
THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 - 81

HOUSE OF ASSEMBLY

Tuesday, 16th September, 1980.

Pursuant to the adjournment, the House of Assembly met at 12.25 p.m. o'clock, on Tuesday, 16th September, 1980.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Mr. R. St.C. WEEKES, J.P.; Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. C. J. BOLDEN, LL.B., (Minister of Communications and Works); Mr. E. E. GREAVES, B.A., Ed.M.; 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. L. R. TULL, M.A., (Minister of Education and Culture); Mr. DeL. O. BRADSHAW and Mr. L. L. SISNETT.

Prayers were read.

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

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

Hon. L. S. CRAIG: Mr. Speaker, I can appreciate Sir, your announcement, but I think Sir, that for the benefit of other Hon. Members of the Hon. House, they would like to know why there are no Minutes for confirmation. I can appreciate this, I believe that I myself may know, but coming from Mr. Speaker, for the benefit of the entire Hon. House, I think that one would wish to know.

Mr. SPEAKER: As has been reported to me, the fault rests with the Printers. I will investigate the matter. I can say no more, at this point in time.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Hon. L. S. CRAIG: Mr. Speaker, I have received a Message, Number 9/1980 informing the Hon. House of Assembly of the appointment of Mr. D. O. Bradshaw, to be temporary Minister of Trade, Tourism and Industry during the period 15th to 19th September, 1980.

I must confess Sir, that this is a new style which I, myself could never understand, why just for four days, one has to be advised of a matter dealt with between the Cabinet and the Governor-General, Sir.

(Rt. Hon. E. W. BARROW and Mr. TAITT entered the Hon. Chamber and took their seats.)

Mr. SPEAKER: I have received a Message from the Other Place which reads as follows:

"During our Sitting on 6th August, 1980, this Hon. Senate was pleased to concur in the Amendment by the Honourable, the House of Assembly to the Bill entitled an Act to provide for:

- (a) the proper management and control of broadcasting in Barbados;
- (b) the establishment in Barbados of a Broadcasting Authority;

and for related matters."

Dated 6th August, 1980 and signed by the Acting President.

PAPERS LAID

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to lay:

The Annual Report of the Sanitation Service Authority for the period April, 1979 to March, 1980.

The first such Report.

Hon. L. B. BRATHWAITE: Mr. Speaker, Sir, I beg to lay:

The Chairman's Report, the Auditor's Report and the Financial Statements of the Barbados Agricultural Development Corporation for the year ended June 1979.

Hon. L. S. CRAIG: Mr. Speaker, Sir, I am commanded to lay:

The Annual Report of the National Sports Council for the year ended 31st March, 1979.
12.35 p.m.

GOVERNMENT NOTICES

Hon. L. R. TULL: Mr. Speaker, on behalf of the Attorney General I beg to give notice of a Bill to provide for the improvement of administrative justice in Barbados and for related matters.

FIRST READING OF BILLS

Hon. L. R. TULL: Mr. Speaker, I beg to move that the Bill to provide for the improvement of administrative justice in Barbados and for related matters be read a first time.

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

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

ORAL REPLIES TO QUESTIONS

Hon. DeL. O. BRADSHAW: Mr. Speaker, I beg to give notice that Reply to Parliamentary Question No. 44 asked by the hon. member for St. Michael South West is now ready.

ORDERS OF THE DAY

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Government Business be now taken. I must also draw to Your Honour's attention that there seems to be a breakdown in the unit of the airconditioning of the House. In here is particularly hot. I believe there is going to be a pretty long session today, Sir, and I am wondering, Mr. Speaker, what has been done or what can be done so that we can get rid of this problem which I know is going to intensify during the course of the day, Sir.

Sir, I am told by the Clerk of the House that they were serviced this very week. Probably this is a problem

which this Government has been faced with in not having trained people. We had to have a skills training programme so as to take care of the young people of this country who were sent out of school at the age of 14, Mr. Speaker, and this is one of the problems which we are faced with here today.

Sir, I am told by the Clerk of the House that they have requested somebody from M. C. W. We can go on until when they come and probably adjourn for a few minutes. I would like in here to be cool today because I will make the Leader of the Opposition very hot. I would like it to be cool, cool today, Sir, he might not come back after lunch so I would like it to be cool, Sir.

I beg to move that Order No. 1 be the Instant Order of the Day.

Mr. SPEAKER: Order No. 1 is the Instant Order of the Day.

COMMITTEE OF SUPPLY

On the motion of Hon. L. S. CRAIG, seconded by Hon. L. B. BRATHWAITE, Mr. SPEAKER left the Chair and the House went into Committee of Supply to consider the grant of sums of money for the service of the Island, Mr. ODLE in the Chair.

SUPPLEMENTARY ESTIMATES 1980-81 No. 5

HEAD 19 – MINISTRY OF FINANCE AND PLANNING

SUB-HEAD 1

Order No. 1(a) was called – To move the passing of the Resolution to grant the sum of \$532,074 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. 5 which form the Schedule to the Resolution.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the Addendum adequately describes the reason for this supplement. It is required to supplement the operating expenses of the Ministry of Finance and Planning in connection with the Commission of Enquiry into Unsolved Murders and the second Item, Sir, the sum of money is required to buy calculators and filing cabinets for sections of the Ministry namely Insurance and Budget Sections whose request for these items were not received in time to be dealt with at Estimates.

I beg to move that Head 1 stand part.

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

Mr. GREAVES: Mr. Chairman, I do not think that we could allow this item to be passed without making some comments and indeed asking a very leading question. This item seeks to get a sum of money in connection with additional expenditure on the Commission of Enquiry into Unsolved Murders. I take it that this is the Malone Commission which, as I understand it, has handed in a Report and I wonder, Mr. Chairman, if the Prime Minister could give this Honourable House any indication as to when the Report of the Commission of Enquiry into Unsolved Murders will be made public in this country.

12.45 p.m.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, some time ago Mr. James Callaghan was faced in the House of Commons with a no confidence motion and he observed that the Scottish Nationalist Party had decided to vote with the Conservatives and bring down the Government which until then they had supported, and his comment on that matter was that it was the first time he had ever seen turkeys vote for an early Christmas. We have had the hon. member for St. Michael South West demanding the publication of the Malone Report. We now have the hon. member for St. Lucy calling on the Government to say what it is going to do about the Malone Report. Whatever happens, I believe the Malone Report will be published before the next general election, and since this matter has been canvassed on political platforms, on the television and now on the floor of the House, I will perhaps give the reason why it has not already been published.

The Malone Report has come to certain conclusions which require consideration by the Director of Public Prosecutions. It is considered by the lawyers that the Director of Public Prosecutions should have the opportunity of examining the, I think, 25 volumes of evidence as well as the Commissioners' conclusions before the Report is published. It has come to conclusions, however you like to put it, conclusions, opinions, as to who committed more than one of the murders which it has had to investigate, and I am informed that in respect of one, perhaps the best known of the murders it has had to investigate, that the proprieties demand that no publication be undertaken until the Director of Public Prosecutions had concluded his examination.

I would like to assure hon. members however, that the conclusions in the Report are conclusions which we on this side are exceptionally anxious to see in the hands of the public. In respect of one matter in regard to which no prosecution is recommended, I feel free to indicate that it not only states that there is no credible evidence involving the hon. member for St. Michael South East in any of the matters under consideration, but it goes to some trouble to identify

those responsible for starting the vicious rumour and the motivations which may have led them to it, and I do not believe that other members of the House will necessarily come off quite as well as the hon. member for St. Michael South East when the Report is published in respect of that. I will go no further because all the other matters relate to serious charges that the Commission suggests should or may or possibly can be brought against persons, but I can tell the House that the Director of Public Prosecutions and the Deputy Director of Public Prosecutions have been engaged for some months in studying the evidence. Indeed as long ago as last March certain recommendations were made and they have been looking at all the matters concerned.

When I give the assurance that the report will be published before the next general elections, I am giving the reassurance to hon. members on this side because hon. members on the other side are not going to like what they read after what they have said.

I do not know if any hon. member wants to speak, otherwise I would beg to move that the subhead stand part.

Mr. TAITT: Yes, Mr. Chairman, another hon. member wishes to raise a couple of questions. I am not moved by the rhetoric of the Prime Minister on this question which leaves a question in the air. I am not going to question his motives because I am not able to do so in this Honourable House, but leaving the question in the air and making the statement that hon. members on that side would be reassured and hon. members on this side would not like what comes out, I will not fall for that. All of us, on that side, this side and in the whole of Barbados will read the report because it is on record that more than 98% of the people in Barbados can read and write. So it is not for the Prime Minister to give us a non-preview of the report. We wish to see the report.

