us in these two cells, but as Todd was a little lighter than I, they opened the peep hole, so that he could look out, but they closed the peep hole on me, pure darkness, Sir.

But, that is what happened and for that, they charged me for obstruction. I have not paid the fine up to now, Sir.

Rt. Hon. E. W. BARROW: I was dealing really with the Road Traffic Offence because I believe that the hon. member was just sitting in a car and was unceremoniously hauled off to the police station when he was with some diplomatic officers. What happened in the station afterwards, I really do not know, but that was where the police have the powers. But, if the police, as he claimed abused their powers, *a fortiori*, an untrained

person is much more likely to abuse his powers particularly where there is an element of prejudice involved.
2.10 p.m.

I wish to go back, Sir, to the original purpose of this Act. What the hon. member for St. Michael South West was emphasising was a very simple point. Arrest for the commission of a criminal offence, particularly felonies, is inherent in the common law and provision is made in the Statute Law for Island Constables and Police Officers to arrest anyone whom they suspect to be on the point even of committing a felony or who had committed a felony within their intimate knowledge. Here we are passing legislation which deals with somebody passing on a hotel beach, called High Water Mark. We are dealing with Barbados now, I am not criticising the hon. member, I am a bit surprised to hear him since he was the victim of unfair police measures. I would not like to embarrass him in any way, but I saw all of this correspondence and we even said we would defend the hon. member, that is why he didn't have to pay the fine, or he escaped before the fine was due, I do not know. He never explained to me why he did not pay the fine, because he did not appeal, but I think he got out of the country before they could find that he was leaving the country. He returned to his native land, I do not know. I sympathise with the hon. member, as a matter of fact we defended the hon. member.

Here we have in Barbados a whole army now, let us leave out the Defence Force, of a lot of people who are known as Security Guards, and to be a Security Guard some of them do not even need a uniform. They have plain clothes Security Guards and uniform Security Guards, and the plain clothes Security Guards believe that they are more intelligent than the uniform Security Guards because they are supposed to be some secret service of the Security Guard setup established in Barbados.

Somebody is walking along the beach outside a hotel, the Security Guard does not like him, he is an authorised person authorised by the owners of the hotel. That is a trespass if you walk above high water mark. At the Hilton Hotel, Holiday Inn, Paradise Beach Club. Sandy Lane, any of those places. If you sit on the wall of Sandy Lane under the manchineel trees, that is a petty trespass under this Act and the Guards can tell you to go.

Now I live down in St. James — I am not saying me personally, the member for St. John — I am sitting on the wall at Sandy Lane, as I sometimes do....(Hon. L. R. TULL: That is not petty trespass, you know better than Taitt). That is a trespass, because if the Guard asks me to leave I will have to leave and if I do not leave I have committed a trespass under this Act. Do you want me to read the section over? (Mr. TAITT: Do not worry with Tull, man, he has not gone down there for a long time).

He bathes in St. George. But the point is that I have committed an offence under this Act.

I was in the airport the other day and a Security Guard in uniform came up to me. I was lawfully inside the Customs area and he came up to me with his hands in his pockets and asked me if he ought to know me. I said: "Would you repeat that question?" He said: "I ought to know you?" I said that I did not understand him, but I turned away and at that point he was threatening to arrest me. Fortunately he did not know that I had a pass for the airport, and I was not doing anything, I was just going from one part to the other and he comes up to me saying "I ought to know you." But if I was down Sandy Lane and I had a similarly ignorant Security Guard, fortunately a senior officer came and said "Hello Skipper" and asked the man what he was accosting me for, if he did not know this was the man who was responsible for him having a job in that airport building. That is exactly what he told him.

I am sitting on the wall at Sandy Lane, a Security Guard comes up to me in or out of his 2 by 4 uniform, I do not know where they are manufactured, some of them do not look so good, I mean the uniforms. He comes up to me and he asks me for my name and asks me to leave there. I say, "Man, I am a Barbadian and I was bathing on the beach at Sandy Lane before they built a hotel here," I have immediately committed an offence because I have refused to leave when asked to do so by the Guard. I have told a lot of people that as long as they behave themselves it has nothing to do with a high water mark or a low water mark. I know the days when the late Mr. Herbert Griffith and my uncle had their clothes thrown in the water by the same watchman at Paradise at 2 o'clock on a Sunday afternoon, and I was present, by the relatives of the hon. member for Christ Church North Central. Again, I am not trying to embarrass him, I believe he is ashamed of that episode. He is my neighbour now and we get along very well, and far from throwing me off the beach at Paradise he comes and takes my dog up the beach so that my dog can introduce him to the nice looking ladies who are on the beach, because they all admire my dog.

I told the Hon. Attorney General, and I am not being personal, I said he brought garbage in here but I did not mean he was a garbage collector, a lot of people inadvertently bring garbage, and I do not think he should be concerned in his mind with this kind of triviality. Now I have given him an illustration of somebody down the beach at Sandy Lane, and I am being very serious now, it is not anything farfetched. This person is on the beach, some person comes and tells him to move, he does not move and he asks him for his name and address so he can prosecute, and you give anybody at all working at Sandy Lane that is given that authority by the Manager who may be a South African or an Englishman or somebody

who does not understand Barbados — and I understand they have a lot of trouble out there now, anyhow — and they just come and pass a lot of new rules. A lot of the hotels in Barbados have a lot of new rules by a lot of new managers, and I think the hon. member for Christ Church North Central is aware of this. It means that that person is arrested on a Sunday afternoon for sitting on the wall at Sandy Lane.

I wish to take up the Hon. Prime Minister when he challenged the member for St. Michael South West. The Petty Trespass Act of 1903, I think it is Cap. 143, in section 7 gave powers of arrest not by refusing to give your name and address, they gave powers of arrest specifically for arresting a person on the premises between the hours of 7.00 p.m. and 5.00 a.m., a specific time slot for somebody loitering on the premises. If anybody is on premises at that kind of time and they cannot give an account of themselves, it is a different kettle of fish altogether, because you must be suspicious of a person who between the hours of 7.00 p.m. and 5.00 in the morning is in a yard, garden or uncultivated lands, or in an interval between the cultivated lands and the lands of any plantation. Then they say the effectual apprehension of a person so found inside a garden on plantation lands between those hours who does not give an account of himself, specific power of arrest to a constable, owner, occupier or person in charge of the lands upon which the offence is committed.

2.20 p.m.

That is a different kind of situation altogether than adumbrating all the petty trespasses under the Petty Trespass Act, being unlawfully on premises and after being asked to depart refusing to do so. A lot of people in Barbados feel that they have a right to sit on any part of the beach, and if you tell them about high water mark, they tell you, do you want me to go and sit in my clothes in the water? They have been enjoying Sandy Lane Beach, Hilton Beach, Graves End Beach, the Rockley Beach and all these beaches from time immemorial; Worthing Beach, Dover Beach, all the way round the coast line of this Island, but technically if they are above high water mark they are trespassing and the hon. member says that you must have power. This is all we object to and I agree with the hon. member. We do not want to widen the horizons of criminal liability in this country, and further restrict the time honoured rights of citizens in Barbados to enjoy the bountifulness of nature in this country, and I am particularly thinking about the hotels and the way in which they are going without the Attorney General, and I want to give him credit for having no intention of giving them this kind of discretion, but the point is that it opens the door to abuse.

Hon. H. deB. FORDE: Mr. Chairman, I hasten to reply to clarify the existing law, because I hear a lot of things being talked in here without people looking at the

existing law. In the first place the law which existed under the Democratic Labour Party says that if I went and sat down on Sandy Lane wall and I remained on that wall after having been requested, I was liable for an offence and I could be imprisoned for a month. That is section 5 subsection (e). Do not let us get any further yet. The law says, under them, that if I went at Paradise Beach and came above high water mark, I do not have to go up at Kampala, and I was asked by the hon. member's relatives to leave or anything of the sort, that would be an offence and I can go and be locked up for a month. That is still the law of Barbados. It even says worse. If I go up then on the hon. member's family's plantation and he asks me to leave and I do not move he can arrest me. Not only that, the common law appears because I have committed an offence on his premises, night or day. I am reading section 5. They alone do not know the law. They can walk about and fool people that we are bringing legislation down here that might be rough legislation. This Bill actually modifies the rigours of the law which existed under the hon. member. Let me read it, Sir:

"Any person who remains on such lands or premises after having been requested to depart shall be liable to a penalty of ten dollars to be recovered before a magistrate on the information of the owner or occupier of such land or in default to imprisonment for one month." (*Mr. TAITT rose.*) Sir, I am not giving way on this.

Mr. TAITT: On a point of order, the hon. member is misleading this Honourable House. (Hon. H. B. ST. JOHN: You cannot say that.)

Yes, I am saying it because I am going to go on to point out how he is misleading this House. He is talking about an offence and he is saying that the person is liable to conviction. We have been arguing all day about the right of arrest and to bring in what is an offence and liable is not foolishness. From the Prime Minister back down, every time somebody says something, says it is foolishness. We have been talking about arrest.

Mr. CHAIRMAN: The hon. member is not on a point of order.

Hon. H. deB. FORDE: Let me at least explain to the people. There is a Statute Law of Barbados and there is a common law of Barbados. Private citizens now have the right to arrest people at common law without a statute being passed, but I am saying that under existing law, in section 5 of this Act and under the Democratic Labour Party, it is an offence if I remain on the premises and you ask me to leave and I do not leave, and once I commit an offence it has always been a common law principle that you can arrest a person committing an offence on your premises. Not only that, Sir, the common law is that people have a duty to assist other people in those circumstances. He does not know the John Lewis case.

Let me go a little further. I am now going to hang them on section 8. Listen to the argument of the hon. member. If I leave my house and I go down to Paradise Beach to bathe in the sea at 5 o'clock in the morning, the gentleman can come and tell me, not ask me, to identify myself for being there unlawfully, you know, and to take me before the court because I am found on his premises at 5 o'clock in the morning without asking a question. In that section he can arrest and take me. Let me read it:

"For the more effectual apprehension of the person committing the offences mentioned in Section 17, it shall be lawful for any constable etc., any person in charge of the lands on which the offence is committed or his watchman or servant or any person authorised by such owner, occupier or person in charge to seize and apprehend such a person."

The hon. member says you can't arrest him. I do not know what seize and apprehend means, Sir. (Mr. TAITT: Why don't you go back and read the one that you quoted?)

Mr. CHAIRMAN: Order, Please!

Hon. H. deB. FORDE: I will deal with you because you like to put the position. The Rt. hon. member, under his Government, if the hon. member for St. George leaves his house and goes at Bulkeley Plantation, in the factory yard to watch the cane being crushed at a minute to 5 o'clock in the morning, they can bring him before the Court and under that law he is liable for an offence. That is what the law says, and he does not have to ask him any question about why he is there. If the hon. member is really being true to his position he would say that this new section changes that and that it is an improvement on it. Let him talk. He sat down for 23 years..... I know you will go out on the platform and talk foolishness, so I want to deal with you now. He sat down for 23 years and allowed it to be possible for any black person in this Island to cross Bulkeley's lands at one minute to 5 o'clock in the morning and to be said to be found there and be brought before the Courts, and you say you are a socialist. You cannot talk politics any more than I can, you know.

Rt. Hon. E. W. BARROW: I should like to ask the hon. member if he knows of a single case between 1961 and 1976 that anybody was prosecuted under section 8, one single case, and I should like to ask the hon. member whether that was not the law passed in 1903 and whether now it is not possible for anybody at any time to arrest anybody who is found committing any offence under the Act that he is now introducing. So what nonsense are you talking about the Democratic Labour Party. The Barbados Labour Party was in power

from 1948; they never changed it, and during our regime not one single person was ever prosecuted under that provision.

Hon. H. deB. FORDE: Look, the hon. member can get up and say during his regime, but I would bring you on the Statute Book of this Island some of the most vicious laws that he did nothing to repeal, and he introduced and modified them too, and I am keeping them for the platform for him when he comes to this tactic. If you want to know how many cases, you go and check them; I am not doing that for you. I will cite cases when the time comes. You are getting up here and trying to excite people by bringing in racial arguments about down on the west coast and what not and giving people on the beach rights. No, no; I am ready for you any time. That is why I am reading for you. But you see, this is a position he is adopting for the purpose of trying to win an election, and when he gets into power he does nothing to make the changes. That has been your basic problem. You are a democratic socialist who wants to attack the capitalists and I challenged you to nationalise Shipping and Trading and you sat down and did nothing about it.
2.30 p.m.

When you look at this section, the hon. member who owns part of Pickering Plantation and who is a shareholder of Turner's Hall Plantation, you want to talk about that.....

Rt. Hon. E. W. BARROW: I cannot help it if my grandfather was a plantation owner but I do not hold any shares in my grandfather's property.

Hon. H. deB. FORDE: The hon. member with Bruce Procope and others own Turner's Hall and sold back part of it to the Government, if you want to get down there. You own Turner's Hall. You cannot come in here and fool the people with nonsense. You want me to reveal some of the property you own in the Bahamas and the Cayman Islands? I have been doing the research for you.

Mr. CHAIRMAN: Order please.

Hon. H. deB. FORDE: So that if Vernon Smith was found at Turner's Hall at St. Andrew at one minute to five and he had not changed like a fowl-cock you would find that you could bring him before the Court and get him prosecuted. Do not try to fool the public by trying to make people believe that we are changing the law to put rigidity on the people.

The reflection of this change is to allow that sort of power and what it says is if a person is found on your premises under circumstances where there is reasonable suspicion that he is prohibited from crossing then you

must ask him to identify himself. However, there are only two circumstances in which he can arrest that person, the person refuses to identify himself or he refuses to give his name. That is a fact.

There is another point which I have to bring before this House. We are not asking to pass this legislation or this Bill by setting aside any fundamental rights of the Constitution. I want to make that point absolutely clear because I know that Barbadians fail to recognise that we are not asking to pass this Bill by any two-thirds majority so that if we pass legislation that is unconstitutional, the first time that a person is arrested under this Section and brought before the Court it is within the Court's power to say that it is contrary to the Constitution. That is a safeguard we have today in having a written Constitution. It is only if you set aside a provision that it would be different but it is not so.

We are not doing anything that is unconstitutional. We are limiting the rigours of the existing law as it stands. We are trying to get away from the plantocracy type of legislation that was present in the 1903 Trespass Act to try to bring the Act in keeping with the development and other jurisdictions.

The geneology of this Act, including that Section, is based on modern Commonwealth Legislation, including Legislation in England, New Zealand, Australia, particularly New South Wales, which have looked at the legislation, Canada including Ontario which has had a very distinguished Commission dealing with it who has reported on this Section of the Bill and they studied the Clauses more carefully than I have heard coming from any hon. member who has spoken in this House, and therefore, for the benefit of the hon. member, he must know and I go back to the point that we are getting rid of the position where he as the owner of Turner's Hall, could arrest me at 4.55 a.m. in the morning if he found me on his premises at Turner's Hall Plantation. That is the position.

Hon. H. B. St. JOHN: We have to go. The staff and other people are entitled to lunch, Sir. It is way past the period of time.

I beg to move that you do now report progress and ask for leave to sit again.

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

The question that Mr. CHAIRMAN, report progress to His Honour the SPEAKER and ask for leave to sit again was put and resolved in the affirmative without division.

Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

Hon. H. B. ST. JOHN: Mr. Speaker, I beg to move that this Sitting be now suspended until 3.30 p.m. today.

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

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

2.40 p.m.

On Resumption

Mr. SPEAKER: This Sitting is now resumed.

Hon. H. B. St. JOHN: Mr. Speaker, when the Sitting was suspended, the Honourable House was in Committee.

I beg to move that it now returns to that, Sir.

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

Mr. SPEAKER: When the suspension was taken, the Honourable House was in Committee, to that it now reverts.

Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

The question that Clause 11 stand part, was put and resolved in the affirmative without division.

Clause 12 was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 12 stand part, I move that the word "determined" in the seventh line be deleted and the word be "determine" instead.

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

The question that Clause 12 as amended, stand part was put and resolved in the affirmative without division.

Clauses 13 to 14 inclusive were called and passed.

Clause 15 was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 15 stand part, Sir, I move that the word "if" appearing in the second line of Clause 2 be deleted and the word "is" be substituted and subject to that, I move that Clause 15 stand part.

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

The question that Clause 15 as amended, stand part was put and resolved in the affirmative without division.

Clauses 16 to 18 inclusive were called and passed.

On the motion of Hon. H. deB. FORDE, seconded by Hon. Miss B. A. MILLER, Mr. CHAIRMAN, reported the passing of one Bill in Committee with amendments 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.

BILL TO REFORM THE LAW RESPECTING CIVIL LIABILITY FOR ANIMALS

Order No. 6 was called – to resume debate of a Bill to reform the law respecting civil liability for animals.

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

Clauses 1 to 3 inclusive were called and passed.

Clause 4 was called.

Hon. H. deB. FORDE: In moving Sir, that Clause 4 stand part, I move the deletion in the second line of the word "expression" and substitute the word "expressions".

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

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

Clauses 5 to 12 inclusive were called and passed.

Clause 13 was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 13 stand part, I beg to move that the word "damages" be deleted and the word "damage" be substituted therefor. Subject to that, I beg to move that Clause 13 stand part.

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

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

Clauses 14 to 16 inclusive were called and passed.

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

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

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

THE ADMINISTRATIVE JUSTICE ACT, 1980

Hon. H. deB. FORDE: Mr. Speaker, in our Manifesto, the Barbados Labour Party Government promised that it would take steps to try to safeguard and protect the rights of the citizens of this country, and particularly it would look at the areas where governmental action has been expanding to subject those areas as much as possible to the review procedure of the courts of law. We also undertook as well, Sir, that in this process we will ensure that statutory and other bodies who may be obligated to undertake acts of an administrative account should be compelled wherever possible to give reasons for their decisions.

Now the principal object of the Administrative Justice Bill is to enable a unified and efficient procedure for seeking review of administrative acts and decisions, and most important, Sir, it is to strengthen natural justice in this country. It is not enough to rely only on the constitutional provisions contained in section 2 of our Constitution, in the second chapter of our Constitution. In most countries which pay respect to fundamental and human rights it has been found that some of the old procedures which existed for challenging the executive have sometimes worked against the citizen rather than in favour of the citizen, but in the United Kingdom, in Australia, in Canada, in New Zealand and in other forward looking and progressive countries as in Sweden, the judicial review is expanded in the law and therefore it has been found necessary to streamline the procedure. No such streamlining has taken place in Barbados to date, and what we are seeking here to do is to provide simple procedure by which the ordinary remedy or declaration and injunction can be sought with the alternative together with what were known as the prerogative writs. The prerogative writs are a series of writs which were involved in legal history and administered by an administrative body. I think people know of habeas corpus because it is the one which is very often referred to. There is also the writ of prohibition, and these writs also played an important part in building up the rights of the subject as against the State.

When I became Attorney General I was aware of the defects which exist in our administrative law and I obtained the services of professor H. W. R. Wade, one of my former law teachers and perhaps the leading authority

on administrative law in Britain today. In fact, Mr. Speaker, I have taken the opportunity to bring his book on administrative law to the House just in case members want to look at the tome. His services were made available to the Government under the Commonwealth Fund for Technical Corporation and he has been present in Barbados on some occasions to advise us on updating our administrative law so that administrative justice can be much better dispensed in this Island.

There are a series of Bills which will be brought to the House. This is the first of them, the second is the Ombudsman Bill, the third is the Commission of Inquiry Bill and the fourth which is not yet before the House would be the Administrative Review Tribunal Bill, and I trust that before the end of the year the House will have passed all of these Bills. It is the view of Professor Wade, a view with which I humbly concur that if Barbados can press on with this legislation and this House passes these Bills that Barbados would become the leading country in the world, certainly in the Commonwealth, in which there is an improvement in administrative justice.

The subject or the citizen may not appreciate the tremendous importance of this Bill because the term "administrative justice" may be a vague term to the citizen.

Let me give you one instance, Sir. Let us assume that there is a decision by the Town and Country Planning Office which affects the rights of the citizen. This Bill enables that decision to be challenged more easily and also to make available all of the remedies including damages to the citizen with a great deal of ease. Let us assume that a Minister of Government has laid on him or her a duty to make a decision. It may be about a licence and the citizen has applied but for reasons outside the Act, political reasons, victimisation, the Minister refuses to do that, then in those circumstances to make a decision the citizen can use this Bill in order to get his fundamental rights upheld.

3.55 p.m.

Let us assume that the Minister did make a decision but he made it on extraneous reasons, then the citizen is entitled once more to use this Bill in order to ensure that the courts make the Minister comply with that decision. So this is one of the most important bits of legislation which has ever been brought before the House to improve the quality of justice and the law dealing with the administration of justice in this Island.

I emphasise this point, Sir, because too often we are hearing light-hearted allegations being made about the manner in which justice is being and has been exercised in Barbados. It has been one of my basic principles for the time I have responsibility in this Government for the portfolio of law and order to improve wherever possible all of the machinery not only to substantive laws but the

remedies as well which will be available to strengthen the fundamental rights of the citizens of this country.

This Bill in my view is a necessary, not a shield, but a necessary sword as well in the hands of the ordinary citizen. I may go back a bit in history, the prerogative remedies of *ceteriorari*, *prohibition* and *mandamus* used to be sought by a special procedure. The Bill will now make them interchangeable and there will be a single procedure for application for judicial review as set out in clauses 3 and 5 of the Bill, I said, Sir, that we have seen similar changes done in other commonwealth jurisdictions, and the Bill follows to a large extent the precedents established in places like Australia, Canada, particularly Ontario and British Columbia, New Zealand and the United Kingdom. In the United Kingdom some of this reform was done by amendments to the rules of court, but we consider it important because of the nature of the remedies being given here to give it the substance of a statute. It is a fact that these remedies have always been at the court's discretion available to any person whether they are affected by the application or not, and the safeguard available has been to allow the court to exercise its discretion in these circumstances. I said that the safeguard is valuable for the citizen since many statutes today confer and impose duties on people in particular instances and there can be abuses of those duties not only by the Ministers concerned but also by those bodies, and it is important where there is an abuse of right for the citizen to be able to get redress for that abuse of right in the courts, and this is provided especially by clause 6 of the Bill.

In clause 8 the court has power to grant or refuse any relief where it considers that there has been undue delay in making the application for judicial review or that the grant of relief will cause a hardship to the rights of any persons or would be detrimental to good administration. The court is also given power to remit the case before it to a tribunal or authority under section 9, and clause 11 provides for the abolition of the old remedy of *quo warranto* and substitutes a remedy by way of injunction. You will note, Sir, that I have tried to save the law relating to *habeas corpus* in clause 11 as well as the right of the Attorney General to bring relator actions under clause 11.

A most important part of the Bill is Part II. In this part we seek to strengthen the principles of natural justice and we provide that persons cannot just make a decision, they must give a reason for the decision which they are making; and we also provided that these rules of natural justice must be observed by certain bodies with important powers such as licensing authorities and the service commissions, and there is also a power to extend the list in future as the circumstances require.

I believe that the Bill ought to have the support of both sides of the House. I am sure it will be supported by certainly the hon. member for St. Michael South West who has just had the benefit of a law course and recognises the full benefit of this type of legislation. I should like to say that the hon. member for St. George South like myself sat at the feet of Professor Wade and therefore if you hear at times that we refer to him with such seriousness, it is because you know that he is a leading authority in the world in this part of the law, and that is why, Sir, when I have had to take certain stands in this House and out of it, on issues like whether or not the Attorney General has the right to give the Commissioner of Police a direction as to whether he should bring in Scotland Yard or not, I prefer to err with Professor Wade than to err with the Vernon Smiths or the Sleepy Smiths of this world, for the simple reason that it is people like that with whom I consult on the law because they know more law than me and they are more objective and less partisan in approaching these sorts of issues, and it was a privilege for me to have had him here when some of the most challenging constitutional points including points in this Bill would have come up for discussion in this country and to have had the strength of his support and his recommendation on issues such as this. That is the same gentleman who has written this book, in conjunction with my officers, particularly Mr. Errol Chase. He has drafted this Bill, we have refined it after consultation with the judges, as well as we have sent the Bill to the Bar Association, although we have never had the benefit of their comment, but we have had the benefit of comments from Professor Carnegie of the University of the West Indies who is himself an authority on constitutional and administrative law and who I think also had the benefit of sitting at the feet of Professor Henry W. R. Wade.

I commend the Bill to the House in the first instance; it is worthy of its support. I commend the Bill to the country as an advancement on improving the remedies available to the ordinary man in the street to control the Ministers, members of the Public Service or any other statutory body which by an administrative act or omission fails to give him rights according to the law, and I hope that when we have passed this Bill that Barbadians can feel a little bit safer that their rights will be protected, because it would be for everybody to use these remedies fully in order to uphold their fundamental rights and their rights according to the law.
4.05 p.m.

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

Mr. L. SISNETT: I beg to second that.

Mr. TAITT: Mr. Speaker, Sir, let me begin by saying that I do not believe that this is a Bill which requires approval or disapproval in my view. I think that it is perhaps a little unfortunate that in introducing the Bill the Attorney General might have left the impression that the Bill itself was seeking to create something new. I am sure that when he comes to respond to any debate that he will take the opportunity to correct any misgivings which his very statement left because, Sir, the remedies which, according to this Bill will now become available, have always been available as the lawyers say, from time immemorial.

What the Bill seeks to do, as I understand it and what is primarily the major technical aspect of this Bill provides relatively more for the lawyers than it does for the citizen for the lawyers will now more easily be able to do that which might have caused them some difficulty in the past, that is to say, they will be able to seek in one complaint as it were a declaration, or alternatively an injunction, or alternatively a mandamus, etc., whereas before they would have to try on the one and if unsuccessful start from the beginning again and try on the other.

Mr. Speaker, the concept of judicial review as known in the modern world, owes its prominence, in my view, not to English Law so much as it does to American jurisprudence. The fact is, Sir, that America being the only country of its kind with a written Constitution found it necessary very early in its existence to have the question of who held ultimate responsibility for reviewing the decisions of the executive clarified once and for all.

Now these various remedies had existed in the British system or the English system at least, but there had never been categorised in the way in which they came to be categorised in what is described as judicial review. In the case which is known by every political scientist and every lawyer everywhere in the world, *Marbury vs Madison*, in that case, the President, let me say, an Executive Officer, in the American Government was required to make a decision and arising out of political differences between the two parties, I do not wish to take the time of the House to rehash the case. The incoming officer had refused to carry out certain actions and relief was sought by a man who felt he had been wronged in the Courts and there was the great Chief Justice Marshall who was bold enough to step forward and say "this Supreme Court assumes unto itself the responsibility for determining whether a particular action taken by the Executive is *ultra vires* the constitution of the United States" and he found in the case of *Marbury vs Madison* that a particular Act had been *ultra vires* although, Mr. Speaker, like all great judges he managed to satisfy both sides in the totality of his judgment, but the fact remains that arising out

of that decision the Supreme Court of the United States had taken over for all time what is described as judicial review as it applied to written Constitutions.

I make that point, Mr. Speaker, not to demonstrate any knowledge or the history of the development of Law and Politics in the United States, not that so much, Sir, but to make the more important point that in judicial systems such as the ones we have become accustomed to in the Caribbean, at least in Barbados, that it is the willingness of great judges to make certain decisions which in the end will determine whether justice prevails in a particular community or not and since in the Caribbean Independence came in the 1960's, countries in the Caribbean also received written Constitutions or created written Constitutions. So in Jamaica, Barbados, Guyana and all of the other Caribbean territories the fundamental law is now a Constitution. We in Barbados have as our fundamental law, the Constitution of Barbados.

It is, of course, adumbrated to us with the tradition of the common law, and all of the law that existed before it but in time it will, I believe, come to be accepted and promulgated apart from in the books but through the action of the Courts as the fundamental law of the land against which all other law would fade and, similarly, as in the United States a great judge had come to the fore, in the Caribbean, the time came when there was need for a great judge and in a case in Trinidad and Tobago called *Funnimore* and the Attorney General, under a Statutory Instrument officials of the Trinidad Government had sought to implement subsidiary legislation in a manner which the citizen believed to be contrary to his fundamental rights and the Attorney General of Trinidad and Tobago at the time went into the Courts and said to the Chief Justice at the time of Trinidad and Tobago that he had no jurisdiction in the matter.

Mr. Speaker, Sir, I believe that the statement made by the Chief Justice, Sir Hugh Wooding, is equalled in its import for West Indian Law to the statement made by Chief Justice Marshall for United States Law.

4.15 p.m.

In that case, Chief Justice Wooding made, what for all of the judges in the Caribbean and all the persons in the Caribbean who become involved in learning, or studying the Law; the statement, that allows me, or led me to suggest that this Bill does not bring anything new, by way of Judicial Review. Mr. Speaker, Sir, I am sure that I will have your permission just to quote very briefly from the Judgement in *Collymore and the A.G.* I am paraphrasing. He held that:

"The Constitution of Trinidad and Tobago is an enactment limiting the power of Parliament and is not a Rule of construction."

He held further that:

"The Supreme Court is the guardian of the Constitution, consequently, it is not only within its competence, but also its right and duty to make binding declarations if and whenever warranted, that an enactment passed by Parliament is *ultra vires* and therefore void."

The case had concerned collective bargaining and the rest of the judgement deals with the right of free collective bargaining and then, he went on, I am quoting again:

"Orders of prohibition, *mandamus*, or injunction" Orders which now appear in this Administrative Justice Act which we are looking at Sir, that

"Orders of prohibition, *mandamus*, or injunction may issue to prohibit, or direct the Industrial Court, or its members in respect of proceedings before it, prior to the giving or making of its Judgement, Order or Award."

Sir, I need not go any farther in quoting from the findings of that particular case, but within the body of the opinion by the Chief Justice, he went on to establish, beyond the slightest shadow of doubt, that the Courts in Trinidad and Tobago and Mr. Speaker, by inference, courts in the Caribbean have supreme rights, duties and obligations in this question of guarding the citizen, or indeed, guarding the Constitution from the Executive and if necessary, from Parliament, insofar as, Parliament may enact Legislation which rubs against the Constitution, as interpreted by the Supreme Court.

Mr. Speaker, I make that preliminary introduction just to indicate that we in Barbados, cannot find, as far as, I am aware, any incidents of great administrative injustice which would have led to the pressing need to enact the Administrative Justice Act, 1980. Let me hasten to say, that I am not suggesting that we ought never to have an Administrative Justice Act, at all. No doubt, as we go farther into the development of Barbados, and no doubt, as more and more Ministerial and more functions impinge on the rights of the citizens of this community, the need for a streamlining of the approaches to the courts would have arisen, or may arise.

I think that it is fair to say Sir, that the only Constitutional case which has been heard in the Courts of Barbados is the time when Bobby Clarke was fined \$10.00 for some minor offence and he sought to find out, whether his Constitutional rights had been trampled. The court, on that occasion held, that they had not been

Sir. That is the only Constitutional case, so far as, I know, or can recall which has graced the courts of this country whereas, in Trinidad and Tobago and in Jamaica and to a lesser extent, even in the Bahamas, Constitutional cases of great merit have been argued before the courts and have gone to the Privy Council and great decisions have been handed down which now serve as precedent for most, if not all Caribbean courts. I say if not all, Sir, because at this point in time, one is not certain what is the *modus operandi* of the courts in Grenada and one does not know if they are following Caribbean precedent, or British precedent in their administrative system, and justice system.