I am very grateful to the Prime Minister that he has indicated that the report will be published before the next general election. I am grateful on two accounts. I am grateful (a) because there is a hope contrary to what a vast number of people in Barbados are saying that we will see the report; and (b) I am grateful to hear that we are going to have a general election in Barbados. I am very pleased about these matters. (ASIDES) I know that would not please hon. members on the other side, but it would reassure a large number of people in Barbados. He thinks he is the only one that knows this Ciceronean rhetoric. We all can practise it.

Mr. Chairman, I should like to ask the hon. member if he is in a position to tell us, what is the total cost of the Commission and if this supplement to the

Estimates is the last one we are likely to see if it is within his knowledge, and if he tells us what has been the cost of this Commission, it would be helpful to us. I also wish to find out from him if the interim report which is alleged to have been submitted — I can only go on the reports which I saw in the newspaper — has been incorporated into the full report or if they continue to be two separate documents, and if that is so, if he could give this House the assurance that the interim report itself would be published as well.

Hon. L. S. CRAIG: Mr. Chairman, I, like my colleagues on the other side and on this side am very anxious to see the report, whatever the contents of the report be, those who are going to be prosecuted or not prosecuted in keeping with the views of the Director of Public Prosecutions. As a citizen I am quite anxious, but I always knew along the road that members on the other side of the House were people who seem not to remember.

12.55 p.m.

In 1976 Carlisle Burton, now Sir Carlisle, was asked to do a report on Housing by the then administration. Investigations were carried out, the report was handed in and to this very day it has never come before the House of Assembly, never since 1976. As a matter of fact, Sir, when I went into the Ministry of Housing it was the member for St. Philip North who was able to find the report hidden away in the files at the National Housing Corporation, it never saw the daylight of the public furthermore the House of Assembly, and to hear members on the other side crying from the public platforms, crying from the podiums of the DLP auditorium about wanting to see the report, we have nothing to hide, I give this House the assurance that whoever it is, as long as I am a Cabinet Minister, I am prepared to assist in seeing justice done in this country, but talking about your asking for a report you should be ashamed of yourself.

Mr. TAITT: On a point of order, Mr. Chairman, I consider that the language of the hon. member suggesting that asking for a report on the floor of this Hon. House should lead me to be ashamed of myself is insulting. Mr. Chairman, the Carlisle Burton Report is not on anybody killing anybody.

Hon. L. S. CRAIG: I will withdraw the remarks "ashamed of yourself". The DLP members have no shame at all, not the member for St. Michael South West, he has shame, the others have no shame but they have the gall to walk about this country asking for a report when they are the ones who set about not to bring reports into this Hon. House. You could not even get an annual report from the National Housing Corporation. From 1971 you never had one, and I have one to bring in here which is updated to 1978. Not a single report, and talk about your wanting a Malone Commission Report? The

Malone Commission Report does not win a Government, it is performance. That is all you can hear from the lips of the other side, a Pele Report, a Malone Commission Report, and that is why when the Minister of Finance got up to speak he got up with a little smile, because he knew the only thing you could talk about on this particular Resolution is the Malone Report. In 1976 with all the deficiencies in the National Housing Corporation, the carrying away of the lumber, the cement, the nails, the building of houses and people becoming millionaires overnight and your side asked to have an investigation done by Carlisle Burton, the Head of the Civil Service, and never had the common decency to even give it to the Press, show it to the public or to bring it to the House, but now today you are getting up asking about a Malone Report. You are going to get the report. I give you that assurance, not only the Prime Minister, I am a senior Cabinet Minister chronologically and I give that assurance in here.

Rt. Hon. E. W. BARROW: Mr. Chairman, the Resolution which we are now discussing specifically mentions a supplementary sum for the payment of the Commission on Unsolved Murders, and the Minister of Finance introduced the Resolution in that tone. Nobody is coming in here without a sense of shame. I don't really have to bandy words with the hon. member, I really do not have to. You understand.

Barking and yelping is no substitute for a decent level of debate. The one thing if I admire the Minister of Finance at all, and I am not so sure that I do in this respect, he has the facility of getting people like the hon. member for St. James to do his barking and his yelping and he remains at a level.....

Certain remarks were ordered to be expunged by the Chairman at this stage.

The barking and yelping is never done by the Minister of Finance. They make themselves into exhibits and he retains his *sangfroid*. That is complimentary. They do not realise when he is sicking them on like you sic on a poor man who is coming to beg you for a shilling at the gate and you have a Heinz 57 Variety little yelping cur, that you are liable in the long run in a court of law for damage. Even under the Dogs Act they do not even allow the dogs the first bite now, whereas under the old law you had to prove scienter, you do not have to prove scienter now.

Certain remarks were ordered to be expunged by the Chairman at this stage.

I am only saying that screaming in the House is no substitute for level-headed debate. The hon. member for St. Thomas in his level tones said that this was a Resolution for the Malone Commission. It is little known in

Barbados, I am not surprised about what he said, the Malone Commission was set up specifically for a purpose, not to probe into unsolved murders, that is the duty of the Criminal Investigation Department of the Police Force. The head of the Malone Commission was the person who introduced the hon. member for St. Thomas when he was introduced to the Bar of Barbados in very fulsome language. He called him Hyperion to a satyr, as far as I know a member of the Barbados Labour Party, and the general public does not even know, certainly a very avid supporter from what he has told me. I deliberately refrained from saying any of these things when the Commission was going on, from saying anything in here, when the hon. member for St. Thomas was the first person who pinpointed the hon. member for St. Michael South East, the first person who in public officially pinpointed the hon. member and said that certain people were saying things about the hon. member. The worst thing to do if you want to denigrate a person is to spread a rumour about them and say that you heard somebody say some thing about somebody else. It was the hon. member for St. Thomas who introduced it in that debate. I deliberately kept out of that altogether.

1.05 p.m.

He cannot deny that Mr. Malone introduced him at the Bar, that other members of the Bar were surprised at the language which Mr. Malone used and I could tell you — but because he was a Judge — what Mr. Malone told me afterwards, but I will not introduce that at this level.

Now, to get up and be attacked in such noisy and vociferous manner by the Hon. Member for St. James because you bring in a Resolution here. We do not know the full cost of the Commission. When we asked when is the Report going to be published, we hear that we are not going to like what is in the Report. It is a very nasty insinuation, that somebody in this Side — there are five persons as I understand it, that the Commissioner has recommended should be prosecuted. That does not prevent the publication of the Report, unless the Hon. Member is telling me that he is going to delete that recommendation from the Report, if the Director of Public Prosecutions tells him that that recommendation should be deleted because the Report could be published and the Director of Public Prosecutions is an independent person and if the Director of Public Prosecutions feels that he cannot sustain, or uphold the recommendations of the Commission, he does not have to do anything at all. It would not be the first time that the Director of Public Prosecutions has refrained from doing something that has been recommended in a Report, or otherwise.

We had a Commission here in which the officer administering the Government of this country, felt very strongly about a certain Cabinet Minister, I do not want to call his name, but nothing was done about that.

We have had other Reports, let us come to the Housing Authority Report of 1976 which he mentioned. I thank the Hon. Member because I cannot even remember seeing it myself, I cannot remember seeing that Report myself, but what I do remember is this, we did not come to the Hon. House of Assembly and ask the Hon. House of Assembly for any money to carry out an investigation in the Housing Authority, as far as, I remember. The Burton Report was a departmental Report because we felt that things in the Housing Authority needed revamping and from what I understand from one of the former Hon. Ministers, when he got the Report as Hon. Minister, he was responsible for that particular institution, many of the reforms recommended by the person who is now Sir Carlisle Burton were carried out. That is what I understand. That was not a public enquiry which entertained the general public of Barbados and people outside in the Caribbean day after day, for months on which we came here and asked for any money. That was purely a departmental enquiry carried out at the instance I believe, of the Cabinet and I cannot even remember seeing it. If you show me that Report and read over the recommendations, I would remember if anybody discussed it with me, Sir Carlisle Burton, or anybody else. I am speaking under correction. I cannot tell you what part of 1976. To try to equate that with a serious enquiry like the Malone Commission, when they wanted, as they went about, Hon. Members of your Party including the three people who used to come up to the Caribbean Development Bank every day saying how they are going to lock up Barrow.

They sent for somebody who investigated their friend, Mr. Gairy, Mr. Duffus. They went about telling people during the Elections, about how much money we carried away, so they set up the Duffus Commission, but when the public was concerned about other things which were happening in this country, it was not Duffus, it was Malone. I do not want to say anything about Mr. Malone, I have known him for a long time, his father told me that when he came here, he can tell you this, that he made some very complimentary statements about me, personally. He said that I was the only person who he ever got work from. Hon. Members on that Side used to get work for me too, the Deputy Prime Minister.

I do not think that I was ever in the fortunate position of being able to refer any of my work to the hon. member for St. Thomas. He would have done very ably, to the best of his ability, if I had done so and I would not have hesitated, if I had that kind of work that he was particularly skilled in, but my kind of work, was not the kind of work which he relished. So, there was no question of my having to pass over anything to him. But, you see, I have an open mind on these things so I want you to know, Mr. Chairman, that I have nothing against Mr. Malone at all, absolutely

nothing. But, when we are going to get up here, instead of saying that the Report is being printed, but to get up here and make a lot of snide remarks about the Opposition is not going to like the Report. There is nothing in that Report that I can see that I would not like because there is no way that they can call the name of your humble servant in that Report, Mr. Chairman because I was Legal Counsel, though even indirectly referred to, in any of the matter, despite the anxiety of the hon. member for St. James in that respect..... (ASIDE). (There is another one too, you know which one, the Stokes.) In absolutely no way, so Mr. Chairman, I want to get this clear, when the hon. member — I do not know who he is talking about — when the hon. member gets up and says that, the hon. member for St. Thomas says that we are not going to like it, I want him to know, that I would like it published tomorrow because there is nothing in that.

I would say this, nobody in this Hon. House, on this Side, is amongst the four, or five members that it is recommended that prosecution be taken against, none of the seven in Parliament, or outside of it. I go further, the reason why the public is concerned is that the Barbados Police Force, through the actions of certain of its members, was brought to a very low standard in the eyes of the general public, very ill repute, through the actions of a few people and the public's fears want to be allayed. The decent members of the Barbados Police Force want the general public to know that the strictures applied during the course of the Enquiry were not of general application to all the members of the Police Force, but there are people in the Barbados Police Force unfortunately, who think that their loyalty to a particular Regime, particularly, the current Regime transcends their public duty, responsibility to speak the truth on all occasions, that is the real problem of this whole Enquiry, direct fabrication and pre-fabrication. (ASIDE) (Stokes). You set up an Enquiry about that, you did not proceed with it. Jackass. (ASIDES).

Mr. CHAIRMAN: The hon. member, you will withdraw the very last word.

Rt. Hon. E. W. BARROW: Mr. Chairman, that was in the air, that was nothing. (LAUGHTER)

Hon. L. S. CRAIG: Mr. Chairman, Sir, the hon. member used the language.....

Mr. CHAIRMAN: Order, please.

Hon. L. S. CRAIG: Mr. Chairman, on a point of order, Sir. He is not referring to any hon. member over here, he can only be referring to the Chair, Sir.

Mr. CHAIRMAN: He was addressing the Chair. I take it that he was, which makes it very serious. Please withdraw it.

Rt. Hon. E. W. BARROW: I withdraw, Sir. unreservedly.
1.15 p.m.

They seem to think that they coming in here and having Parliamentary privileges gives them uninhibited licences in here, but he had better be careful. It does not give people an unrestricted licence to come in here and do exactly as they like as they did in Germany. There is too much fascism in this country.

We have heard that Hitler did not feed the Americans, although that is not my understanding. My understanding is that under the Red Cross Convention the American prisoners were fed as well as any other prisoners. He wanted probably to say the Jews, but that is the element of fascism which has crept into this country. Adolph Hitler is their patron Saint but we are representatives of the people and we have a right to ask questions in here and no amount of vulgar abuse from the hon. member or from any other person inside or outside, no snares, slander or anything else will ever absolve us from the responsibility of discharging our duties with the general public and we had better get that clear. I say too that you are probably on his side and you probably would be on his side if you were old enough, but I say.....

Mr. CHAIRMAN stands.

Mr. CHAIRMAN: Order, please. Please take your seat. Order, please. I call on the hon. member for St. James to please take your seat. Does any other hon. member wish to speak. (Asides). Your time is running out. Allowance has been made for the interruptions and will you please conclude by bringing your speech to an end. We have been having too many irrelevancies.

Rt. Hon. E. W. BARROW: Yes, particularly from the other side and I only want to bring it to the hon. member for St. Thomas' attention, the Rt. Hon. Prime Minister, that he should know better. It is not anything to be ashamed of. He should know better. The fact that the Director of Public Prosecutions may be studying some paper should not prevent the document from being published.

Furthermore we wish an undertaking that when that document is published it will be an unexpurgated version of the original Report submitted to His Excellency the Governor General of this country, that it will not have in any deviations even so far as punctuation is concerned, neither will it have deletions at the institution of the Director of Public Prosecutions or the Cabinet, or anyone else and therefore I enjoin the hon. member if he wishes

us to vote for this. We do not know how much the Commission cost, we only know that we are being asked to vote for \$53,000 more for the Commission. If he wants us to vote for this, it does not matter whether we vote for it or not, you have to tell us that the Report is going to be published otherwise we cannot vote for it. It is as simple as that.

Hon. L. B. BRATHWAITE: Mr. Chairman, in this Parliament we have seen the Opposition walked out on many things. The last hon. member talked about the obligation of this Party to people in this country and when they are walking out on vital matters and far reaching matters they seem not to remember that they have a duty towards the people whom they claim to represent.

Mr. Chairman, since this Party came into power just over four years ago, we have had a number of enquiries, not only into problems which the last Government has left but we have had investigations into the Sugar Industry by way of enquiries in the Sugar Industry and we were in a hurry and over anxious to have those Enquiries published and brought before this Honourable House.

We have never failed to bring anything. Unlike the last Government, which was always willing to run away from issues and run away from Parliament and I am told that a very prominent member on the other side once said he prefers to be in a whore house than in this Parliament. That member would know exactly whom I am referring to, but we on this side of this House have nothing to fear as far as the publication of any Commission of Enquiry is concerned.

The hon. member talked about the Duffus Commission and why we did not bring Duffus but brought somebody else. Why, naturally we have got to bring people. When the hon. member for St. John thought that Duffus was going to say something which was not to his liking, he viciously attacked Duffus all over the country. He was not able, he was not capable. Everything was wrong with him. Now, what do you find? Since Duffus has.....

Rt. Hon. E. W. BARROW: On a point of order, Sir. First of all the hon. member could never know what I think. I did not attack Mr. Duffus at anytime. A question of fact which was called to the Bar many years afterwards.....

Hon. L. B. BRATHWAITE: Is he on a point of order?

Mr. CHAIRMAN: The hon. member is on a point of order. Order, please.

Hon. L. B. BRATHWAITE: Mr. Chairman, when the going was good for the hon. member Duffus became an immediate saviour. Before that he was a devil. He cannot tell us on this side whom we should have to investigate in any matter. You and your side paraded before the Malone Commission. If not you, your proxies. We did not quarrel with you. We will make the Report available to you and that was told you. That was the indication given to you. What more do you want, and I will tell you more.

We did not only seek to deal with Unsolved Murders under your regime which you failed to do nothing about, but we included murders as well which took place in our time and there was only one. (*Asides*). I do not know.

Mr. CHAIRMAN: No cross-talking allowed.

Hon. L. B. BRATHWAITE: The Commission will make a Report at the appropriate time. There is one thing that I am sorry about that the Commission did not seek to solve all the problems and the cases of those missing persons because a lot of people would be running and hiding and not today be speaking on the Floor of this Honourable House.

Mr. Chairman, we have heard today about the Burton Enquiry. It does not matter how simple it was. It does not matter how departmental it was. It was too fundamental towards the basic issues affecting the people of this country by way of housing by the revelation of that Report. A submission should have been made and as a matter of fact it is very revealing to hear the hon. member for St. John who was a former Chairman of the Cabinet saying that if the Cabinet set up a Committee and even if it was departmental that he did not see a Report. By his admission there was no Report to the Cabinet. According to him there was no Report to the Cabinet because the very Duffus said all roads led to Barrow. Therefore there is no question that there is no Report.

That Report was hidden. It was hidden away because of the obvious revelations which were subsequently discovered by the Hanschell's Report and the Hanschell's Commission of Enquiry. As far as this Government is concerned, we are not concerned with the cost of the Malone Commission as such. I am not. What we are concerned with is their bringing up of any matter which beclouds the issues surrounding the death of these persons who were killed and nobody brought to trial.

The hon. member for St. John dealt just now with the question that nobody on that side, and by inference, he actually said nobody in this House — he went on to say that the problems which surrounded the issues of this whole matter are the problems dealing with the Police.
1.25 p.m.