But, Mr. Speaker, Sir, we, in Barbados, have no history of great administrative wrong, at least we had none, that I knew of at the time when I was part of the administrative system. Indeed, Mr. Speaker, the only case in which I feel that an administrative justice might have been questioned, by the person involved would have meant the questioning of a decision by this Parliament, by an officer and his difficulty might have been trying to find out who was the person whom he should bring his action against. But, that is the nearest I know in recent times, in the history of Barbados, where we have come to anything which remotely falls in the area of administrative justice, or the need for administrative justice to be pressed.

Now, the Hon. Attorney General, while presenting this Bill, talked in terms of the discretionary powers which Ministers and other persons, such as Boards and Tribunals may exercise, in the course of the office which they hold and he saw this Bill, as going somewhere towards creating an avenue for the citizen to get relief from such administrative action and to get assistance, where such administrative action impinged on the citizen's rights.

Again, Mr. Speaker, there are literally scores of cases which now serve as precedent, where this question has been decidedly and decisively put away. There are many of them, Sir, but the one which comes easily to mind is a case which is commonly called Hadfield. Hadfield was a case where a Minister, looking at a Statute and taking advice from his Law Chambers, what would be the equivalent of the Attorney General's Chambers took advice on a piece of Legislation which said that nothing which the Minister did could be questioned, words to that effect, Sir and he proceeded to make a decision affecting a Milk Board in the South I believe, of England and the Legislation had said that:

"The Minister shall consult with the Board." The Minister chose to decide what for him, constituted consultation. Again, Sir, I have no desire to go into a long exposition of the facts of the case, but suffice it to say, that it was held, in the courts in the United Kingdom,

that the Minister's discretionary power could be questioned in a court of law and that the Writ of *Mandamus* I believe, would have been issued to the Minister, telling him to go and do that which thou hast to do and which you are required to do, under law and the courts went on to point out what constitutes consultation, in the context of the piece of Legislation.

Sir, in a book published by the great Lord Denning called, "The Discipline of Law", a book of which I am sure the Hon. Attorney General is not unfamiliar, the whole area of *mandamus*, the whole area of injunction, certiorari all of the remedies, the old and the new, if one may call them new have been demonstrably used by the courts and in one particular instance, Lord Denning, who has been accused of intellectual dishonesty, by some of the academic lawyers, but Lord Denning was able to demonstrate that, as far as, 1798, provision had been made by, not only Common Law, but at Case Law for these Writs to be issued, in circumstances which many of the jurists had come to feel were not available.

In saying that, Mr. Speaker, I seek only to strengthen my point, that these remedies have always been available and where the judges are prepared, or before the judges, the lawyers have been prepared to seek judgment in the courts, as we have seen in Jamaica, we have seen in Trinidad and we have seen even in Guyana, in more distant times Sir, remedy has been found. 4.25 p.m.

Now, Sir, having said all that let me go on to say that in this Bill which is before the House there are certain questions which I believe the Attorney General might wish to address his mind to. In Part I, Sir, which deals with judicial review, clause 4 from (a) to (1) seeks it seems to me to exhaust the grounds upon which the court may grant relief by way of the remedies mentioned in the Act later. I am surprised in the light of his having had the benefit of Henry Wade's advice that there is no sweeping up clause as it were which takes account of any new areas which might be opened up in the category. As the Hon. Attorney General himself will agree, the categories are not closed and cannot be closed because the history of the law has shown that each time the profession or the jurists assume that categories were closed circumstances changed and brilliant lawyers were able to find ways to extend the categories, and since the Attorney General himself has a copy of the Fourth Edition of Administrative Law by the same Wade, I will use it to make the point.

he would turn to page 282 of the Fourth Edition of H. R. W. Wade's Administrative Law under "Error of Material Fact" he will see that Wade says: "Recent cases contained suggestions of a new ground of judicial review," and he subquotes: "misunderstanding or ignorance of the established and relevant fact" or acting "upon an incorrect basis of fact," and he goes on quoting to say, Mr. Speaker; "as yet these are only distant but

they correspond to a ground of review which has long been familiar in French law and might equally well be adopted in England, if it should be established it would apparently be a new branch of the *ultra vires* doctrine analogous to finding facts based upon no evidence or acting upon a misapprehension in law. A Minister for example would have to show not only that he is deciding reasonably on the material before him, but that he had the relevant material before him in correct form. This would tighten still further the courts' control over administrative findings of fact."

I think that the Attorney General would agree that even Wade himself agrees that the category is not closed and I would humbly suggest, not having sat at the feet of Wade but having rubbed shoulders with Carnegie, that the Attorney General would wish to consider including a sweeping up clause which would allow the court to have the aperture as it were of the developments in the circumstances over a period of time, for after all we are not enacting this piece of legislation for next year or two years from now, presumably this legislation will be of assistance to practitioners for all time to come.

Mr. Speaker in Part II of the Bill where the question of reasons for decisions is dealt with, it seems to me that one could accept under clause 14(1) — and Mr. Speaker, I am not attempting to discuss the details of the Bill but this is the principle which also happens to form part of the clause — in clause 14(1) a request for reasons under section 13 must be made on or before the date of giving or notification of the decision or within 14 days after that date. Mr. Speaker, bearing in mind that we live in a developing country, and taking all the circumstances, I wondered why the drafting of the Bill restricted the application to 14 days and did not leave some discretion to the presiding judge with a phrase such as "within a reasonable time". I can understand the necessity or the desire for some strictness about this particular requirement and it is not unreasonable on the face of it, it is simply that the circumstances where a person would be asking a tribunal to give reasons may not have arisen until after the man had sought some kind of advice from professional or more competent help than he himself is able to provide, and it is the way of human beings, Mr. Speaker, and especially in countries like ours and here in Barbados, that sometimes people are not aware of their own rights and therefore, Sir, only discover to their own detriment that if they had come in time they would have had rights. Mr. Speaker, it is something which is very serious I think that since we are passing this law in Barbados we ought to take account of the circumstances in Barbados and not necessarily follow Professor Wade's advice on this one strictly.

I want to say a word on that, Sir. However great Professor Wade might be, and there is no doubt that on

that side of the Atlantic he is considered to be some authority on administrative law, with the greatest respect I say that one of the reasons he is among the greatest authorities is because he is one of the few people who have taken the trouble to study administrative law. I heard the Hon. Attorney General say that he is one of the greatest authorities in the world. I am sure he was being carried away with the rhetoric of his former Professor having touched him, because when we talk about administrative lawyers in the countries of Norway and Sweden and those countries where administrative justice is practised at its epitome, all the lawyers have to be administrative lawyers of a high calibre.

Mr. SPEAKER: I wonder when we will get around to discussing the principles of the Bill.

Mr. TAITT: I am still doing so. I was merely to establish and to go on to show that Professor Wade's view point may not necessarily be relevant to Barbados.

In the areas where administrative justice is practised as a matter of form — and we will discuss that more when we come to do the Ombudsman Bill — the whole concept of administrative justice takes on a different appearance. Professor Wade suffers the disability of having to practise his craft in a country that has not got a written Constitution and so he has had to create in some areas principles to satisfy decisions that have been made in the common law courts. That is not something of which Professor Wade should be ashamed, because it is his creative genius which allows it, but it also makes it eligible for critical analysis, and it is my view, Sir, that we in the Caribbean are in a better position to deal with certain aspects of our common judicial review than would Professor Wade ever be able to.

4.35 p.m.

Sir, were it not for Lord Diplock and the Privy Council many of the constitutional judgements relating to administrative justice in Jamaica, Guyana and Trinidad and Tobago have now formed part of the precedent for us in Barbados but Diplock has made it a point to acquaint himself with the vagaries of circumstances relating to (a) Commonwealth developing countries and (b) countries with written constitutions and hence he has been able to break with his brother judges in certain concepts, and thus we have such judgments as *Hinds* and the *Queen* in Jamaica which is a landmark in constitutional law, and which provides the basis for many of the constitutional lawyers to arrive at solutions to problems relating to the Caribbean.

Mr. Speaker, if Professor Wade has advised on this Bill, I find it a little difficult to accept that he would have a sweeping clause later in the Bill which says, in fact, I am looking at Clause 16(2), which section does not

restrict the application of the law relating to natural justice in any other case, but we would have left it out in the earlier section which I spoke about, and I hope that the Attorney General will take the point which I am seeking to make. Having said that, Sir, I think the other comment can wait until we come to look at the Bill in more detail. As I said at the beginning, there is nothing in this Bill to approve or to disapprove. The Attorney General is seeking, he is not even codifying the common law, to provide a mechanical assistance, if I may use such a term, in a way that citizens may approach a court to seek relief from administrative decisions. It seems to me that a number of administrative decisions which are made in Barbados and which create problems for the citizens have to do precisely with disciplinary matters relating to the individual persons.

Without anticipating another Bill, it is going to be very difficult notwithstanding this Administration of Justice Act to get such relief in the courts unless the courts themselves are willing to entertain them as matters for administrative justice and administrative adjudication. In the United Kingdom itself, Sir, they did not consider it necessary to bring in an Act; they simply changed the Rules of Court, I think it is 1 and 2, I cannot remember the exact rule, but all they did was to have the Rules of Court changed and so the judges were able to give either one of these remedies as an alternative to the other. We in Barbados seek to do it by a piece of legislation; I can have no quarrel about that. What we have seen in recent times, and I believe this started in Ontario, is that all the Commonwealth countries now seem to feel that it is the new style to bring legislation, and in the end what we are doing is following on what has happened in Ontario in Australia and all the other countries which the hon. member has quoted, and we therefore are having an Administrative Justice Act like anybody else.

I close as I began by saying that while this will go some little way towards strengthening the position of the courts so that another Attorney General might not be able to come and say to the courts as Attorney Generals have done in Trinidad and in Jamaica, that the court has no jurisdiction, they were refuted in Trinidad and Jamaica because they had judges of the moment who were willing and ready to say to them "away with you, not only do we have jurisdiction, we have a duty and obligation to assume jurisdiction." As I said, the question has not arisen in Barbados. In Barbados there has been no reason apparently to go to the courts except for one case which is *sub judice* and therefore we will not attempt to discuss it. It has not been thought necessary and so all I am saying is that the waters of Jordan are not going to recede or close back on the passing of this piece of legislation, and I am hoping that our saying that we will not oppose it does not in any way suggest that we agree with the Attorney General that it is earthshaking, earth-moving

legislation. We believe that it is a tidying up, as he said, of the system. If he wants to have it in legislation then all be it, but I really do not accept the view that this is, as he says, one of the most important pieces of legislation to come before this Chamber because as I said, Sir, all of the remedies that are here in this most important piece of legislation have always been there.

Hon. H. deB. FORDE: Mr. Speaker, I should like to reply to a few points raised by the hon. member, and I wish to restate what I said at the beginning about the preface of the Bill, that the general effect of the Bill is to strengthen the principles of natural justice and to simplify the procedure for challenging a legal governmental action. In setting out the principles in black and white, we make it easier for lawyers, citizens and judges to understand those principles. Let me say that again, that it strengthens the principles of natural justice. There is nowhere in the Law of Barbados at the moment that I know of any provision which compels certain statutory and other bodies to give reasons for their decisions. There are two parts of this legislation, Part I which deals with making the prerogative which normally controls a legal governmental and statutory action easily available but readily interchangeable, and Part II which I contend most strongly is one of the most important legal advances ever brought in this country for strengthening administrative justice by compelling certain bodies to give reasons for their decisions.

If one researches the law on this second point you will see, Sir, and it surprises a lot of people that these bodies need not give reasons and that has been normally the practice that has been observed by some statutory body except where the legislation specifically provides. What we are doing here, contrary to what my friend may contend, is to ensure that as a matter of principle for the future all these bodies with the exception of those on whom there has been some limitation placed will have to give reasons for their decision. That is a significant legal advance on the quality and substance of administrative justice in Barbados. Do not mind whether the hon. member, skilled politician as he is, seeks to *de minimis* advance the praises of the Bill; in other words he wants to minimise all the effort the Government makes to make it appears it does not matter.

4.45 p.m.

We expect this in politics, Sir, but let legal history record that this is a very significant Bill for the improvement of the remedies of the citizens against abuse of rights and excess of jurisdiction.

Now, Sir, the hon. member raised one point as to whether Clause 4 of the Bill closes the category of causes which may warrant the Court's intervention for an abuse of right. I can only say that both Professor Wade and myself adverted to this point and we believe

that in the manner in which Clause 4 is drafted that it is as wide as possible and that it takes into account the points which he made at page 287 of the Volume to which the hon. member referred.

Mr. TAITT: Mr. Speaker, if the hon. member would give way, on a point of elucidation. The point I was making is that the way that Clause 4 is drafted, and we will take it up in Committee, whether it was the intention or not, as it is now drafted, it closes the categories. The opening of the Clause actually, if interpreted correctly, closes the categories and I will take it up with him, but I just want to explain that if he should include and then list them he would not close the categories but as it stands now.

Hon. H. deB. FORDE: Sir, in reading a memorandum to me on the 2nd April, 1979, the Professor wrote us as follows: "The list must be essentially open-ended so as to leave room for the Courts to develop new grounds as has been happening in England recently" and I cite the memorandum because it was the point to which we specifically adverted to and hence the way in which we drafted in a general way the various Heads under Clause 4 and therefore there was no need for the sort of omnibus Clause although a little later you will notice under a section that we have not limited the principles of natural justice and there is an omnibus Clause at that stage, so we believe that we have covered that point.

The other point the hon. member made was the time limit of 14 days. I think that it is reasonable to specify 14 days in order to give, I believe, the answer or the reasons. "A request for reasons must be made on or before the date of giving or notification of the decision or within 14 days after that date." The reason for this, Sir, is that you cannot leave things invariably hanging. For instance, particularly in an instance, let us assume that there is a decision of the PUB Board and it is interminably drawn out over a period of time and we considered that anyone who does not sleep on his rights within 14 days would have had an opportunity to get and ask for reasons under those circumstances and that is why 14 days was placed in the Bill, but I am happy to hear the hon. member although rather niggardly in welcoming this Bill, yet welcoming it nonetheless, Sir, because it is an advancement and let me say that I am deeply conscious of the contribution which Sir Hugh Wooding has made to the promotion of the rights of the citizens in the Caribbean by the Collymore and other decisions.

I think my friend is probably slightly mistaken or not as well informed if he believes that there have not been challenges in Barbados by way of prerogative remedies. Certainly, I, of myself, was in private practice and used the prerogative remedy of mandamus and

certiorari to issue to as noted a person as the Coroner, His Honour, Mr. Belgrave, as he then was and I had to move the Court by way of the prerogative remedy and indeed, my friend the hon. member for Christ Church South Central has.

Now, in relation to the Constitution, what we have is that Barbadians are a little bit hesitant to go to redress to the Courts using the constitutional remedies available to them. I anticipate that more and more, particularly with the simplification of the remedies that people will challenge action by the Government or by Statutory Boards or even actions under contract which may amount to breaches of the fundamental provisions of the Constitution or those which, although they might not raise questions relating to the Constitution are still actions which amount to an abuse of rights.

In fact, Mr. Speaker, there are at least three, if not four constitutional cases at present pending before the Court. I am certainly aware of three in which in one way or the other I am involved either as *amicus curiae* in order to advise the Court or being sided, because some arm of the Crown of the Government has done an act which a person is alleging is an infringement of their constitutional rights and I anticipate that more and more we will see challenges being made.