He said there are good policemen and there are bad policemen and the bad policemen have beclouded the issues, and they have made the faces of the good policemen look bad. And he went on by inference to say that those bad people have links with this side. That is what you said, and I will tell you more. You all have already judged the case. You are talking about what people are saying. What people are saying is what you are saying. What people are led to believe in the country is what you have caused them to believe.

I have read the report of the ex-President and never to be again of the Democratic Labour Party holding forth, I believe, with the hope that one day he will be redeemed, but I know you are not going to redeem him. He has run into disfavour and he will stay in there. He was barking and pleading before the Annual Conference, keeping a lot of noise and all of us want to know what is the position with Pele. Now that is an emotional issue. It is not only holding forth at the Party's Annual Conference on the question of Pele. Do you know what it is as well? All through the country, Mr. Chairman, in their 76.....

Mr. TAITT: On a point of elucidation, Mr. Chairman, if the hon. member would give way...

Hon. L. B. BRATHWAITE: I am not giving way. You speak a lot in here and nobody interrupts you. I am not giving way at all. In their 70 odd public meetings all through the length and breadth of this country, the main plank of their platform was Pele, nothing at all to do with vital issues. They went out to tell the people not to reap the canes, not to do a lot of things.

Mr. TAITT: On a point of order, is the hon. member suggesting that he does not wish to know who killed Pele? Is he suggesting that asking who killed Pele is wrong? All of Barbados wishes to know who killed Pele except probably them.

Mr. CHAIRMAN: No point of order. Please take your seat.

Hon. L. B. BRATHWAITE: Your ranting is not going to help you now. I want to know, the Cabinet wants to know and that is why the Commission was appointed, dummy. So what are you talking about? That is what we are concerned with. The Cabinet wanted to know. You did not want to know; you did not want to have an enquiry into missing persons either.

Mr. Chairman, the Cabinet has had to have an interest and still has an interest in who killed those persons, otherwise the Commission of Enquiry would not have been appointed. It is commonsense. I will tell you that you have neither done yourself good nor the country any good by your ranting and trying to tear down, and I

will tell you more. You are not going to be happy to hear this. No matter how much noise you keep, no matter how many lies your party spreads against this party throughout the length and breadth of the country, you cannot easily win again because the people feel that you are a disreputable gang of people who will say anything and who have got no respect for what you say throughout the length and breadth of this country.

Mr. Chairman, we on this side are not afraid of taking issue either in this Parliament or outside on the platform with the Opposition benches. We can fight them there, we can fight them here and we can fight them anywhere and win, and they know this too. And don't believe that because you have been getting away for a long time without a battle out there that it will continue so. We are ready for you now, and we are going to go there for you, and you will not succeed either because the country knows you. You have gone to the people recently but not because you love to go there; you have no love for there. We are accustomed going there and we will go there and go there very soon too because we are ready for you.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I heard the Leader of the Opposition, the Rt. Hon. member for St. John talk about how slurs are made, snide remarks are made, how we on this side say things to give certain impressions, and then in the same speech I heard him say that Sir Denis Malone is a member of the Barbados Labour Party, an outright lie, and it is said for the purpose of devaluing the findings of the report in advance. It has no other purpose; it is known in my opinion to be a lie. I have not even remembered that Sir Denis Malone introduced me to the Bar until the hon. member for St. John reminded me. It obviously is a matter of little importance whether I remember it or not. I mean the hon. member for St. John evidently has to be given credence for saying that he did not remember the Burton Report, something that happened four years ago, and that reflected very unfavourably on a member of his Cabinet, but hon. members will sit down and laugh when I tell you that I do not remember who introduced me to the Bar over 20 years ago. But the point of the statement is to drag down Sir Denis Malone because hon. members on that side feel that he has said something in the report. Maybe it is only that he has, well not he, there were three Commissioners, one from Scotland Yard, one from Canada and Sir Denis Malone. Maybe all it is is that they very severely attacked those who invented a rumour against the hon. member for St. Michael South East, therefore a man who comes here and gives of his best because there can be no doubt that the Malone Commissioners behaved in a way that carried the respect of the public during the term of the Commission. There is no doubt about that. The only person whom I have heard try to drag down the Commission or any of its

members is the hon. member for St. John himself, and we are told we must not make snide remarks.

Rt. Hon. E. W. BARROW: On a point of order, I never attempted to drag down any member of the Commission. If introducing the hon. member to the Bar is dragging down the reputation of a person, well I sincerely apologise, I was not suggesting that Sir Denis Malone inflicted the hon. member on the public of Barbados at all, so how could he say that I dragged down anybody? As a matter of fact, Sir Denis Malone used to work with me, he used to be a member of the Flying Club with me, he served in the Royal Air Force as far as I remember and all of that, so I was not dragging down anybody; I was building him up.

Mr. CHAIRMAN: That is a very long point of order.

Rt. Hon. E. W. BARROW: I never said one mumbling word while the Commission was sitting.

Rt. Hon. J. M. G. M. ADAMS: If the hon. member thinks he is addressing children, he is welcome to continue so to think. Everybody who has heard the hon. member is aware that saying that Sir Denis Malone was a member of the Barbados Labour Party and introduced me to the Bar in very fulsome terms he intends as a means of discrediting the findings of the Malone Commission. Don't doubt that.
1.35 p.m.

Now you talk about slurs and snide remarks. I gather that we are not to take it when an hon. member on that side says of us that Adolf Hitler is our patron saint that that is a snide remark. Eric Sealy is the patron saint of the hon. member for St. John. I say that.

Rt. Hon. E. W. BARROW: On a point of order, Sir, Eric Sealy is the person who burned my effigy and was brought in here by the hon. member for St. Thomas, who just sat down, and put in the Speaker's Chair, and when Sergeant Benn tried to remove him he said "don't touch him, don't touch him."

Mr. CHAIRMAN: No point of order, that has nothing to do with the rules of this House.

Rt. Hon. E. W. BARROW: You said don't touch saints, not Eric Sealy, I feed Eric Sealy with a long spoon, so try and put that in your pipe and smoke it. He has the gall and the nerve to come in here and say that Eric Sealy is my patron saint, I have a higher standard than the hon. member.

Mr. CHAIRMAN: The hon. member is making a speech, that is not a point of order. Please continue.

Rt. Hon. J. M. G. M. ADAMS: I thought the hon. member would be pleased that I handled his patron saint with such fine impartiality. If Eric Sealy was not his patron saint, why did he and the hon. member for St. Michael North Central get on the platform last August 17 and call for three cheers for Eric Sealy's birthday?

Rt. Hon. E. W. BARROW: If the hon. member says that and believes it, then he is an abominable liar, because it is untrue. As a matter of fact, when one of the speakers on our platform said that it was Eric Sealy's birthday I asked him what was it to do with our meeting and the hon. member knows that it is untrue that I called for any cheers for Eric Sealy. (ASIDE) But he made a statement about me which he knows to be untrue, an abominable, dirty, slimy lie too.

Rt. Hon. J. M. G. M. ADAMS: I am sorry that the hon. member finds himself so moved. When the three cheers for Eric Sealy's birthday were given, why didn't the hon. member get up and say that they should not be given? He was on the platform.

Rt. Hon. E. W. BARROW: I was not on the platform, you were there? I went on the platform just before I was called upon to speak, as I usually do, the rest of the time I was with my people in the crowd where I usually am.

Rt. Hon. J. M. G. M. ADAMS: Now the hon. member is the person who said that when they called for the three cheers he asked what it was to do with the meeting.

Rt. Hon. E. W. BARROW: I did not say who I said it to, you don't just get up and take over the microphone, you idiot.

Rt. Hon. J. M. G. M. ADAMS: I really don't know what the hon. member is trying to say.

Rt. Hon. E. W. BARROW: I said it to the Assistant Secretary of the Democratic Labour Party, if you want to know.

Mr. CHAIRMAN: Please, I cannot have two hon. members on their feet.

Rt. Hon. J. M. G. M. ADAMS: Is it so disgraceful, is the hon. member so ashamed of having attended a meeting of the Democratic Labour Party at which three cheers for Eric Sealy's birthday were called for, he has to get into this state in the House?

Rt. Hon. E. W. BARROW: I just want to say this.

Mr. CHAIRMAN: On what does the hon. member rise?

Rt. Hon. E. W. BARROW: On a point of order. I have never at any political meeting heard, even when my predecessor in office or the predecessor of that distinguished gentleman, heard anybody call for cheers on a political platform for anybody's birthday. To me it was a matter of great surprise to hear them call for it.

Mr. CHAIRMAN: That is not a point of order.

Rt. Hon. J. M. G. M. ADAMS: Well, the hon. member has recovered his aplomb. He was very worried at the thought that somebody would tell Eric Sealy that he was angry when they called for the three cheers, so he is trying to find an explanation to satisfy his patron saint now. Don't worry, Eric will not be too angry with you, he will be paid well enough not to abuse you, and you will be protected from him.