It would a good thing, Sir, if this is done, for a few reasons. We would get away from the sort of allegation that a particular Government or a particular Minister has done an act of victimization. If people would use the Constitution they could get a declaration as to whether that act is an act of victimization or not and I am making it easier for these types of remedies because let us face it, this type of remedy if used readily can dampen the political confrontation that one sees growing in one's society that you move disputes out of the realm of confrontation and invective into the realm of the Court, disputes which are capable of solution on that basis leaving differences of policies between political people to be settled in the legislature or by a vote either by way of a referendum or by way of general elections and those of us who are looking to provide the society with a basic, as I am sure my friend who has spoken wants to see this society provided with a basic belief in the rule of law, will take every opportunity like this to strengthen the rule of law.

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

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

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

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Mr. SISNETT: I beg to second that.

The question was put and resolved in the affirmative without division, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

4.55 p.m.

Clauses One and Two inclusive were called and passed.

Part I was called.

Hon. H. deB. FORDE: In moving that Part I stand part, Sir, I would like to move two amendments. One is to Clause Six, sub-clause (a) the word "who" in the first line should be deleted and the word "whose" substituted and in Clause 7 (1) the second word in line one, the word "interlocutory" should be deleted and the word "interlocutory" be substituted and subject to that, I beg to move that Part One stand part.

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

Mr. CHAIRMAN: The question is.....

Mr. TAITT: Mr. Chairman, I rise to suggest to the Hon. Attorney General that Clause Four be amended to change the word "are" to the words "shall include". If, in fact, he accepts the point which was made about closing of the category and bearing in mind, that he and Professor Wade alluded to it, what we have here now is a drafting problem. According to any interpretation of this, what it says is, the grounds upon which the court may grant relief, by way of a remedy as meant in this Act are, and then, the grounds are listed. He is either going to add the sweeping up clause at the end of the grounds, or change the introductory sentence to include them. This way, we would not have to have an amendment subsequently arising out of, as I had quoted from page 282 of Wade himself, showing that there are new categories which are opening up and for example, in the French and I can cite, in the American system, they have different and new categories for challenging.

It really seems to me that it is not a difficult amendment to accept.

Hon. H. deB. FORDE: I have no objection. I would not use the words "shall include", but I would delete the word "are" and put the word "include", if it makes my colleague any happier. In Clause four "include the following", substitute the words, "shall include the following".

Mr. CHAIRMAN: Your amendment is noted.

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

Parts II and III inclusive were called and passed.

The First and Second Schedules inclusive were called and passed.

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

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

GOVERNMENT BUSINESS

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

Order Number Nine was called – To move the Second Reading of a Bill respecting inquiries to advise, and to investigate.

Hon. H. deB. FORDE: Mr. Speaker, Sir, I said a while ago, in introducing the Administrative Justice Bill, that there are four Bills which we considered part and parcel of a group which will improve the quality of Administrative Law and Justice in Barbados.

The Bill which is the Commissions of Enquiry Bill, which is now before the Honourable House is one of those. It is designed to repeal the Commissions of Enquiry Act, Cap. 112, with Provisions which will provide fair procedure and a better safeguard for witnesses and others whose reputations may be injured, by allegations made before special Commissions of Enquiry.
5.05 p.m.

The existing Act makes provision for only one form of Commission and in this form of Commission the Commissioners have the powers of a High Court to summon witnesses, to call for the production of documents and to examine persons appearing before them on oath. There are other several areas which may call for Commissions of an advisory type like, for instance, the Commission which enquired into the Status of Women in this country. Therefore, what we sought to do in this Bill was to update the provision dealing with Commissions generally and at the same time to make a clear distinction between a Commission which is investigatory and a Commission which is advisory.

Mr. Speaker, the merits of Commissions of Enquiry have been well written on by leading people in constitutional law, and indeed better spoken of by as distinguished a person as Lord Salmon. His Tribunals of Enquiry, the Royal Commission on Tribunals of Enquiry,

and also of course that which has now become known as the Banks Committee. In Canada in recent times the causes of Commissions and the need to improve the law dealing with Commissions have been taken up by the Canadian Royal Commission, and they have produced a tome which is now cited in several other jurisdictions as one worthy of notice. It is called Administrative Law Commissions of Enquiry, Working Paper No. 17, and I think it drew very heavily on the existing provisions or new provisions which are in other countries like Australia and the United Kingdom.

I believe that more and more Governments will continue to make use of enquiry by Commission in order to inform the public on many areas of the public's business in which the public ought to be consulted, and this type of enquiry goes a long way towards improving parliamentary democracy in our countries, and at the same time strengthening the rule of law. It is true that in a democracy such as ours Parliament is supreme, but at the same time I think Governments of the day, as well as the public sometimes, feel that before actions are taken the people ought to be consulted. I know that the hon. member for St. Michael South is a close student of Government, and I believe that he would have read extensively not only the tomes written on Commissions of Enquiry but on the justification for these as part and parcel of trying to achieve good Government.

Now, our Act has been fairly deficient in some regards and I think that in the recent and various Commissions that have been held here that we have not been able as a result to follow some of the recommendations which were recommended by the Crimes Committee and by Lord Salmon as ways of improving the holding of such Commissions. I think that this Bill will put all of that as a matter behind us, and for the future there are clear guidelines, for instance, set out on many matters in this Bill which do not now exist in the present legislation.

There is one particular provision I would like to refer to, and that is where a person refuses to testify before a Commission or produce a document, we no longer allow that to be in itself a criminal offence but to be action tantamount to a contempt of court, but the Commission itself does not deal with it, it refers it to the High Court so that the High Court can treat it as a contempt. Let me also refer to the limitations of the Commissions of Enquiry. It is well known that Commissions of Enquiry do not follow the normal rules of evidence, and some people always feel that because a statement appears before a Commission of Enquiry that that statement is a statement capable of providing strong evidence against a person. That is not so, and I would not want people to believe that we are taking steps in this Bill to allow Commissions of Enquiry such latitude merely by relaxing the normal rules of evidence, that that latitude could damage the reputation of persons.

You will note, Sir, that in this Bill there are certain limitations on their right to make findings adverse to a person's character before they have given that person an opportunity to be heard. I think that the Bill is one I should commend to the House, and I beg to move that it be read a second time.

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

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

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

Clauses 1 and 2 were called and passed.

Parts I, II and III were called and passed.

The Schedule was called.

Hon. H. deB. FORDE: I beg to move that this be the Schedule.

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

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

On the motion of Hon. H. deB. FORDE, seconded by Hon. L. B. BRATHWAITE, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.
5.15 p.m.

On motion of Hon. H. deB. FORDE seconded by Hon. L. B. BRATHWAITE, the Bill was read a third time and passed.

RESOLUTION TO COMPULSORILY ACQUIRE LAND AT MOUNT TABOR ST. JOHN

Mr. SPEAKER: Order No. 2 stands in the name of the Hon. Minister of Housing, Lands and the Environment, to move the passing of a Resolution to approve the compulsory acquisition of land at Mount Tabor, St. John for the construction of a Primary School.

Hon. L. S. CRAIG: Mr. Speaker, this Resolution seeks to acquire compulsorily a portion of land for the purpose of constructing a Primary School. The acquisition, Mr. Speaker, is of course the duty of the Ministry of Lands and we are the executing agents. It is supposed to be some 13,040 square metres and it is the property of the Moravian Church situated at Mount Tabor in the parish of St. John.

I am quite sure, Mr. Speaker, that the Leader of the Opposition would give this acquisition his blessing since we are setting out to do for him and his constituency what he apparently was unable to do during his tenure of office as Prime Minister and Minister of Finance. I am quite sure, Mr. Speaker, that the Minister of Education will have much more to add to this than I would since he may be interested in saying something about the purpose of the acquisition, and I am quite sure that the Leader of the Opposition will be more than delighted today to see how we are looking after St. John. I know that he played cricket in 1976 for a team in St. John. In 1980 he now has a football competition going on, and in the evening of his years the grand statesman of politics would be more than happy to salute the outstanding performance of the Barbados Labour Party as it goes around the country providing more accommodation for the children.

I know, Mr. Speaker, that you would appreciate that in St. James since 1969 I was asking for a secondary school and the Minister of Finance as Chairman of the Cabinet did not find it possible. I believe it was simply because it was in St. James, but we do not operate that way. I have something else for him. I have already given a directive to build a beach house for the workers which was in his manifesto in 1961 where the small man could now go and be able to rest in peace after his toiling during the day. I have already given a directive to provide the first beach house for the workers in the parish of St. John so that he himself can go down at Bath and enjoy some of the Atlantic, the ozone, inhale it and clean the lungs and refresh for the battle that lies ahead, and I am quite sure he will surely have no objection to this Resolution.

I beg to move that this Resolution do now pass.

Mr. SPEAKER: Where are we now, at Mount Tabor or where?

Hon. L. S. CRAIG: Well I am in Parliament; I do not know where you are, Sir? I am in the highest office of the land, and you can rest assured I will be here again.

I beg to move that this Resolution do now pass.

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

Rt. Hon. E. W. BARROW: Mr. Speaker, I just want to set the records straight. The hon. member is merely introducing a Resolution for the compulsory acquisition of some land adjacent to the lands now belonging to the Moravian Church at Mount Tabor in St. John, but he thought fit to make a few statements during the introduction of this Resolution which are completely and utterly misleading. He said that I did not elect to do anything for the parish of St. John. As Minister of Finance we have in

the Ministry of Education a Planning Unit as the hon. member for St. Michael South will no doubt enlighten the hon. member. I think he should have left it to the Minister of Education to explain the allocation of school buildings and matters of that kind.

Mr. Speaker, there was actually a plan for the building of a secondary modern school in the parish of St. John which I stopped, and I told the people in St. John that I felt that there were priorities in other parishes and particularly the parish of St. James. When he made the statement that the former administration did not provide anything for St. James, a new school was built at Good Shepherd on the right hand side of the road, not on the Church land where the old school was, and then provision was made by the acquisition of ten acres of land where the new school was recently completed, and we said that we would place a school on Trents playing field because where they have placed the school is in Zone 1 which totally prohibits building, but that did not prevent us from going ahead with the plans for building a school in St. James to the dereliction of the children of St. John, because I said St. James should have the priority.

I have never at any time, as the hon. member for St. Michael South will explain to the hon. member for St. James, regulated the affairs of this country on the basis of provincialism or parochialism particularly when it came to education, and he should be the last person in view of the fact that in the parish of St. James, due to our planning and my specifically asking the Ministry of Education to leave out St. John and go to St. James, a school was built there. What I am shocked and horrified about is that this Government which should be the upholders of the law and looking after the health of the people of this country should have decided to break the regulations about building on lands on which there is a total prohibition, because we had made provision by the acquisition of the ten acres of land to put the school on Trents playing field and give Maple Club half of the land and a playing field for the school on the other half of the land down at Trents.
5.25 p.m.

That is what we did and to sit down here today and to hear the hon. member for St. James to be so brazen as to say that I did not do anything for St. John when all of the other representatives in here on both sides of the House were saying that we had a town in St. John. In Gall Hill we had a school. We had a Social Centre. We had a Playing Field. We had Tennis Courts and a facility down at Bath when I, myself, uprooted the obstructions that were placed there by the plantation owners and marched down to Bath myself

when I first represented that parish and put a facility down there which is a model for the rest of the island.

I do not see what one bath-house is going to do for the 250,000 inhabitants of Barbados. I think the hon. member would have to be building that for himself. We do not want it. The people in St. John do not want it. We do not need any bath-house. We have access to the beach and an acre of land down there with a proper bus terminal, telephone, canteen and everything down there and the hon. member makes these remarks which he knows basically to be untrue.

The former Minister of Works, Frederick Gladstone Smith, formerly the Leader of the Opposition, when he was Minister of Works started building a road to the west of the burial ground in order to put in a housing scheme and I told him to go to another parish and put in that housing scheme because the people are already saying that for a rural parish St. John has all of these facilities so if I did not do anything for St. John it was because I was trying to accommodate the hon. member and this is the gratitude that you get now today. (*Asides*). It was St. James and you were the representative for St. James.

Mr. SPEAKER: There will be no cross-talking. Address the Chair.

Rt. Hon. E. W. BARROW: Yes, Sir.

Mr. SPEAKER: The hon. member has risen on a point of order.

Hon. L. S. CRAIG: On a point of order, Sir. He accommodated me just like.....

Mr. SPEAKER: Just kindly address the Chair.

Hon. L. S. CRAIG: I said Sir. He accommodated me just as how he had taken out all of Orange Hill which was in the parish of St. James, that land in Orange Hill. He had taken that all off and divided Orange Hill and put that part in St. Andrew. That is how he wanted to accommodate me.

Mr. SPEAKER: That really is no point of order.

Hon. L. S. CRAIG: It is a point of fact.

Rt. Hon. E. W. BARROW: I really do not understand his problem, Sir. All I am saying is that I would just like to set myself straight and the hon. member straight. Anything that we do, we do for the representatives. We do it for the people in the area and the point that I am making is that you do not give a school to a constituency. You allocate school buildings and school places on the basis of the population densities and

matters of that kind and although the present Minister of Education now thinks that St. John is a priority, and I recognise that it is a priority now, but I did not think that in view of the proximity of Blackman's and Constant's, the two Secondary Modern Schools at that time, that St. John should have priority over St. James and it had nothing to do with the representatives or candidates or anything like that, but the requirements of the children, so if the hon. member wants to come in and introduce a Resolution about Mt. Tabor, I am not going to oppose it. I have my own learning centre up there, a learning and resource centre within 50 yards of the land which the hon. member is acquiring. We did not wait for him to start teaching the people of St. John.

Hon. L. R. TULL: Mr. Speaker, Sir, the acquisition of land in St. John for the reconstruction of the Mt. Tabor Primary School is all part of the Government's programme for the reconstruction and building, and rehabilitation of Primary Schools in Barbados. It fall under the general aegis of the World Bank Agreement and under that arrangement, Sir, we are working on about 17 Primary Schools in Barbados in addition to equipping a number of Secondary Schools.

Now I find, Mr. Speaker, Sir, that over the last 20 years or so, there has been a systematic neglect of the Primary School education in Barbados in an effort to push and enhance Secondary Education. I do not intend at all to be critical of any effort to make universally Secondary Education a reality in Barbados and it has, in fact, become a reality since this Government came into power but it is important for me to point out that in the olden days when one was sure that a good 7th Standard education, as it was then called, was adequate for providing the citizens of this country with an acceptable standard of education that prepared them to meet pretty nearly any situation which they met in their adult lives, I found, Sir, that that level of training in the primary system was in a way being compromised by the over-emphasis on Secondary Education. The result was that the buildings that housed Primary Schools, and many of them are well over 100 years, old Church buildings, one room schools, are totally inadequate for delivery of the kind of education that one would expect in Barbados in the 1980's.

We found that there was total neglect of those buildings. We found that the ambient, the surroundings, the facilities that one would have expected for teachers and children in Primary Schools in Barbados in this part of the Century were not there.

We found, also, that the teachers in the Primary Schools were relegated more and more as the years went by as second-class people in the educational system. There was a falling-off of training. I know there was indeed an

enhancement of training to the extent that more people were trained but in the general education system the amount of training that was required to meet the demands of the last two decades had fallen short in the primary system.

I came into the Ministry, Sir, against a background of very severe polarisation between the teaching fraternity and the Government. The Barbados Secondary Teachers Union and the Barbados Union of Teachers were both hostile to the Government at the time at which I came into the Ministry and I had the hangover of this hostility and it took me a considerable amount of time and of reasoning to bring these two Unions around to understanding that I, at any rate in the Ministry of Education, was prepared to work hand-in-hand with them to have a proper functioning of the educational system for the express purpose of providing quality education for all the children of this country.
5.35 p.m.

Now, I have the satisfaction of knowing, that the Barbados Secondary Teachers' Union has got an extremely harmonious relationship with the Ministry at this point and the Barbados Union of Teachers has been at loggerheads with the Government, for many years. I have had the good fortune in respect of them, Mr. Speaker to hear them, at a meeting with me some five, or six weeks ago say that they have achieved more, in terms of understanding, with the Ministry of Education, in the past month, than they had in all the years in which they were dealing with the Democratic Labour Party Government.