Mr. CHAIRMAN: Please let us get ahead with the debate.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, my opinion is, notwithstanding the resentment of the hon. member for St. John about the calling of the three cheers for Eric Sealy's birthday, Eric Sealy is still his patron saint, because the sort of things he talked about in here today, I believe that normally they are the things you expect to hear from Eric Sealy. (Mr. TAITT: He is your friend). The hon. member for St. Michael South West has called him my friend. Eric Sealy and I have never walked hand in hand bearing the coffin of a racketeer to the graveside, no picture has ever been taken of Eric Sealy on one hand and me on the other with Racketeer Clarke in between.

Mr. TAITT: On a point of order. But a photograph has been taken of you holding hands with him walking to Government House, and another one of you in conference with him. Deny that.

Mr. CHAIRMAN: That is no point of order.

Rt. Hon. J. M. G. M. ADAMS: I believe that Eric Sealy has been known to come into the Leader of the Opposition's office, I don't believe the hon. member for St. Michael South West would like me to publish some of the things he said about him when he came in. I really am not worried about that, the Democratic Labour Party has set a new precedent, they have never called for three cheers for Christmas Day for the birthday of our Lord Jesus Christ, they have never called for three cheers for the birthday of the Rt. Hon. Errol Walton Barrow, M.P., they have never called for that but they have called for three cheers for the birthday of Eric Sealy. That is why we say he is the patron saint, you now understand, and why I am talking about him is because of the same Malone Report, and when you read the Report you will understand further.

Now the hon. member for St. John has quite correctly said that the report can be published. There are always controversies about this matter. In connection with the Hanschell Report, certain recommendations as to prosecution were made. By the time the report came to be published most of the prosecutions recommended had in fact been carried out, but it was pointed out that some of the conduct referred to in the report although the Commissioner did not direct his attention to it could have amounted to common law abuse of public office, such as the former Premier of Antigua was prosecuted for. It was also pointed out that he had made recommendations in respect of prosecuting a particular person who apparently could not be found in Barbados.

The Government therefore sought legal advice and were told that notwithstanding the possibility of prejudicing the trial, that the report could be published. It is a report based on evidence which was given and the conclusions are matters of opinion only. The Malone Commission as I conceive it falls within the same category. The Commissioners have indeed come to a conclusion as to who shot Victor Parris. The public may agree with their conclusion, the Director of Public Prosecutions may agree with that conclusion, equally they may not, it is a matter of opinion because the Commission is not a court. Nonetheless, out of an abundance on the one hand of courtesy and on the other hand of caution the Government does not intend to publish the report until the Director of Public Prosecutions has completed his examination of the matter which should be in a very short passage of time. There is no intention on the part of the Government to exclude any of the report. God knows, Mr. Chairman, I cannot think of anything in that report that I would not like to see in the hands of the public.

1.45 p.m.

I really am looking forward to the part of the Report which deals with the hon. member for St. Michael South East.

As regards the speech of the hon. member for St. John, when he said that it is I who put the rumour in circulation, I invite you, Mr. Chairman, to consider that speech, in the light of those other parts of his speech which refer to snide remarks and slurs. He talked about snide remarks and slurs. You must read that remark in the context of those remarks. I cannot really help all the talk about Duffus and so on. If the hon. member is proud of reading that he took up the Government's money and lent it to his friends from Miami to bail out a bankrupt airline, and that there is no basis of so doing, if he is proud, if he thinks that that is something that he can regard as having cleared him of financial misdoing, it is up to him. I know that I would not like

anybody to say it about me, but it is entirely in the hands of the hon. member. His standards may be the standards of his patron saint. The hon. member has always been very clever.

Rt. Hon. E. W. BARROW: Mr. Chairman, on a point of order. The hon. member talked about slurs. I invite the hon. member to send the Duffus Report to the Director of Public Prosecutions now, with particular reference — I invite him to bring any kind of prosecution against me for anything in that Report.

Mr. CHAIRMAN: That is not a point of order. Please sit down.

Rt. Hon. E. W. BARROW: So do not bring your sliminess to me.

Mr. CHAIRMAN: Please take your seat.

Rt. Hon. E. W. BARROW: The public has read the Report, you know, after you amended it.

Rt. Hon. J. M. G. M. ADAMS: Did you amend the Report, Mr. Chairman?

Mr. CHAIRMAN: I certainly did not.

Rt. Hon. J. M. G. M. ADAMS: Because I certainly do not know of anybody who did it. The hon. member is talking about — why does not the hon. member have a little respect for himself and behave himself? Does the hon. member think that it is difficult to abuse? (ASIDE: Rt. Hon. E. W. BARROW: I do not have any respect for you.) Does the Hon. member think that it is difficult — I do not worry with the hon. member. Where the hon. member talks about the Director of Public Prosecutions and himself, I will tell the hon. member something which he does not know. (ASIDE: Rt. Hon. E. W. BARROW: You tell me). When remarks were made to me encouraging a heavier hand against the hon. member, I reminded the person of remarks made by Epaminondas, before the gates of Sparta, during the period of Theban supremacy. He marched to Sparta and Sparta was a wooden city, it was not a city of marble like Athens and he was asked, why does he not put it to the flames and lay it waste utterly and he said, I do not want to put out one of the eyes of Greece. I repeated that same story to the person and Sparta was the bitter enemy of thieves. The hon. member will always be protected, let me assure him about that. (ASIDE: Rt. Hon. E. W. BARROW: I do not need your protection.) He will always be protected because his reputation is more important to Barbados, as far as, I am concerned, than the satisfaction of any petty revenge, or spitefulness such as he has indulged in for all of his adult life.

Rt. Hon. E. W. BARROW: That is downright hypocrisy. If the Hon. Member could kill me tomorrow, or lock me up, he would do it.

Mr. CHAIRMAN: Order. On what does the Hon. Member rise? That is not a point of order. Please take your seat. (Asides). Please take your seat.

Rt. Hon. E. W. BARROW: That kind of hypocrisy does not influence me.

Mr. CHAIRMAN: Order, please.

Rt. Hon. E. W. BARROW: I do not feel the same about you.

Mr. CHAIRMAN: The Hon. Member cannot speak when I am speaking. Please take your seat. That is not a point of order.

Rt. Hon. J. M. G. M. ADAMS: If the Hon. Member's paranoia has reached the stage that, in order to keep alive and well, he thinks that I am interested in killing him, he is welcome to think so, I cannot stop him from thinking, it is important to him. Dr. Mahy will tell him why it is important to him. (ASIDE: Rt. Hon. E. W. BARROW: I do not know Dr. Mahy.) You do not know him, you should know him though, it would be a help to you. It would be a help to the Hon. Member.

The Hon. Member goes through life assuming that Hon. Members on this Side want to destroy him, to kill him, to do him down. He would be surprised to hear what I have heard the Hon. Member for St. James say at the Cabinet about him. (ASIDE: Mr. TAITT: Tell us, as man.) I do not want to embarrass him. (ASIDE: Mr. TAITT: You mean that he comes in here and makes a lot of sport.) That is what the Hon. Member cannot understand, that political life, as conceived by him, seems to be intended to maintain hatred as one of the well springs of political controversy in this country.

I cannot afford to waste my time hating anybody. I cannot afford to waste my time, I have better use for my emotional energies than to hate anybody. (ASIDE: Mr. TAITT: Tell us some.) You want to get jealous now, you want me to make you jealous. (ASIDE: Hon. L. S. CRAIG: I can tell him, what you told me about him.) (LAUGHTER). So all that I can say.....

Mr. CHAIRMAN: Order, please.

Rt. Hon. J. M. G. M. ADAMS: It will not surprise the Hon. Member for St. John to hear what the Hon. Member for St. Michael South West says about him. It will not surprise him.

Mr. CHAIRMAN: Order, please.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, Sir, the whole point about the Malone Commission, is that it was called into being to deal with one of these situations of hatred, of malevolent rumour, of destructive behaviour, designed, fashioned, from the start, to be erosive of the quality of public life in this country. The total cost is \$183,500.00 and this Supplement will bring it up to the necessary amount. This could have been discovered from looking into the Estimates.

But, the Government believes that notwithstanding the blood letting, the abusing of the members of the Royal Barbados Police Force, I have heard names of people called who are supposed to be supporters of our Party who I can remember canvassing like jack rabbits for Boxhill, for members of the Democratic Labour Party and I hear their names called on political platforms, as supporters of the Barbados Labour Party.