Now, I invited them to make that statement public, but for some reason, or the other, they demurred so I am helping them to make it. Mr. Speaker, Sir, this whole question of provision of facilities for the primary school children. I, like the Hon. Member for St. John, am not at all concerned about parochialism in education. My concern is that all the children, of all the parishes in Barbados, or all the constituencies in Barbados are given the best possible opportunity to get the type of quality education, as to make useful citizens of themselves and be able to make a significant contribution to the community life of this country.

Now, if I deal specifically with the parish of St. John, in the parish of St. John, I found a number of things. I found that the Democratic Labour Party Government had constructed a primary school down in the hills in St. Margaret. I visited the place and was absolutely flabbergasted to see what I found there. A school was built, as a primary school, that with just a little bit more could have been a secondary school and it is a matter of tremendous regret to me and I speak for all the people of Barbados who have to cough up the money to pay for these things, to say that that school is carrying a capacity

of only 50%. One big school built about what, six or seven years ago.

It was built, in my humble estimation, Sir, without any proper planning, no real consideration of the demographic realities of St. John. If they had taken a very close look and see where the people live, and where they opted to go to school, if they had done a simple poll, they would have realised, that building that school down in St. Margaret, in the form in which it was built, was a risk at least. So, you have a whole big school and half of it is empty all the time. Now, that is a matter of very serious concern to me.

You have the finest woodwork shops in any primary school in Barbados and so that I can redress this imbalance, I have Sir, to make arrangements for children of St. John Mixed School to go down to St. Margaret's on Mondays and Wednesdays to use the woodwork facilities in the workshop and I have to arrange for the children of the same St. Margaret's School to use them on Tuesdays and Thursdays and the children have to come all the way from Mount Tabor, down to St. Margaret, under the hills to use the woodwork facilities in the workshop on Fridays.

Now, if I may just take a look at the other schools in St. John Sir. I believe that there are six Sir. There are the Cherry Grove School, the Hothersal School, the St. John Mixed School, the Mount Tabor, St. Mark's and Society. We have a primary school population of over 1,500 in St. John. Now, the Mount Tabor is the second biggest of the schools in St. John and the biggest being St. John's Mixed. The Mount Tabor School is in such an awful state of disrepair, that when I visited the school sometime last year, I was so amazed and disgusted at the type of facilities in which the children had to learn, that I took an immediate decision that something must be done at Mount Tabor School and I could not care less whether the Rt. Hon. Member for St. John has it in his constituency or not, nor indeed, am I interested in his teaching and learning resource centre nearby. All I know is that no child should have been asked, through all these years, to be going to school in a building, or a set of buildings, such as the type of buildings which I see in Mount Tabor in St. John.

I took a decision Sir, that I will scrap the whole school, it was not fit even for repairs and that on an adjacent site, we will build a new school. I believe Sir, that the estimate of the school would be something in the region of one million dollars and we are going to start construction on that school sometime within another month, or two. Now, what we are going to build in that school Sir, are 11 new class rooms, two specialists rooms including a specialist room for remedial teaching, there is going to be a set of administrative offices for the Head-teacher and staff, staff toilets, we are also going to build

a nutrition area and distribution point, kitchenette for stores and we are going to have a covered area which can be used for spill over, if necessary. We are going to put a separate area with new toilets, storage and we are going to do a lot of surrounding work like circulation of wall and screening and the like. Mr. Speaker, Sir, as I said, this would come to a total amount of one million dollars and it would provide the facilities for teaching and learning for some 420 children.

Now, if I take a look at the St. John's Mixed School, Sir. The Rt. Hon. Member for St. John pointed out what was done for St. John in terms of provision of facilities, just like the Hon. Member for St. James pointed out what has not been done. At this point, I am dealing with what has not been done for St. John's Mixed School. Now, the St. John's Mixed School is a disgrace. I mean, you go into the St. John's Mixed School and you get the impression as if you are going into a cattle shed. The walls are peeling and dirty and falling, the windows are falling out, the roof was leaking. It was really unbelievable what I found when I visited St. John's Mixed School and I have also taken steps, Mr. Speaker, not to rebuild that school because it is substantially a good structure and at this very moment, Sir, I do not mean at a quarter to six today, but certainly today, they are working on replacing the roof at the St. John's School, they have already done the internal walls.

Rt. Hon. E. W. BARROW: On a point of explanation, Sir. I am referring to the St. John's Mixed School. What they are replacing is something which had been damaged in the old almshouse, as a result of the recent hurricane and they only started it after the children had gone back into school. They are not repairing the main school building. I was up there up to yesterday.

Hon. L. R. TULL: Mr. Speaker, Sir, the St. John's Mixed School is having the roof repaired. It was leaking before the hurricane. I went into that school myself, Mr. Speaker, I do not wait until I get reports from officers in my Ministry. I went into that school and the water was pouring down the walls when rain fell and I have taken steps for the replacement of the roof at the St. John's Mixed School. They have already done the walls and they are getting ready to put in new windows in the St. John's Mixed School. I do not know what the Rt. Hon. Member needs to explain, Sir, I would wish that if the Rt. Hon. Member had got up, he would have said to me, certainly, the St. John's Mixed School was not in any terrible state of disrepair. It was awful Sir, long before the hurricane and he says that it took me four years to put it right and it took him 15 not to put it right. I am doing my best, Sir. I am doing a whole lot of schools which were neglected for the whole period of the Democratic Labour Party Regime, Sir.

Now, Mr. Speaker, I want to make one or two other points in relation to the Secondary Schools. I have

a problem Sir, in respect of the large number of children who are born overseas, who are filtering into the school system in Barbados. The Hon. Member makes mention of a Planning Unit in the Ministry of Education. Well, there was a fledgely one when I went there, one that — I do not want to say anything unkind Sir, — but certainly, that was not equipped to do the important work of research in educational planning, which you will expect in a Government which is spending \$80 million a year in education. That has since been beefed up and I have got the alarming figures, from my Planning Unit in the Ministry, that there are now some 4,200 and more children who were born overseas, who are now in the school system in Barbados. It is a very massive increase in numbers, over the past few years and I will tell you, Mr. Speaker, Sir, what that represents in real terms. It represents Sir, three primary schools, it represents two secondary schools. Now, you work that out, Sir. That means that if you use a teacher/pupil ratio, one in twenty-five, as a norm, it means that you have to find another 150 teachers, Sir. If you multiply that, by the average pay of teachers in the schools in Barbados, it means about \$1.5 million a year additional in teachers' salaries and it means also Sir, that you have to top that up, put on to that, the amount of money you spend to feed them in the school meals programme, you have to add on to that, the money that you give them for books and indeed, Sir, you have to add on the money that you give them for uniforms, which they are getting this year, Sir. This represents in real terms, \$2 million a year, to the taxpayers of Barbados for the children who are born overseas and come into schools in Barbados.

5.45 p.m.

Now, let me be very clear about this. A number of children who go into schools in Barbados are children of Barbadians who live overseas and are entitled without any quarrel to come to school in Barbados, and this is a phenomenon we have in the Ministry. Any time things get bad in the economy in Britain, any time things get rough there, the cost of living skyrockets as it has for the last two years or there is high unemployment, the children from Britain come home to stay with their grandmothers and to go to school. Therefore as a result of the bad economic position in the United Kingdom in the last two years there has been a massive influx of children from the United Kingdom coming into the schools in Barbados. Not only that, Sir, Barbados is becoming the regional and international headquarters for international business companies and regional organisations, international organisations, a lot of Embassies, sub-Embassies and the like are springing up in Barbados, and the result is that a larger number of non-Barbadians are coming into Barbados to work and bringing their children and you have to place them in the school system.

In the former Government there was a Central Planning Committee and in this Government there is a

Planning and Priorities Committee. I have been alarmed by taking a look at those Committees at the *ad hoc* type of planning that they do. They deal with instant cases and decide what to do about them. I would have thought a useful thing for both those Committees to do would have been to sit down as a Committee and spend weeks and months doing an inter-sectoral cooperative venture and to look at the Development Plan and come up with something with a long period to forecast what is going to happen and to plan for it. I do not believe that either of those two Committees ever sat down and took time to consider this type of reality.

I understand, Sir, that I do not know what is going on, but I keep telling the hon. member for St. John that I can read as well if not better than he, and the reports of both those Committees are still around and I have read them. As a matter of fact, I keep telling the hon. member for St. John that my brain is still young and fertile, his has now hardened and has no capacity at this stage for flexibility and therefore I cannot condone and put up with the hon. member constantly telling me that I do not understand. I read these things, Sir.

Mr. Speaker, this type of thing poses serious problems for the forward planning for the Ministry of Education. I would have thought, Sir, that by the time we had constructed the secondary school at Roebuck and the one at St. James and the third one that I thought would have been the final one, the one we will start building at Wotton in a few weeks' time, that we would have provided all the facilities when we did the extensions to the existing older secondary schools, because we have done massive extensions to Harrison College, the Lodge School, St. Michael's, Queens College, the Alleyne School, Coleridge Parry and Alexandra. We are doing fairly big extensions to those schools and I would have thought that with those new places plus these three new schools that we would have finally had the necessary secondary school places, but with these large numbers coming in all the time we are fighting hard and standing still. That is one of the problems that we have in the Ministry of Education.

Now I want to move from there for a moment to another problem that troubles me in the Ministry of Education. We have been trying over and over again to get through to the people of Barbados that we are not only interested in the quantitative aspects of education. I do not believe that just putting up structures and building classrooms is the total answer to the educational problems in this country. I believe, Sir, that there must be a quantitative *pari passu* development of education in this country, and it is for this reason that in this World Bank project I am not spending all my time and resources just building schools, but an important part of it is the provision of a teachers' resource centre and library at Erdiston which I believe I will

open at the end of this year. It is now almost completely constructed and I will open it, and that will open a new dimension in the preparation and training of teachers, particularly those who teach in the primary schools, so that they will be able to deliver a better quality of education to the children in the primary schools of this country.

I do not want to use this opportunity to go over again all the other training programmes that we have initiated. You hear the Democratic Labour Party on its platforms saying all sorts of alarming things. They have said for instance that all we are doing is implementing plans that they had left. Now I am saying categorically, Mr. Speaker, that the World Bank agreement for twenty odd million dollars to do all the work in the primary schools that we are doing at the moment was conceived, initiated, signed and executed by this Government after I was in the Ministry of Education, and I challenge the hon. member for St. John who was Minister of Finance, or the hon. member for St. Michael South who was a former Minister of Education, to get up when they have somebody to answer to. When you are on the political platform there is nobody to answer to, so I am challenging them to get up on the floor of the House now and say whether they had any plan at all for an agreement with the World Bank to reconstruct and rehabilitate primary education in Barbados. They can do that, because I am prepared to answer them here, I cannot answer them when they are talking in Belleplaine but I can answer them here.

Now I want, Mr. Speaker, to mention one or two other things which I believe the public of Barbados would be interested to hear. This year I took a very close look at the results of the Common Entrance Examinations and I found that the number of children in Government primary schools who have gained places in the so-called good schools has increased phenomenally in real terms over anything that ever existed when the Democratic Labour Party was in the Government. It was a Government primary school, for what this argument is worth, that provided 25% of the places at Harrison College. This sort of thing never happened before under the old administration, as I look at the figures it was the private schools, the nice, delicate little boys and girls of the aspiring middle class who would go without food to send them to these places, they were the ones who were taking the bulk of the places, and the trend is being reversed. I put that down to a number of things, I put it down to a renewed confidence in the classrooms, teacher and pupil, a renewed confidence since the accession of this Government to power and its progressive policies to assist in the delivery of this type of education. You cannot have good teaching unless you have harmonious relationships with the teachers. I tell the Unions quite frankly, Sir, that I need them. If I am to be a General I need foot soldiers, and I

cannot be a successful General unless I have good foot soldiers who go there in the field and give everything they have got in the cause, and therefore if there is no harmony between them and the Ministry I cannot expect results, Sir.
5.55 p.m.

This year there have been 31 Barbados Government scholarships and exhibitions. Now that has a meaning. I do not believe that the children in Barbados in 1980 are any brighter than the children in Barbados in 1974. I do not believe they are any brighter than the children in 1970, 1965 or any other time. What I do believe is that the type of harmony that is so necessary for the engendering of the right type of education has been created through the happy union between the Ministry and the unions. Thirty-one scholarships and exhibitions, more than double the awards in any year. I do not remember the year when there was only one Barbados scholarship, but it was either 1973 or 1974 when they were scratching around for people reaching scholarship level. But I remember at the same time that there was a UNESCO mission that came to Barbados and did a study of the educational system and spoke in very pejorative terms about the educational product in Barbados, and I remember only too well that the then Minister of Education took the report and locked it away in his private cabinet and would not allow any public scrutiny of the document because of what was involved in it, and I also remember, Sir, the hon. member for St. Michael South came in here a few weeks ago and put down a Parliamentary Question on the Common Entrance this year: how many children got this mark, how many got this, how many did not get any. I brought that long with me because it tells me one thing. There was not a single supplementary question to the answer, and the fact that there was no supplementary question suggests to me that the answers that were given were not the answers that they anticipated, because whereas five years ago there were over 500 children, I think the figures are correct, but I had better not stick my neck out because I do not want the hon. member for St. Michael South to try to get up and try to damage the whole contribution I make by saying I told a lie, but hundreds of children got zero, nought in the Common Entrance Exam in English and Arithmetic, children who were in school for five years and after having five years of education or so-called education got zero.

Now questions were asked; I thought I had the answer to the Parliamentary Question with me, but I don't seem to have it, but the answer that was given then suggested that there has been a marked decrease in that type of educational casualty, a significant decrease, so that people who were getting places in the Government schools with a certain mark five years ago find now that that same mark is way below what is required because the general standard of marks has improved.

Mr. Speaker, I have been long in this whole debate. I have been long because although the Opposition professes not to speak about education on the floor of Parliament when I am going to be here prepared with all the facts to counter them point by point they go on the platform and make all kinds of scurrilous remarks. Mr. Speaker, would you believe that the hon. member for St. Michael South got at a meeting down in Deacons Road and told the people that there was a shift system at St. Leonard's school? Would you really believe the hon. member for St. Michael South would do a thing like that? There has been no shift system at the St. Leonard's school for over ten years, and the hon. member goes down there to a gullible people in that area and tells them "look what Government is doing; they now have a shift system at the St. Leonard's school." That sort of thing is unworthy of the hon. member for St. Michael South. I expect others to do that.

Mr. SPEAKER: He might have been referring to the meals.

Hon. L. R. TULL: Well it is a good thing you mentioned the meals because, do you know, Mr. Speaker, that all you heard all during the sixties and seventies that the Democratic Labour Party was giving free school meals to the primary school children in Barbados that it was only after this Government came into office that all the primary school children got free school meals for the first time? When I went into the Ministry there were still primary schools in Barbados that were not getting school meals, and we have not only given to all the Government primary schools, but we have extended it to the Challenor School for the Retarded, we extended it to the St. Patrick's Roman Catholic school, and indeed we are looking around for any private primary school which says the children need it and we will extend it to them too, and free, not for ten cents.

Now this is the record of this Government in the last four years in respect of education. Now, Mr. Speaker, I want further very quickly to touch on the whole question of the Erdiston trained teacher. Ever since 1969 or somewhere in that period the Erdiston trained teacher was saying to the Government "we are professionals, we are trained to teach and we want a proper recognition of our worth as teachers." They were pushed from pillar to post by the Democratic Labour Party Government in 1969 I think it was, there was no recognition of their worth as professionals. Now this Government has finally seen about all that and has established a grading for Erdiston trained teachers in our schools that make them feel for the first time that they are recognised in the system as professionals. I expect that that will be translated into results in the class room. I was told by a headteacher some time about a year or a little more ago when the Barbados

Union of Teachers were talking about industrial action, you do not have to worry about me, I will be going to school, I will not be sicking out, I will be going to school because I have learnt from long experience as a teacher that you can be in a class room and still on strike. That is the position. You can be in the class room and do not do one thing, and I believe if you have a contented and satisfied teaching force that they will no longer use the class room as a place for cooling out, they will use their best efforts in going about the job that they have been appointed to do.

Now one last thing, Mr. Speaker. When I came into the Ministry, in accordance with a manifesto promise of the Barbados Labour Party in the last election, I took a very early step to return to the class room and a teaching and learning situation hundreds of children who were unceremoniously kicked out of school for the greater glory of certain individuals. That is what I found, and the rationale that I heard for this was that you had to throw out people to let in new ones. There was no proper study of alternate facilities for these children, no new programmes, nothing. It was just that you needed 232 new places for first formers in this school, so 232 would pack their bags and get out so that you could find room for them with never a thought about what would happen to those children.

Now I found that that became one of the first actions of mine in the Ministry because it was not only a political promise that I felt I had to honour, but it was something that went rather deeply in me; it touched a very responsive chord deep in me because I saw the children as I was going around Barbados, not only St. George, who were saying in terms that they felt they were utterly lost, they did not know what to do.

6.05 p.m.

They did not know what to do, so what did we do, Sir? We got an inventory of every conceivable building. The hon. member for St. Michael South is always quick to point out that buildings are not necessarily schools.

We found buildings and whatever else we could find and we, Mr. Speaker, put those children back into a learning situation. They were not good at Shakespeare. They were not good at Physics. They were not good at Social Studies and they were not good at English but they were certainly very good with their hands and we brought in, for the first time, Sir, skilled artisans.

They tell me, Sir, that any serious education system must have certain levels of education for teachers, that you must have so many "O" Level Certificates and this sort of thing, Sir. I do not believe in that, Sir, because I believe that there is such a thing as formal education and something known as nonformal education and if you

want to teach children to be a good joiner, or a good mechanic, or a good printer, that you do not need any printer, mechanic or joiner who need any of them but who by long experience and skills has proved his worth in being able to pass on this sort of training to children and this is the type of course that we have prepared and put those children into.

I will tell you, Mr. Speaker, at the moment, Sir, because I understand that the time will be coming when the bugle will be blowing and I am putting together my P.R. people, and people in Government to do a study of all those children who were put back into school and take a look at them then and take a look at them now and see what they are doing now as a result of the opportunity that was given to them then and I hope, Sir, that the mogul at CBC, Sir, would allow the Ministry a program, an hour, or something to show to the public of Barbados how young children who were cast out of the schools as human derelicts were given a chance to express what was in them and have come up with positive results. I think, Mr. Speaker, that I will get all of this completed and put on television, radio and the newspapers in Barbados to give the people of Barbados some idea of the worth of the young people in this community and the faith that the Barbados Labour Party has got in them, Sir.

Now, there is one other thing, Mr. Speaker, that it may not be inopportune for me to mention it, Sir, and it is the whole question of career guidance and general counselling in schools. The Barbados Labour Party promised in its Manifesto of 1976 that it would put into every Secondary School in Barbados a Guidance and Career Counsellor, somebody who can relate to these children, trained people, Sir, not anybody just going in there, but trained people who would go in there and find out the problems of these children, empathise with them, get to know what their home situation is like, what is causing their problems generally and to guide and assist them in the right direction.

Also, we will keep in touch with what is happening in the business industrial community, the world of work, and we will try to gear and guide these children and advise them early as to career of work opportunities so that when they come out of school, they are not totally lost.

I, Sir, have instituted a training programme for 26 people, Sir. I say people because not necessarily teachers because they are not to teach. I do not care what it cost but they are not to go into any classroom and teach academic subjects. They are to be timetabled, the whole week, for dealing with children and their problems. No teaching. I do not care what it cost, Sir. I stick my neck out on that one, Sir, and I have started a training programme for these children and we will have one in every Secondary School in Barbados.

In addition to that, Sir, I am going to have two who will be very pathetic guidance and career counsellors who will be going to the Approved Secondary Schools in Barbados because there is a common feeling that if you are going to a Government School you are alright but if you are going to a Private School that somehow or the other the Government is not responsible for you. It is an attitude which I find to be deeply engraved in every Civil Servant in my Ministry that there are some times that I have to get extremely angry about it because the children who go to the Approved Secondary Schools go there through no fault of their own. Quite often they are the children of the people at the lowest end of the economic ladder and school fees are going up and we in Government have the responsibility of handing something out to them and as long as I have anything to do with the Ministry, I will be making a further determined attempt to bring about some parity of treatment between the children in the Government Schools and the children in the Private Schools.

So, Sir, we have this programme in career and guidance going for these people, Sir, and I say not necessarily teachers, Sir, because I believe there may be one or two priests, maybe one or two people trained in social work who will be on the full-time staff of the schools who will sit down and help these children sort out some of the great difficulties that they are being confronted with in a society such as the one that is evolving here in Barbados with all of these strange vicissitudes of fortune, with all of those forces at work that are destroying the society, and pushing many lives off the track.

Mr. Speaker, Sir, the Ministry of Education welcomes this Resolution to provide the land for the construction of this school at Mt. Tabor. I want to say that, finally, I have had no end of problems with the Mt. Tabor School. I believe that the Mt. Tabor School has had the highest incidence of victimization of any school in Barbados in the last three years. If you put on a door today, Sir, it is ripped off tomorrow. When you shut down the school on the Friday evening and you go back on the Monday morning you see the windows broken down and human excrement on the floors of the school.

We have had a very bad, bad time with the Mt. Tabor School, Sir. Although I do not condone it, Sir, I think I understand it because if you are going to hurl children into those types of dilapidated and ready to be condemned buildings for schooling, I believe that they have, perhaps, some reason for venting their frustration on those buildings, Sir, and I am going to construct this new school at Mt. Tabor, Sir.

I am making an appeal to the people of St. John, and I hope that the Rt. Hon. member for St. John will use his Teaching and Learning Resource Centre up there at Venture, where the fellows play cards, dice and

dominoes, I hope that he would use his influence in the area to bring to bear on the thinking of those people up there that the school up there belongs to the community and that they have to protect it in the interest of their own children and their own community.

Sir, I have the greatest pleasure in supporting this Resolution.

6.15 p.m.

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

Mr. SANDIFORD: Mr. Speaker, I did not really intend to get into this debate, but there has been reference to myself and I feel that I must make some response. Let me start by saying that Barbados is in deep social problems and part of this problem is due to the fact, that certain Hon. Members of the Barbados Labour Party Government set about, as a deliberate policy to decry and pull down the solid work which has been done for this country, over the years. So long as they have nothing, or very little to do with it, it is all bad and the whole world has started afresh in 1976. In other words, anything that was done constructively for the development of this country, let us say, by the Hon. Member for St. Michael South West, or by the Rt. Hon. Member for St. John or any of the other Hon. Members who had something to do with the development of the social political and economic affairs in this country, before 1976, that was all bad.

We have had a demonstration of that here today. Now, I believe that the present Hon. Minister of Education has a problem, his problem is that he has had to contend with some massive achievements in the field of education and he believes, that the only way that he can start to deal with some of the matters which confront him is that he must tear down and pull down everything that was done in education before. Now, I would like to counsel him, that that is not an adequate, reasonable, or even a sensible way to go about the administration of affairs in this country. (*Asides*). It is the blue suit and the tie today, that is probably the problem. I do not know what it is.

It is a pity that our Hon. Minister of Education, I have done an account on him and in this speech, here today, he used the word "I" about 35 times. I have never heard such egotistical mouthings coming from that particular Hon. Minister as I have heard on the floor of the Honourable House today. Everything was "I have done this", or, "I will do this", or, "I will correct that", or something like that.

Hon. L. R. TULL: On a point of order, Sir, if the Hon. Member would give way, Sir. The difference between the Hon. Member and I Sir, is that I run the Ministry of Education. He did not run it when he was sitting in the office Sir. That is the difference. I run it.

Mr. SANDIFORD: You hear it, Mr. Speaker. Those were "I" five more times just now. Five more times he mentioned the word "I".

Mr. SPEAKER: It seems then to be "I and I". (*Asides*).

Mr. SANDIFORD: The only thing which he has not said is the italics. He has not told us about the italics, we will hear that next. I would say this much, Mr. Speaker, if I may refer to some of the points raised.

First of all, about the shift system at St. Leonard's (*Asides*).... The problem which he has Sir and that the Front Bench over there has is that the political meetings conducted by the Democratic Labour Party are obviously causing them considerable concern, as they see their stocks slump, as far as, public opinion is concerned. That is the problem. They pay especial attention to every word that we say, they hang on to them, they get the text, they get the tapes, they listen in person, all of that they do because they are a worried bunch.

I do not quite recall what was said at Deacon's Road, their equipment did not work, they seemed to have problems, I do not know. He spoke of some second eleven team there on Sunday night at Deacon's Road.

The shift system at St. Leonards, if I mentioned anything about the shift system, at St. Leonard's within the last two years, or whenever, I was referring to a specific situation, in which there are about, forms one and two, I believe from the St. Leonard's School which are housed at the Farm. They are not on the main campus of the St. Leonard's School. They are shifted away from the St. Leonard's Campus and they are at the Farm and the Ferniehurst School was supposed to reintegrate and re-establish the school going right through from Form One.

Hon. L. R. TULL: On a point of explanation, Sir. The understanding by people in education and I thought that the Hon. Member fell in that category, was that a shift system means that half of the school go to school on mornings and the other half go to school on afternoons, Sir. That is the accepted meaning of a shift system in any school and the Hon. Member knows that.

Now, he is trying to say that because we operate two different campuses, the same two which he started, the same two campuses for the St. Leonard's were started by the Hon. Member for St. Michael South, Sir.

Mr. SPEAKER: The Hon. Member is addressing the Chair.

Mr. SANDIFORD: Yes, thank you Mr. Speaker. I know that I put an end to the shift system at St.

Leonard's, so I could not be speaking about that particular shift system. I know that I put an end to the type of shift system that you are referring to now.

But, I am saying that there are pupils attending at a campus at the Farm and that the Ferniehurst development of a new school was supposed to put an end to a system whereby you had some pupils at the school, on the present St. Leonard's campus and other set down at the Farm. So when we talk..... I have been in education longer than you, so you cannot come and tell me anything on this. (ASIDES). What do you mean by people who are in Education?

I would like to reject and refute in particular, the suggestion that a Report from UNESCO was taken by me and locked away in a cabinet and no officer of the Ministry had any access to that particular cabinet. I cannot call that statement a lie because you would rule me unparliamentary if I said that the Hon. Member for St. George South is telling lies in here. You would accuse me of being unparliamentary, so I would not say that he is telling lies.

Mr. SPEAKER: That is the point that you have now reached.

Mr. SANDIFORD: So, I will proceed, Mr. Speaker. I do not take his statements very seriously because they really come from a lack of information as to what goes on inside of his Ministry. He is so busy driving about the new Ministry cars and so busy travelling all over the world, that he cannot make himself au fait with all of the developments in his Ministry.

Let me deal now, with developments in education. He has said that we have neglected, as a Democratic Labour Party Government, that we have neglected primary education in this country. Now, we refute that particular statement categorically. We built the Good Shepherd School, we built the major extension at Hindsbury Primary School, we built the St. Bartholomew's School, we built the Stow Primary School, we built the Wilkie Cumberbatch School, we built the Charles F. Brome Primary School, we put up major extension at St. Margaret's Mixed School, we built the Vauxhall Mixed School. Mr. Speaker, I cannot continue in this speech, just listing all of these things, my time would expire. (ASIDE: Continue Sandy). That has nothing to do with the new schools located at the Farm, at St. Christopher, or at Lammings in St. Joseph. I cannot continue.....

Mr. SPEAKER: The Hon. Member can feel free to enumerate them, each and every one, time is on his side.

Mr. SANDIFORD: Thank you very much, Mr. Speaker. I do not know about this time on my side, the

bell may ring and I may hear things dissolve, so I do not know about that, not at all. That is what we have done and we did not do it out of any World Bank Loan, that came out of the satisfactory management of the financial resources of this country by the Rt. Hon. Member for St. John, Rt. Hon. Prime Minister and Minister of Finance. (APPLAUSE). So, we did not have to go to any World Bank for that specific purpose and talking about the World Bank, I have already tried to give the Hon. Member for St. George South a background of the development, as far as, the World Bank is concerned, but the problem there is Mr. Speaker, that his head is very hard. He cannot take in his lesson and I suspect that they had some teachers in this country, I believe that they would have had a better way of dealing with him because they would have told him if you cannot learn by the information going down from up top, it would come up from the bottom. I believe that is what he needs.

But, I am going to give you lashes here tonight. I have to do it, from time to time, but believe me, Mr. Speaker, when I have to give that type of chastisement, it is for his own good and for the good of this country. So, listen and learn.
6.25 p.m.

Those are the programmes that we have developed as far as the primary schools are concerned. The new schools that they are developing, what are these new schools? We left the plans there for building a new school at Grace Hill, we even identified the spot on which that particular school should be located. Are you denying that?

That is as far as the school buildings are concerned, I do not know about this ambience. We had a programme for the complete renovation of a number of primary schools each year, nothing to do with the minor repairs like a broken door, a lock missing, a hole in the roof or anything like that, but every year we had a specific programme to completely renovate those schools which were in the worst state of repair, so that over a period of time, five or six years or whatever the period was, I do not quite recall now, all of the schools in this country would have had a complete renovation, and Mount Tabor was part of that particular programme. That is as far as the physical plan is concerned, I believe I have given enough information to establish that there was a physical development programme as far as the rehabilitation — that is the word he likes to use — rehabilitation, redevelopment and reconstruction of primary school education was concerned.

He spoke about teachers. I would like to make this point, that by an Order in 1969 we more than doubled the teaching establishment of this country,

the teaching establishment in those schools was increased from 1149 to 2140. I do not have to go and ask him anything, the information is part of the records of Parliament, so I know it. (Hon. L. R. TULL: What does that prove?) It proves we had an interest in the development of primary education in this country and that we were concerned about the developing of the resources of this country, and it proves that we were interested in reducing the ratio of pupils to teachers as far as the teaching and learning process in the schools are concerned. (*Aside*). That is your problem, somebody is in the field against you right now. Not you, Mr. Speaker.

That permanent sign that you have put up at South District School, which you have planted in the ground in cement and so on, saying the renovations at the school have been completed, and after the renovations have been completed you have a sign put down there permanently stating that the renovations were completed by Louis Randall Tull. Is 'Randall' a name?

Mr. Speaker, we are now talking about the training of teachers. As far as the development of our teaching resources is concerned, I would like to inform the Minister of Education, the member for St. George South, that we were not concerned only about school buildings, we developed a programme for improving the curriculum in the schools and we set up the National Curriculum Development Council to produce revised curricula, teaching materials put up in the schools for the improvement of education in this country, and all that is happening now is that he is boasting about Barbados Scholarships and about performance at the 11 plus. All of that now is merely the culmination of all the initiatives that were taken by the Democratic Labour Party and are now coming to fruition. That is all it is, and the Barbados Labour Party has not been in power long enough to take any complete batch of children through the school system, so you have to be relying on the base and the foundation that have been left there by the Democratic Labour Party. These are conditions and that is the type of foundation that were there, and I am warning you, do not get into the highest court in this land, the highest forum, the debating chamber to which people not only in this country but outside look for an understanding of developments in this country, and try to tear down the national achievements like that. It is unworthy to do that.