I have heard an Hon. Member of the Hon. House, a rumour invented, as the Malone Commission finds, for political reasons by politicians, dragged down his name dragged in the mud, his family reviled, his person threatened, all of that I have heard and we are told that all of a sudden, we are the makers of snide remarks. Does anybody believe that the speech of the Hon. Member for St. Michael South West, about the publishing of the Report was intended to do anything else but put a finger on an abscess, which he hoped was still painful? He had no other purpose, I am sorry to say that to him, but he and I are both politicians and he knows that.

Mr. TAITT: Mr. Chairman on a point of order, Sir. The Hon. Member has made a direct remark about my motives in calling for the publication of this Report. I draw attention to the relevant Standing Order.

Mr. Chairman, it is a matter of grave public importance in this country and I think that it is dishonourable for anybody to get up and say that the President of a political party, who calls for the publication of a Report of a public Enquiry is only doing so because of political motivation. (ASIDES.) (At the time, he was the President.) Mr. Chairman, I think that it is dishonourable on the part of the Hon. Member and I am sure that the Hon. Member would wish to withdraw that.

Rt. Hon. J. M. G. M. ADAMS: I will withdraw any imputations and I must apologise for having given the Hon. Member for St. John, the chance to humiliate the Hon. Member for St. Michael South West by reminding him of his demotion.

Rt. Hon. E. W. BARROW: I am dealing with Constitutional issues, Sir. We, on our Side, are friends, and we can have our little.....as you and I are friends, right, Sir? O.K.

Mr. CHAIRMAN: Order, please.

Rt. Hon. J. M. G. M. ADAMS: I am nothing to do with the Hon. Member and his ex-friends.

Rt. Hon. E. W. BARROW: And I am an ex Prime Minister and quite apart from it, under the Constitution of our Party, the Hon. Member could not stand for office, so what is the demotion?

Mr. CHAIRMAN: All of that is known.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the reason why the money, of course, had to be spent in my opinion, is exclusively because for political reasons, a disgusting rumour was stirred up, the police themselves perhaps were not allowed, not by any Hon. Member of the Government, but by persons connected with the Opposition, interested in the welfare of their families, to carry out the investigation as they should have carried it out.

1.55 p.m.

When it all comes out, family relationship, Opposition politics, previous Opposition association, when it all comes out, you will see, Mr. Chairman.

Mr. Chairman, there is really nothing I can usefully add to this debate which has been conducted somewhat distastefully to this side and I beg to move that this sub-head stand part.

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

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

SUBHEAD 6 -- TECHNICAL ASSISTANCE

Rt. Hon. J. M. G. M. ADAMS: This is a very short matter. If hon. members wish to debate obviously you will have to report progress but it relates to Insurance. The Supervisor of Insurance is extending the limits of his control over the local Insurance Companies and he has had to incur some expenses carrying out these investigations.

Mr. Chairman, some of these matters are at present under investigation and are extremely confidential. If the hon. members want to debate, I will answer up to a particular point but with the greatest respect, perhaps an occasion may come later on. The hon. member for St. Lucy, if he has a question to ask, if he would like a complete answer then he could just let me know and I could send for a file so I will let him know (ASIDES). If

it is First Federation Life I can deal with that. Is there nothing else?

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, the CHAIRMAN reported progress to His Honour the SPEAKER and asked for leave to sit again, and Mr. SPEAKER, resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

Mr. SPEAKER: The time is now 2 o'clock. This Sitting stands suspended until 2.45 p.m. today.
2 p.m.

On Resumption

Mr. SPEAKER: This Sitting is now resumed.

It is now Question Time.

QUESTION TIME

Mr. SPEAKER: Question No. 44 asked by the hon. member for St. Michael South West whom I do not now observe in his place. Let the reply be laid.

Hon. DeL. BRADSHAW: Mr. Speaker, Sir, I beg to lay reply to Parliamentary Question No. 44.

M. SPEAKER: This brings us to the end of Question Time.

PRIVATE MEMBERS' BUSINESS

Mr. SPEAKER: It is now Private Member's Business. There is one Item under Private Member's Business standing in the name of the hon. member for St. Michael South Central whom I do not now observe in his place. We can only come to the end of Private Members' Business.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the Instant Order of the Day. When the Suspension was taken the House was in Committee of Supply, to that it now reverts.

Mr. SPEAKER left the Chair and Mr. CHAIRMAN resumed the Chair.

HEAD 19 – SUBHEAD 6 – TECHNICAL ASSISTANCE

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 19 – Subhead 6 stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

HEAD 19 – SUBHEAD 7 – SUBSCRIPTIONS AND CONTRIBUTIONS

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 19 – Subhead 7 – stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

HEAD 19 – SUBHEAD 8 – TREASURY

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 19 – Subhead 8 – stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

HEAD 19 – SUBHEAD 11 – DATA PROCESSING

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 19 – Subhead 11 stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

HEAD 20 – SUBHEAD 3 – RATES AND TAXES DEPARTMENT

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 20 – Subhead 3 stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

HEAD 31 – SUBHEAD 2 – GENERAL POLICE SERVICES

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 31 – Subhead 2 stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

HEAD 42 – SUBHEAD 1 – GENERAL ADMINISTRATION

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 42 – Subhead 1 stand part.

Hon. DeL. O. BRADSHAW: I beg to second that.

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

On the motion of Hon. L. S. CRAIG, seconded by Hon. DeL. O. BRADSHAW, Mr. CHAIRMAN reported the passing of one Resolution in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.
2.55 p.m.

SUPPLEMENTARY ESTIMATES 1980-81 No. 6

Head 73 – Ministry of Finance and Planning – was called.

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 73 – Ministry of Finance and Planning – Subhead 8 (New) Data Processing – stand part of the Schedule.

Hon. DeL. BRADSHAW: I beg to second that.

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

Head 79 – Ministry of Education and Culture – was called.

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 79 – Ministry of Education and Culture, Subhead 1 – Improvements to Primary and Special Schools – stand part of the Schedule.

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

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

Subhead 26 – Project Unit (World Bank Education Project) – was called.

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Subhead 26 – Project Unit (World Bank Education Project) – stand part of the Schedule.

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

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

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Head 73 – Subhead 8 (New) Data Processing, as amended stand part.

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

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

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that the Resolution for the sum of \$263,618 do now pass.

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

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

On motion of Hon. L. S. CRAIG, seconded by Hon. L. B. BRATHWAITE, Mr. CHAIRMAN reported the passing of two Resolutions in Committee of Supply and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. L. S. CRAIG, seconded by Hon. L. R. TULL, the Resolutions were read a first and second time and agreed to.

THE FINAL APPROPRIATION (1979-80) ACT, 1980

Order No. 2 was called.

Mr. SPEAKER: Order No. 2 stands in the name of the Hon. Prime Minister to move the second reading of a Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the financial year ended 31st March, 1980.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this is the Final Appropriation Bill for the Financial Year just passed. The total supplementaries during the year was \$24,477,391. This sum is required to be added to the appropriation in the Appropriation Bill last year.

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

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

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

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

Clauses 1 to 4 inclusive were called and passed.

The Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that this be the Schedule.

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

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

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

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. DeL. BRADSHAW, the Bill was read a third time.

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, the Bill was passed.

THE CUSTOMS (AMENDMENT) (NO.2) ACT, 1980

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this Bill arises out of a somewhat obscure area, the question of diplomatic privileges. The whole question of diplomatic privileges is being reviewed by the Ministry of External Affairs and basic to the matter or privileges and peripheral to the matter of many of the activities of the Corporations is the whole question of duty free privileges.

The particular problem with which this Bill is intended to deal comes about as a result of a car which had been imported under a semidiplomatic privilege, being involved in an accident, being written off and being sold by the insurance company as a write-off for more than the value for which it was imported, and of course this is very possible, Sir, because the duty on a motor car is so high that unless the damage is equivalent to more than half the cost of the car you will find all of this. We have discovered that either the owner of the car or the insurance company in effect got all the benefit of the remitted customs duty, they made a profit on a write-off or he who might have been able to sell it as it were would have made the profit anyway, the situation drew to the attention of the Customs that there is no power to decide, for example, when customs duty becomes payable on disposal, that there are inadequate powers to attach conditions to the grant of a refund of customs duty.

It has in fact been going on for a very long time, it has been going on since 1978. I know that on the 22nd February I had considered the matter and there were many contradictory opinions on file, several given by lawyers and others given by Customs officials, as to what should be done, and although it has taken a very long time — it took from March 1978 to April 1979 in the Attorney General's Office for them to come to a conclusion as to what the law was. I decided that

whatever they thought the law was it was time that there was some input as to what the law should be. It has only taken from April 1979 to September 1980 for me to be able to come to the House so as to decide what the law should be in the matter.