I was dealing with the number of teachers. That was part of a science improvement programme. There were over 28 schools which were involved in the upgrading of science education in this country. Mount Tabor was among those schools. As far as Princess Margaret is concerned, he talks about a woodwork

shop. I could never understand some people out there. I understand the Prime Minister, because he gets up and when he is in difficulty he calls my name. He is calling it very frequently now, now my name is something to conjure with, the most important words in this country have been said by the member for St. Michael South, you know. Well, I will tell him now, tell his Minister of Education to listen to what I am saying. I believe he told him to do that in St. Thomas, but I do not know if he was in the crowd. I understand you told him to listen and whatever he is doing now was already adumbrated in the problems.....

Rt. Hon. J. M. G. M. ADAMS: On a point of order. I said the Democratic Labour Party had an able Minister of Education, it was a pity that he had not achieved anything.
6.35 p.m.

Mr. SANDIFORD: I am sorry I did not have access to the actual words that you used, and it is very heartening to learn that you have a Minister of Education who is not able to achieve anything in addition. That is all there is to it. But as far as Mount Tabor school is concerned, they complained that we did nothing for technical education, and when we put in the equipment which could assist in a technical education programme, and we put it in a rural school, when we put in the stoves, the sewing machines, the ovens and other material to assist first of all in a domestic science programme — you would know about that because you were always asking in here for some of these additional facilities up in Boscobelle; I do not know what you are doing to recover the lost ground up there, Mr. Speaker; I heard the ground is slipping.....

Mr. SPEAKER: We are ploughing up the playing field.

Mr. SANDIFORD: So we put in this equipment up there so that not only the pupils during the day but after school in the adult education programme which has been miniaturised now, the people could go in the evening when it was not being used by the school to be used for community and adult education. That is why the facilities were up there. We could not do all the development in the St. Michael area, so we were concerned about these things.

I will have to confirm what the hon. member for St. John said. Our development for education at the secondary level called for secondary schools in a number of areas in this country. It included St. John, it included St. Thomas, it included St. James, but the hon. member said, and he has never hidden it, build it somewhere else, we are not ready yet for that in St. John, and that is what we proceeded to do and you cannot hide it. You did not invite me to the opening of the school in St. James, but

we negotiated for the purchase of the land. (*Asides*) That was an oversight because I do get invitations from the Ministry. I am certain it was an oversight, accidentally on purpose. But, Mr. Speaker, we did more than that. We instituted courses in special education so that the teachers would be able to impart better instruction to all of the pupils in the schools; we introduced programmes for guidance and counselling, and I myself opened a course which was held at Queens College, and afterwards we sent out a number of people for training overseas as well as develop courses in Barbados.

As far as the World Bank is concerned, I remember in 1968 leaving Paris after having discussions with the officials there and going to Washington to discuss the possibilities of developing an educational programme.... (*Asides*) Your mathematics is as bad as your brain. We discussed the possibility of developing a programme in education there and soon thereafter Barbados became a member of the World Bank. But you are talking about the World Bank now; this is a big thing, but you should recall that unless Barbados had become independent, a course which your Government fought strenuously against we could not be anything in these institutions that you are praising up now and playing that you are the dominant person in these particular institutions.

Hon. L. R. TULL: Mr. Speaker, if the hon. member would give way, what the hon. member has left out was that in 1972 a request was made by the Government of Barbados, the hon. member was involved, and the Rt. Hon. member for St. John requested a loan from the World Bank for assistance for funds for the construction of secondary schools and they told him they were not lending any money. You should not have left that part out.

Mr. SANDIFORD: I am not going down that road. You are not going to take me down that road; I am too old to fall into that trap. You are not going to lead me down that trap, but, Mr. Speaker, as far as the World Bank goes, you would know that it is a question of priorities. The educational development in this country as I have said has always come out of the prudent financial management of the financial resources of this country, and at that time the emphasis was on certain kinds of infrastructural development like the cement plant, the flour mill and those types of development. We still cannot see the cement plant yet. These are the types of emphases and priorities on which World Bank funds were being considered, so when you say that they said "no", I leave you on that. I am not going to follow you any further on that.

The point I am making or trying to make, Mr. Speaker, is that the progress that has been made in education in this country, the progress that has been made in Barbados when we reel off all of the figures

about economic advancement and so on could only have taken place with a contribution from the educational sector, and education in Barbados inspite of what has been said has been a significant contributor towards the growth in per capita income and the growth in all of the other economic indicators of significance for this country. So it is unworthy of the Minister to get in here and try to decry that particular record. His problem is that he has a massive contribution that went there before him and he is now struggling around to establish his own little niche; but time is short and the roles will be reversed whenever the bell is tolled.

Hon. L. S. CRAIG: Sir, I am very happy to see that this Resolution to acquire a parcel of land for the construction of a school at Mount Tabor has brought about such an interesting discussion. I am also happy to know that I believe I am the first Minister on this side to ever have a resolution seconded by the Leader of the Opposition, and I am particularly happy to see how happy they are to see the work that we are doing that even the Leader of the Opposition for the first time in all of my parliamentary life as a member of the Opposition has ever seconded a Resolution.

Rt. Hon. E. W. BARROW: On a point of order, I think the hon. member is labouring under an illusion. I was the second person to speak and to make a contribution to the debate. I did not second the Resolution; somebody else over there would have had to second it, not me, not that I object to seconding the Resolution because we are supporting the Resolution, but please do not misdirect the Reporters or the Clerk of the House on that point.

Hon. L. S. CRAIG: I would also like to draw to the hon. member's attention.....I know he has to get away to go and listen to Eric Sealy's meeting and I would not hold the house up; Eric should start any time and I know the Leader of the Opposition is quite anxious to get away to go to the meeting. It was in 1967 on 7th November that I asked a question in here about the erection of a school near Folkestone in the parish of St. James or near Holetown, and this is how the question read:

"Is the Minister aware that there is a need for a Comprehensive School to serve the pupil population of the Northern parishes of the Island?"

Will the Minister consider the construction, at the earliest possible time, of such a school, to be sited in the parish of Saint James, preferably at or near Folkestone, Holetown?"

The answer which I got then was in March, 1968, and this is the answer.

"1. The Minister is aware of the needs of the pupil population of the northern parishes as he is of the needs of the pupil population of the Nation as a whole.

2. Consideration is being given to the construction of a Comprehensive School in the parish of St. James as part of the Development Plan 1968-72."

In your 1968-72 Development Plan that was your reply. Now this evening I am hearing the Hon. member for St. John, the Leader of the Opposition, saying that he intended constructing it, but it was in his 1968-72 Development Plan according to the reply, but it took until 1979 I think it was for the school to be constructed; so he never had any plan for constructing it.

Secondly, Sir, it is not fair to say that we go about trying to pull down the good work they have done. We are not the Leader of the Opposition who did not go to Sir Grantley Adams' funeral because he even tried to drag down him, not even pull down the work that he did. He was going to push him in the harbour, the economic salvation of the country. We did not do that; we saluted him. He has done a good job but there is a degree of erosion now. That is all that is wrong. You have played your role and in the evening of your years you should relax and play it cool. I am also going to say that hearing the debate between the present Minister of Education and the former Minister of Education, I am satisfied that he was right in voting for the salaries. His contribution here this evening is evidence why he has supported the salaries, and it is unfair and unreasonable for them now to pull you over the coals and say they are going to expel you and the old gentleman the hon. member for St. Philip North. Now look at that! And then you are in St. Andrew in the cold air resurrecting Sleepy Smith to go on a platform. You should be ashamed, you know, to say that you will carry back salaries to 1978. I want you to pay them back the backpay you got in 1978 too and all the money that you drew with the increase you have to give them back. Since you are going to carry them back to the 1978 level, all the money they gave you you will have to give back to the Treasury, you and all the others on the other side. Before you come up with a programme for the country for the Eighties, you are talking about giving back salaries and gambling machines, you and old time Sleepy Smith. You should be ashamed of yourself, a decent and respectable Leader of the Opposition like you.

Mr. Speaker, I recall also that at Fitts Village in St. James it was said in here one day to me that for him to build an esplanade at Fitts Village, I would have to put up \$1.00 and the Government put up \$2.00. Well I am not putting up any money, you are not putting up any and we are going to build it to take another two months. That is part of the acquisition, and you can go down there and enjoy yourself and hold your public meetings

and put the \$2.00 bill back on the light again. Do you remember that two dollar bill? (*Asides*) That is true; in at Dan Trotman, you and Lorenza Williams. You know that very well. You had \$2.00 for me years ago. He used to have an old Hillman car driving about here and I with a big Oxford. I used to buy him drinks. I had a brand new Morris Oxford and he had a humpback Hillman and used to be in at Dan Trotman looking around for drinks and that kind of thing. You were responsible for part of the judgment summonses to me. You were a little nay-nay lawyer about here at the time until Van Putten came along and made you something in the case Van Putten v The Crown, you and Jubie Reece. I used to be in there with them. I was backing you then; I cannot back you now because you are a failure.

Mr. SPEAKER: Kindly address the Chair.

Hon. L. S. CRAIG: Sir, the debate was one between the former Minister of Education who was able to get nine schools in 15 years and the present Minister said he has constructed six already and four are under construction in four years, and the Polytechnic, the big work, as big as four schools.

Mr. Speaker, this Resolution has brought about a very interesting debate between the two members and it has only brought about a little thing between myself and the Leader of the Opposition. I am quite sure he is pretty happy to have the school there in the light that he himself seconded the Resolution.

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

RESOLUTION TO COMPULSORILY ACQUIRE LAND AT HUSBANDS AND OXNARDS, ST. JAMES

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 compulsory acquisition of land at Husbands and Oxnards, St. James, for the provision of recreational facilities.

Hon. L. S. CRAIG: Sir, this is a Resolution to acquire a portion of land from Eastern Caribbean Housing Limited. Many years ago the ECHL had offered Government an area of land for recreational purposes in the Cave Hill area including the Husbands development. To avoid a lot of legal problems we thought it best that rather than their handing over the land and getting the legal problems out of the way, we thought it best that we would acquire the land from them for a token sum of \$1.00. It is for an open area in the Cave Hill district. They had quite a bit of a drainage problem there, and Eastern Caribbean Housing Limited would themselves have carried out all the drainage work, but they thought it best that we should do it and gave the Government a sum of money

to carry out the drainage. To avoid all the legal formalities, we thought the best way to handle it judiciously would be to acquire the land for one dollar.

I beg to move that this Resolution do now pass.

Mr. ODLE: I beg to second that.

Rt. Hon. E. W. BARROW: Mr. Speaker, we had a series of Resolutions today as we have frequently on the compulsory acquisition of land. It is customary to bring a plan of the land particularly where the land has not been sufficiently described in the Addendum to the Resolution to let hon. members of the House see exactly where the land is. The reason why I say that is that I do not know who Eastern Caribbean Housing is. I know that there were private developers and public developers in the area, the National Housing Corporation and so on, but in the overall Development Plan for the Husbands, Wanstead and Oxnards area there had been reserved a fairly large area for recreational facilities and also an area for shopping centres and matters of that kind.

6.55 p.m.

Now, it is true, according to what the Hon. Minister just said, that Government is not spending any large amount of money for this acquisition, but the Honourable House is still entitled to know where the land is, as a matter of fact, the reason why I did not call for the Plan of the land in St. John is that I have reason to believe that I know exactly the area of land which it is proposed to acquire compulsorily and therefore, I did not want to put the Hon. Minister to any trouble in that respect. The other Hon. Members of the Honourable House did not know and I did not think any tenants, or any interest of that kind are being interfered with in the acquisition of the land in St. John.

I cannot say, that even after looking at the Plan, that I have any idea where the land is anyhow.

Hon. L. S. CRAIG: Sir.....

Rt. Hon. E. W. BARROW: I personally would like to know if the Hon. Member could explain the location.

Hon. L. S. CRAIG: It is in the Cave Hill area. I am not a surveyor. That is as much as I can tell you and you have the Addendum. I hope that you would not like me to be like Lawson Bayley to go and show him the wrong land.

Rt. Hon. E. W. BARROW: If the Hon. Member says he does not know the exact location that is all he has to say, he does not have to be offensive about it. I am merely saying that looking at the Plan, it does not fit in to any Key Plan. This is a Plot which does not fit into

the overall Key Plan of the Husbands, Oxnards area, so I am not really in a position to know. I believe that he has a Key Plan over there, from which we would be able to look at later, but I do not want him to feel that he is doing anybody a favour this is what the Honourable House is entitled to.

Mr. WARD: Mr. Speaker, I am sure that all the Hon. Members of Parliament will always support the Hon. Minister, when he brings a Resolution to purchase land for recreational purposes and I think that it is absolutely important, especially in the day in which we live, that the youth seem to be straying in their minds, that such facilities be provided for the young people in this country.

I would therefore like to take this opportunity of asking the Hon. Minister to speed up his Ministry's pursuit in purchasing land at Brior Hall in Christ Church to complete a playing field in that area. It is adjacent to lands of Graeme Hall. The Hon. Minister himself has visited it. I managed to secure who is the owner of the land which would make it a complete field. In other words, the land which the children now play on in Brior Hall. The Hon. Minister is familiar with it, because he visited it with me and there was another piece next to it, which would make a complete field.

The Hon. Minister of Community Affairs has sent on to this Ministry, the Ministry of Housing, a plot of the land and I am going to ask the Hon. Minister to look into it, as soon as he can for me.

On a related matter, I would like the Hon. Minister, I personally.....

Mr. SPEAKER: I believe that you would like to table a question to the Hon. Minister, on the matter.

Mr. WARD: No, Sir, it is further than a question, it has reached a point where the Hon. Minister of Sport and Community Affairs has sent on a Plot to the Ministry of Housing for their acquisition of the land.

On a related matter, Mr. Speaker, I do not subscribe to all of the ideas of this Organisation formed for Windows on the Sea in Barbados, but I still would like at this time, to suggest to the Hon. Minister, that he can possibly set up a Committee which I would be happy to serve on, if he were ever to ask me to do so, to carry out some research into some of the requests. I believe that there are lots of land in Barbados especially narrow strips on the South Coast and the West Coast which could be purchased and would really enhance the area along where they are. I suggest this, Mr. Speaker, with all sincerity and I am putting it to the Hon. Minister.

I emphasise that I do not support all the views of that Window on the Sea Committee, but I do believe that something should be given to them.

On a related matter, Mr. Speaker, repeatedly, we hear people, especially in the Other Place saying that Barbados has got to be careful lest all the land in Barbados is sold out to the foreigners. I personally, Mr. Speaker, would just like to say that I believe that it would be well, if the Department of Development would do some research into it because as far as, I am able to discern, Mr. Speaker, it would seem that about one percent of the land area in Barbados would be owned by foreigners. This idea that gets abroad that the foreigners own so much land in Barbados, I would even double it and say that I doubt that two percent of the land area of Barbados is owned by foreigners. I would also like to say, Mr. Speaker, that a Resolution which came before this Parliament, when the former Government was in power of charging a Transfer Tax has worked out to be one of the best pieces of Legislation for bringing money into the Treasury, which came before Parliament. Since then, our Government has increased the Transfer Tax.

What really happens is, Mr. Speaker, I would just like to explain this, people who sell properties most in Barbados are the foreigners. What I mean to say is that if a Barbadian buys a property, it could easily last him for 40 years. But Sandy Lane for instance. There are lots of land at Sandy Lane which have changed hands no less than four, or five times, within the last 15 years and as a result, the Treasury gets from this through many sources, stamp duty, transfer tax, legal fees, commissions to Real Estate agents and so on. In truth and in fact, Mr. Speaker, I would like to use the term, that land owned by foreigners in Barbados could always be looked at as stock in trade where the Government is concerned. I am sure, that if the Hon. Minister of Finance would reveal the figures deriving to Government from this Transfer Tax, from one foreigner selling to another foreigner, it would be quite colossal and I do not believe that this thing should continue to go around Barbados, that Barbados is being sold out to overseas people.