It really is a very simple amendment, if you look at it. It will now allow the Comptroller of Customs to draw up a set of conditions on the rules, widen the conditions of the rules which he can now impose when dealing with customs refunds. He will now be in a position to say that if you sell the thing it will be pro-rated, and that such and such will be the conditions and so on.
3.15 p.m.

The Act therefore aims at giving this power for the future. Section Three of the Act deals with the situation which turned up, in the opinion of one Crown Counsel, which I am actually going to read, so that members of the legal profession and of the public can perhaps have an idea of what you have to deal with in Government. The opinion of Counsel was that Section Three of the Customs Act specifically imposes on the Controller of Customs, the duty to collect the revenue of Customs. Where, therefore, Government has decided that Customs Duty becomes payable, when Diplomatic Agents dispose of their motor vehicles, to privileged persons, the Comptroller of Customs should evaluate, check the Customs Duty payable on the sale of the aforementioned vehicles. (ASIDES). I cannot tell you what conditions would be imposed.

The reason why I have read this out is that even in this day and age, there seems to be an opinion abroad that the Government can decide on taxes. In other words, without coming to Parliament and it seems that in pursuance of this opinion, that the Government can, when Customs Duty becomes payable and that the Comptroller of Customs has been deciding when Customs Duty is payable and therefore, Section Three of the Act is designed to deal with the situation where, in perfectly good faith, the Comptroller of Customs and the Heads of Diplomatic Missions have agreed on conditions that these conditions now have the force of law.

We just want to protect the Comptroller of Customs against the possibility of suits, Sir, and other embarrassments. It may seem like a small point, Sir, but I think, if my memory serves me correctly, that there are a number, less than one thousand, six hundred (1 600) motor cars in Barbados, on which no Customs Duty has been paid. I do not know how it has reached that number, well, some belong to the Government, Sir, some are directly owned by the Government mainly by the Police, but some are owned by Diplomatic Missions *per se*. A good number are owned by the CBC, by the Natural Gas Corporation and so on.

In passing, I may mention that, as from 1st January next year, I am putting an end to all Duty Free privileges for all Government Corporations which are not fully supported by the Treasury. In other words, the Natural Gas, the CBC and some others. I really cannot remember all of them. The National Housing Corporation does not have general Duty Free privileges. We think that there is a little bit too much of this and you do get certain difficulties, Sir. We have had difficulties at CBC with people trying to bring in equipment on the CBC's account without paying the necessary duty. It is better, we think, that a superior control be exercised, by means of this Act and that the opportunity of temptation also be removed by restricting the Agencies which can enjoy the privilege.

There really is very little that I can add, Sir. The Comptroller of Customs, it seems and in perfectly good faith has been exercising powers which we are now seeking to give formally by this Act. It will help the Ministry of External Affairs in working out a code with all Diplomatic Missions, it cannot even be a uniform code, Sir because we deal with reciprocity in this matter. Some Missions get their gasoline tax free and I am absolutely against that, absolutely against allowing gasoline to go in any tank in Barbados, not diesel, gasoline into anybody's tank in Barbados without paying the duty. Some Missions apparently get that, some do not, some Missions get privileges in goods bought over the counter, others do not. We have to deal in a whole series of things, of which the powers granted by this Act are an important tool Sir.

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

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

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

Mr. TAITT: Mr. Speaker, Sir, obviously, we, on this Side, will not be contesting this Bill because it is a Bill which, as the Hon. Minister responsible for Finance has indicated, it is for administrative purposes mainly and I understand him to be saying that, in light of the kinds of opinions which he has received from the Police, where he should receive opinions, that he is making doubly sure.

I, myself, am always very concerned about retroactive Legislation and in the circumstances, one question which I believe ought to — I am not discussing the details of the Bill — but, it would seem to me that a casual reading of the Section which purports to validate anything which has been done in the past, by the Customs ought to be as specific as possible because in its wide form now, it seems to suggest that anything which has been done by the Customs which purports to have been validly done is

now being legalised retroactively. I am not sure how much thought has gone into this matter and if it has received as much thought as it should have, I am still not satisfied that it may not inadvertently give validity to an Act of the Customs Department which in fact, was not a legal Act.

Mr. Speaker, I do not believe that there is much that the Government would be able to do on the question of diplomatic immunity because as the Rt. Hon. Prime Minister intimated diplomatic immunity is a question of reciprocity, at the point when one country agrees to receive the diplomats of another country. There are a number of principles which are applied in International Law which will apply anyhow, no matter what the receiving or sending State's domestic Law might be.

But, more important, the agreement between the two countries will include and embrace the areas of agreement, the areas of arrangement for such things as Customs Duties, and Tax Free privileges. I think however, that a number of errors are made, by a number of functionaries in Barbados who assume, that so long as a person is a diplomat, or is working for a Foreign Mission, or some Mission in Barbados, that that person is not entitled to be treated within the Law and one of the things which has always been a source of concern to me, even long before I came into this Hon. House was that in other countries, especially some of the larger western countries, contrary to popular belief, the privileges which are extended to Barbadian diplomats and other diplomats from developing countries in these countries, are not as great as is popularly believed.

Now, I heard the Rt. Hon. Prime Minister say that some countries' diplomats in Barbados are getting their gasoline tax free and I would be interested to know how it is arranged as it comes out of the pump. They are obviously buying their gasoline in drums because as the gasoline comes out of the pump, the pump should record the Road Tax which is paid and they are obviously seeking refunds, based on the bills which they submit.
3.25 p.m.

But if that is being done I would wish to see a reciprocal position to Barbadians serving in those countries. I would go so far as to say that I would be surprised if anybody in any other country takes the trouble to go through the bills for gasoline except perhaps for major installations and that sort of thing where the gasoline and other fuel are purchased in bulk and would fall under a different category than a man or a woman going to the pump to collect a few gallons or litres of gasoline but, Mr. Speaker, it is very important.

I believe the time has come when the Government ought to, through its Government Information Services or through some other agency, spell out for the people of

Barbados exactly what are some of the broader areas of diplomatic privileges and immunities. There is a lot of mis-information both about Diplomats in Barbados and more specifically about what happens to our Diplomats outside of Barbados.

In Washington D.C., for example, none of our Diplomats has the privilege of parking his motor car anywhere free of a ticket. There is an Agreement by which the Diplomats in Washington have to pay for tickets which they receive for illegal parking. Some countries have refused to pay it but generally speaking those coming from the larger countries and from countries like the Caribbean are required to pay any ticket which they get.

Now in the New York area it is a different thing in that they have a thing called a courtesy ticket. The Policeman places the ticket on the car in the sameway as a normal ticket but subsequently there is some arrangement through the U.N. Office where a discussion is had with the Head of Mission or the Head of Consulate drawing to the attention of that personage that the particular Officer had parked his car in what would otherwise have been an illegal spot. The point I am making is this, Sir, that there are some diplomatic cars in Barbados which have been blocking the road in Barbados in a manner that would not be tolerated in Washington.

Hon. L. S. CRAIG: On a point of order, Sir. The hon. member is making a criticism of the diplomatic cars blocking the roads in Barbados. I can appreciate that but the hon. member knows very well that when he was Consul General in New York that he used to block the roads with me and he told me that this is how it is done.

Mr. TAITT: It is unfortunate that the hon. member was not in the Chamber when I was speaking before he came in and there really ought to be something to prevent hon. members from walking in cold and getting up and putting their feet in their mouths, Sir.

The fact is, Mr. Speaker, as I had indicated, in New York there is a different arrangement but the arrangement I was discussing is the arrangement between what happens in Washington D.C. and what happens in Barbados. I am not laying out a case for arresting diplomats as our diplomats were arrested in London not so very long ago. I think there is one hon. member in this House who can attest to the severity with which the Police arrested a diplomat from Barbados not so very long ago in London. The fact is that diplomatic persons in Barbados generally do not behave badly but I think that our people in Barbados are not familiar with the fact that diplomats are required to behave in a country in a way the country wants diplomats to behave.

Mr. Speaker, while on this point there was really a main question I wanted to ask the Prime Minister. For

sometime now there has been a discussion between the Caribbean Development Bank and the Government of Barbados on diplomatic privileges and immunities and I was told that the matter was still being negotiated. I wonder if the Prime Minister is in a position to inform us as to what has happened with the negotiations between the Caribbean Development Bank and the Government of Barbados on this whole question of diplomatic privileges and also the Caribbean Tourism Research Centre which is a regional body which has been in discussion with the Government for some time on the whole question of diplomatic immunity.