I would put it down to no more than two percent of the land area of Barbados and I believe that Government Revenue, from this Transfer Tax which, as I said was increased recently, it is just like, Mr. Speaker, doing nothing and collecting tremendous commission on other people's sales. I believe that the Ministry should once and for all, put an end to this by doing some research and stating exactly how much land area in Barbados is owned by foreigners because the Barbadians are getting to believe that a parish has gone, or two parishes will soon be gone, whereas, I doubt, that it is more than two percent, Mr. Speaker.

Sir, I leave those few remarks.

Rt. Hon. J. M. G. M. ADAMS: I would like to take this opportunity, following the speech made by the hon. member who has just sat down and indeed, following remarks which have been made to me by other hon. members and by the members of the public to say something on this issue of land sales to foreigners.

A great deal of misinformation has been placed before the public recently and there has been a great campaign by persons, as widely spread as prelates connected with, I believe, Christian Action for Development in the Caribbean and the Barbados Workers' Union on the other hand, about sales to foreigners and if you read what they say, you would have believed that in Barbados, foreigners are free to buy land as they wish. This is not the case. Land in Barbados is subject, like any other asset, to the Exchange Control Act and non-residents of Barbados which includes even Barbadians living abroad are not free to purchase land, unless they have Central Bank permission.

The Provision for the sale of any asset, any Barbadian asset whatsoever, includes a provision, that the lawyers conducting the sale present a Certificate of Residence. If this Certificate is not presented, the sale cannot be carried out. Permission has to be sought from the Central Bank.

7.05 p.m.

Now in the ordinary way, Sir, when Barbadians abroad seek to acquire land in Barbados, there is a formality that the permission is granted if it is residential. Indeed, I do not as Minister deal with the day to day granting of permission, so I cannot really say what will happen if Barbadians abroad sought to make a big investment in Barbados of a non-residential character, but I do know that in the exercise of the powers delegated by the Minister of Finance the officials of the Central Bank make no difficulty for Barbadians living abroad buying land to put houses on, and this kind of thing. For all other persons living abroad a procedure has to be gone through. In general, permission is not ever granted for anybody from abroad to borrow money within Barbados to buy a property, you have to bring money into the island, and bringing money into the island will not be sufficient normally to acquire an ordinary house plot, the property has to be tourist related and development related. In other words, you can make an investment which involves the buying of the land, we do not permit foreigners to buy land to speculate with in Barbados, to buy land for resale; that is not a part of the Exchange Control brief on land permission.

Permission is given for example for specialised schemes such as we have seen with investors from

Trinidad who invested in the Rockley Development and in other developments. These have been matters of discussion between the Governments and Central Banks of Barbados and Trinidad and Tobago and have been fully worked out on a Government to Government basis first, a Central Bank to Central Bank basis second, and these arrangements are of utility to Barbados because they bring in developmental funds which are of great value in the tourist industry. The funds, in the special arrangements we have with Trinidad can only be repatriated to Trinidad, they cannot go anywhere else, in other words the money has to stay between Barbados and Trinidad, and regard that as a reasonable CARICOM arrangement.

There are a number of large houses which were built with foreign funds by foreigners, many of whom have lived here for many years. These are people who retired 20 years ago but now have to dispose of their estates. In general permission is granted for the sale of these large houses by one foreigner to another foreigner. Exchange Control permission obviously has to be given for the movement of funds, but funds come in corresponding to those that go out. In any case I do not think there are a great number of Barbadians who can pay the one and two million dollars that these houses command on the open market. There have been some developments that have caused me disquiet. For example, I would mention that I have formed the impression that some investors have been advised by their lawyers that a way to beat the rule that no foreigner can borrow money in Barbados is to start up an investment group which is Barbadian controlled, it then borrowed money and then very shortly after it has borrowed the money it seeks to sell out to foreigners. I have permitted one such case, because I do have the discretion in these large matters, but under very strict limits, and those limits will preclude effectively Barbadian money being used to generate profits which are then exported, but I will give a warning to any group of Barbadians who are seeking to raise large loans locally with the intention of selling out very shortly afterwards to foreigners with whom they have an understanding. The Central Bank and the Ministry of Finance intend in the future to make the most careful and rigorous examination of these arrangements, and there is no guarantee that when the moment for sale comes that permission will be granted for such sale.

Now I want to deal with one or two specific matters of misinformation that have gone abroad. It is suggested that the Property Transfer Tax, which is very substantial, Sir, does not apply to condominiums. This is not true, it applies even to Shares far less to real property like a condominium. The statement made by somebody who should know better to the effect that when a major property is sold a Property Transfer Tax is payable and then when it is divided into condominiums and further sold that no tax is payable is simply not true. There are devices that lawyers may attempt to take advantage of

loopholes, the Government only has to have a loophole drawn to its attention and it will be closed, since the Government intend that every property sale be covered by Property Transfer Tax, including leases. This matter has been litigated and the Government has already legislated to change the application of leases, and I will warn the lawyers that it is no use, I have warned them before, it is no use taking advantage of the loopholes, the Government is perfectly prepared to close the loopholes retroactively if we find that there has been any element that fringes upon fraud in the attitude of those who seek to evade payment of what they know the Government intends them to pay.

A number of persons, including some misguided members of my own political party as well as the Barbados Workers' Union, have sounded off about the sale of land to whom they described as foreigners in respect of a resolution passed in this House without division but possibly divided in the Senate. At some stage we must understand that we must not call a citizen of Barbados a foreigner. If a person is a resident in Barbados he is entitled to buy the land, far less a citizen, and persons who attack the sale of a piece of Government property of no utility whatsoever to the Government, in a very bad condition, overrun with vermin, with bush and with unclean canals running through it, people who attack the sale of that at a reasonable price to somebody who will put it to economic use, because he owns the land, who will employ people and provide a service for the industrial estates adjacent to this land, to attack that sale on the ground that it is going to foreigners is to insult both common sense and our citizenship legislation. I think that nobody could possibly believe that the Government was given that sale for any political consideration, because the political affiliations of the persons should be so well known not to excite any conceivable belief that the Government was acting to help friends. For the Barbados Workers' Union to talk about foreigners when it could so easily have ascertained the facts, in my opinion, was also disgraceful. Anybody is entitled to have an opinion, you can argue that the Government should not sell land at all, and I suppose that is a tenable opinion, although I do not hold with it.

7.15 p.m.

If the Government has a very small piece of land that will never be of any possible use for Government purposes, it does not form a part of any road reserve, it has been declared by the Town Planner as being too small for any of Government's purposes in the area where it is situated, I am prepared to allow the land to be sold because many people look on a sale as giving them the only security for useful development. The Government always has the power to acquire land again and has the power to control the use to which its or anybody's land can be put through Town Planning.

Finally, I would like to deal Sir, with the question implicit with all this talk about Windows to the Sea and foreigners relating to the cost of land. Land is still extremely cheap in Barbados. Long may indeed it stay so. I was told today, Sir, in this very House privately, that you have reached a situation in one of our neighbouring Caricom countries where you cannot even rent a property unless your salary is \$2,000 a month in one of these places. I know this, Sir.

We are still in a situation in Barbados where a three bedroom house can be rented from the Government for \$100.00 a month. I say without any fear of contradiction that there is nowhere in the Western Hemisphere where a stone built three bedroom house, with internal plumbing can be rented for \$50.00 U.S. a month and from private persons for certainly less than \$400 a month in many cases even in this day and age of 1980 for \$300 a month and the reason why house rents are not expensive or why persons can still buy land for less than 50 cents U.S. per sq. ft., the reason for this is that Governments have followed an enlightened and careful land policy. They have not allowed unbridled speculation. They have not allowed land to become such a scarce resource and to be bidden at such heights that it goes to all sorts of fancy prices.

I believe in Trinidad land in the swampy areas East of Port-of-Spain probably command as much money as beach land in Barbados and we do not want Barbados to get into a situation like that and we have not allowed it to reach that kind of situation. It is therefore very unfair to attack either this Government or indeed, Mr. Speaker, the predecessor Government, for any attitude of selling out to foreigners and letting land go all prices. None of these things are true. Foreigners are not major land owners in Barbados and land is not being speculated in bringing prices above reasonable economic levels.

Indeed, with the cost of construction being what it is today, we are almost in a situation where the traditional position that if you buy land the value of the land is sufficient to support the mortgage for any reasonable house that you put on it, we are almost in a situation of not being able to say that. Once upon a time the value of the land might be a third of the cost of the house you were putting on it. Then the value of the land became only one quarter of the cost of the house you were putting on it.

There is a large pasture next to me, Sir, and I believe when I look at the houses around me, that if anybody were to buy that pasture, I have an idea what the price is, if anybody were to buy that pasture and put up a house, the cost of mine or the two or three houses that have gone up around mine, the cost of that pasture would not even be 10% of the cost of building the house so land is not expensive or a dear resource at the present time.

In Barbados we can still look forward to being a property owning democracy. We can still look forward, especially in the Plantation Tenantry Scheme of being a country in which you boast that 75% of the people own their own houses which had to be qualified by the fact that most of those houses were chattel houses can become a reality with most of those houses being permanent structures and to think that an attack on the land policy over the last thirty years or more of Governments in Barbados would have to fail because enlightened policies have been pursued and successfully pursued in this country in relation to the supply and demand for land.

Hon. H. B. St. JOHN: I do not know how long the contribution of the other members would be but we do have rules in relation to working time and if they can finish by 7.30 p.m. that will be alright, otherwise, we would be forced to move the suspension.

Mr. JOHNSON: Mr. Speaker, I will be finished by 7.30 p.m. because what I would really like to do is to commend the Minister for the introduction of this Resolution for the acquisition of land for the purpose of recreational facilities. I believe I represent a constituency which has contributed more in terms of national sports figures than perhaps any other constituency in Barbados.

When you look at the constituency of St. Michael West, you will discover, Sir, that we have put athletes in all the National Football Leagues playing for Barbados. We have contributed more than our fair share of athletes at the World Championship levels for Tennis, Volleyball, Soft Ball and we have put men on the West Indies team to represent the West Indies at Cricket.

When you consider all the athletes that reside in St. Michael West, I would like to make a strong plea for the Government to take a very close and critical look at the Nightengale grounds where Vanburn Holder came from. Sir, he played under difficult circumstances when he was playing for Melbourne and I would like to see the Government look at the possibility of upgrading the facility at the Nightengale grounds so that proper recreational facilities would be available to the people of that area.

The Farm Housing area already has a hard court and we are anticipating additional playing facilities for that area but nothing has been done in the area of Clevedale and I would like to see some grading of the area, a small pavilion perhaps and I hope the Minister responsible for these things will take note and let us have the land graded.

There is some private land butting and abounding on the property of the Nightengale Home which could possibly be acquired for the purpose of extending the playing area and I would like to see this done, Sir, as a

matter of urgency and I would hope that when next we see a Resolution for the acquisition of land for playing facilities that Clevedale will be the area under consideration.

Hon. L. S. CRAIG: Sir, I know the time factor is very important and I might just add briefly that as far as Windows to the Sea which the hon. member raised, I have no plans of setting up any Committee about any Windows to the Sea. I know exactly where that Pressure Group is coming from. I know what I have to do and I will do it in my conscience and in the interest of all concerned for this country.

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

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

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

Hon. H. B. St. JOHN: Mr. Speaker, I think we have one more Item on Government Business which we will do and then adjourn completely rather than breaking and coming back, if that is agreeable to the Other side otherwise we would have to adjourn. That is the last Resolution for the acquisition of land.

Mr. SPEAKER: Item No. 4.

**RESOLUTION TO APPROVE OF THE COMPULSORY
ACQUISITION OF LAND SITUATE AT BANK
HALL, ST. MICHAEL**

Item No. 4 was called – To move the passing of the Resolution to approve the compulsory acquisition of land at Bank Hall, St. Michael, for housing development.

Hon. L. S. CRAIG: Mr. Speaker, I think the hon. members have seen the Plan already. I sent it over. This is for another acquisition for a portion of land from the Yellow Transport for the purpose of housing, Sir.

I have also shown this to the Leader of the Opposition. I think the hon. member for St. Michael South West has a great interest or may have a great interest in this, Sir, and I can assure him that everything, the various Schedules have been published, Sir, in the Press.

I beg to move that this Resolution do now pass.

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

Mr. SIMMONS: Mr. Speaker, I would just like to ask a few quick points from the Minister. I am not entirely familiar with the property of the Yellow Trans-

port. Does he mean where the Gas Station is at the junction there by Bank Hall, Sir?

Secondly, is this for terrace unit development, or individual lots, chattel development or what? I think we are entitled to know the type of development that is proposed and I would like to know how many houses are likely to be sited there. You say this is for housing development? I want to know if you are building houses, if you are giving out lots for people to put chattel houses on or what. I do not know what the nature of the Scheme is and I think the Minister ought to tell the House what is the nature of this Scheme.

Mr. TAITT: Mr. Speaker, Sir, I will not be long. I think we can save a lot of debate on this one. As I understand it, this plot of land is by the Gas Station, as the hon. member has said. When we were looking for areas to put the persons who were moving from the Chapman Land area, it was found that there was not enough spots up at Clapham and this area was recommended as a place where some of those houses could be put, especially those persons whose vocation was fishing. We wanted to find an area that was close enough that they could walk towards their boats, etc.

I hope that the Minister is still sticking to the programme because I do not think that this area could support terraced housing. It is a fairly narrow strip of land and I believe it can only take a few houses. There are some things which I could say but in the interest of letting everyone leave the House today, I could leave that for another time and I will not pursue it, but I am just making the point so that the hon. member who just got up would understand that this Resolution has to do with a decision that had been made sometime ago.

Mr. WARD: Mr. Speaker, just to describe what I am looking at, the Minister can explain. Is this not a lot of land behind Washington School? That is correct. This is behind Washington School, just for a description as to where the land is, Mr. Speaker, but you enter from Bank Hall Main Road going into the City.

Rt. Hon. E. W. BARROW: Sir, just to add to what the hon. member for St. Michael South West said. At the time there was another lot of land which came off Peterkin's Road next to Dr. Renwick and it was suggested that the whole area, the one on to Bank Hall and this lot but we noticed that since that some middle income houses have gone up on the land which was next to Dr. Renwick so that constricts any development.

It may be a good idea, now, to let that land be used for some recreational facilities because the area now that is left does not appear to me to lend itself

readily to any extensive housing development. Not that I am against housing development but it is a fairly densely populated area so maybe the Minister can answer those few questions.

Hon. L. S. CRAIG: Sir, it is always difficult, I think, for the hon. Leader of the Opposition as well as my colleague to appreciate the fact that there are times when you come to Parliament to acquire lands for housing that you may have to change your plans along the way.

Now, I cannot sit here this evening and determine in my mind if I should use it for terraced houses or for house spots. What I am told so far is that the foundation there is not very good and therefore I am examining two possibilities; (a) for chattel houses and possibly (b) for house spots. At this time I could not give the House the undertaking that I am going to build terraced units there or otherwise. All I can say is that we are acquiring it for the purpose of housing.

I recall the hon. member for St. Michael South West on one occasion when we had the exchange of lands at Passage Road. My view was for housing. I felt it was an ideal place for the extension of the St. Cecelia Project. His view was that there was no land available in

the area for recreational purposes. At this point in time, all I can say is that it is part of the housing land bank. That is the whole problem as it is right now and, therefore I think I have answered the questions of my colleagues on both sides, Sir.

I beg to move that this Resolution do now pass.

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

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

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Speaker, that concludes Government Business for today and I beg to move that this House do now adjourn until Tuesday, 28th October, 1980 at 12.00 noon.

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

The question that the House do now adjourn until Tuesday, 28th October, 1980 at 12.00 noon, was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
7.35 p.m.