Mr. Speaker, before I sit down I must say that I appreciate the candid criticism which the Prime Minister made of the Attorney General. I am sorry the Hon. Attorney General is not here because for sometime now I have been saying that the office of the Attorney General is being put to a lot of trouble in bringing to this Honourable House a number of matters which can be described as trivial whereas matters such as this which are important have taken sometimes two years to settle what is essentially a simple matter.

It seems to me at the same time, Mr. Speaker, that if the Bill is to be passed in its present state, that the Regulations which are made by the Customs Department and/or the Ministry of Finance will have to include some time limit. The usual practice is three years after the tax-free item or the duty-free item has been imported and it may be two or it may be four but unless there is a time limit, Mr. Speaker, you will see that this matter will turn to be quite troublesome.

You could find, for example, that a person who is a returning diplomat in Barbados could six, seven or eight years later find himself being called upon to pay duty which he was told as part of his terms of employment that he would not have to pay and so I would expect the Prime Minister to indicate for the purpose of public information, what is the time limit envisaged for the application of this Bill. If in fact it is envisaged that a time limit will be placed on it then I could see no reason for failing to support the Bill.

As to his information regarding the practises of certain Statutory Boards, Mr. Speaker, I wonder if the Prime Minister could, at a subsequent date, indicate to us — he said there were 1,600 cars in Barbados that have come in duty free. I think that if he gives that statistic that it would be worthwhile, in fact it is desirable that we ought to know which of those cars are foreign diplomat owned or foreign country owned as opposed to which of those cars fall into the general ambit of belonging to the taxpayers of Barbados because there are a lot of Statutory Boards. There are a number of Boards which one would not hear about often and we really should have some idea as to where those cars are and what is the total cost we are losing.

This way one could assess whether his decision regarding duty free entry in January — he said from the 1st January he intends to implement it. It may be from a convenient point of view. If he himself does the exercise he might find that it is not worthwhile to implement that particular policy even though in principle it might be a desirable policy.

Now if one knows where the vehicles are, let us suppose for argument sake there are 20 vehicles at the ADC which does not get, as I understand it, all of its funds from the Treasury or say the BMC — one of the things about the BMC is that it is supposed to assist in keeping the cost of food at a reasonably low level.

3.35 p.m.

Now it may very well be that asking the Barbados Marketing Corporation to pay duty if it does not now pay duty on its vehicles could increase the cost of running the Corporation to the point where a multiplying effect would defeat the very purpose of the Corporation. That Corporation, for example, imports air-conditioned refrigerated trucks. Refrigerated trucks are very expensive items and if the duty which the Prime Minister admits is extremely high is added to the cost of, say a refrigerated truck, then you can see that the truck will in fact be twice the cost, and so rolling stock in many cases of the Corporations could suddenly increase by as much as 100 per cent. For what it is worth the Prime Minister might wish to review his thinking on that issue, because in the end I think the cost may be higher.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I am obliged to the hon. member for his carefully thought out and very useful speech and I would certainly take the points he has made into mind when considering what conditions should be imposed. I think the period we are thinking of relating to resale of duty free cars of diplomats is two years. The points he makes about reciprocity are very well taken and the Ministry of External Affairs is engaged in a constant exercise of trying to establish the privileges which Barbadian diplomats do in fact get abroad, but it can generally be assumed that we give everybody more privilege here than anybody gives us anywhere. We can be very hard on our diplomats. We can be very hard indeed on them at certain times. We have seen one of our diplomats pilloried and laughed at over an incident with a household pet. On the other hand we have had a diplomat of another country here in Barbados, admittedly I am a little guilty in this myself, but we have had him on election day stop me in the road, put his arms around me and tell me that he hopes — this happened on 2nd September, 1976 — that we will gain victory and particularly he wants me to do everything to make

sure that the hon. member for St. James retains his seat, and that evening quite late he rang Mr. George Moe to tell him how glad he was that he was defeated and utterly destroyed and out of politics, and it was put up that he should be declared *persona non grata*, but his Head of Mission, not his Head of Mission, in effect his Foreign Secretary begged for him and he was allowed to stay on for a little longer, because really we in Barbados have weaned, we have respect for international institutions and countries that sometimes is not always shown to the institutions of Barbados and to individuals, and we have proved to be a lot harder on our own diplomats abroad than other countries have been on their diplomats here. Anyway that is only the background against which the Ministry of External Affairs is dealing with its own problems. In passing, nothing I have said here either by inference or explicitly is intended as a criticism of the Attorney General. It is intended as sympathy for the Attorney General and some of the instruments with which he has had to work in the past, and it is intended as criticism perhaps of the previous Attorney General for not realising, not correcting some of the bad law that used to be served up by his department. Of course you can't correct what you do not know is wrong. I mean no criticism of Mr. George Moe. You should not criticise a man for something he cannot help.

On the question of the CDB and the Caribbean Tourist Research Centre, the Caribbean Development Bank has more privileges as far as we can judge than have been granted to any country anywhere in the world. I believe their diplomats have more privilege than the Russian diplomats in Bulgaria, and it reached the pitch where somebody was locked in a dispute with the Immigration Department. His wife obtained a job at CDB and the Secretary of CDB informed him that he was not to have anything to say to the Immigration Department, he was to carry his passport down to the Commissioner of Police and tell him that his wife worked at CDB and that would be the end of the matter. That really has triggered the whole dispute. There are numerous other factors involved in that case into which I would not wish to go, so I do not want to be pressed on that particular matter, but it gives you an idea of the extent of the privileges. The people at CDB pay no property transfer tax, they and their families are not liable to immigration control, they pay no income tax, they I believe are not supposed to pay for gasoline. I think they are among the persons who are supposed to get gasoline tax free; I believe so. I do not know all of them, but if you read the back of the CDB Act you will see the list of privileges, the like of which you can hardly imagine exists for persons living in our country, and this now is under consideration between the Government and the Caribbean Development Bank, since

I do not think that the Bank itself would wish to claim all these privileges *in extenso* against the known wishes of the Government. There has to be a limit. The Bank has shown much restraint in recent years when you recall that the original salary ten years ago or more of the President of the CDB was \$US25,000 tax free, and that was a salary as high as the Governor-General, the Prime Minister and the Chief Justice all put together probably at that time. When you recall that that has only comparatively recently been raised and raised by a relatively modest sum, you will realise that it is the instrument rather than the individuals who are in abuse of privileges beyond what are reasonable. That is all being dealt with by the Government at the moment; so are the privileges to be enjoyed by CTRC.

We are always getting these things. There is an organisation in Barbados that apparently has been paying its Barbadian staff tax free salaries for a couple of years, and there is a great howl now from that Barbadian staff because it has been assessed for income tax on a couple of years' salary. Well I have given the director of that organisation an assurance — interference in the course of justice no doubt as the hon. member opposite would call it — that the Government does not intend to prosecute him, this is the foreign director, for failing to take PAYE out of the salaries. Certainly in so far as the Ministry has a decision in this matter, we will not take any steps; but the taxes must be paid and a situation such as that can only arise where there is uncertainty about the extent of diplomatic privileges, the customs privilege, the income tax privilege, and the privileges relating to consumption tax, hotel and restaurant sales taxes and other domestic taxes levied at the point of provision of the services.

It would not be long now, Sir, I am sure, before I hear that if diplomats give a party on the Jolly Roger that they do not have to pay the \$3 for Government tax. I am waiting for that one, Sir. I am satisfied that if the CDB gives a party the law would prevent it from having to pay the tax, but I am waiting now to hear how far this is going to be a subject, because they quarrel with the telephone tax, they quarrel about consumption taxes and they want over the counter goods to have the tax element refunded. All these things we have to deal with and all these things we are trying to deal with.

In respect of privilege for the BMC, I think the BMC is the only Corporation which should not be receiving a Government subsidy but is. The Government perhaps should be paying the BMC to run the abattoir for it. If you create conditions in which the abattoir cannot be run properly and tell the BMC to run it, it is very unfair to say the BMC is losing money by running it, and I readily absolve not only this administration but

the previous administration in respect of running of the abattoir.

3.45 p.m.

That is a service and the Government must pay the BMC for that service. It is probably also a service where BMC has to subsidise the producers of certain items, and again the Government should pay the BMC. I think there is a Head under the Ministry of Agriculture's vote, Subsidies, which could pay BMC for producers' subsidies, but the running of BMC's cash affairs, the cold storage and the supermarket, we do not see as long as it is charging the commercial prices for cold storage items and in the supermarket why it should not have to bear the commercial costs, because you could not I think be trying to drive people out of business by giving it subsidies. This is why we feel that BMC must pay the economic cost of its vehicles and equipment.

Again, Sir, there are possibilities. Clearly if BMC is charged with a duty of supplying fish to country districts from a refrigerated plant, and if the Minister takes as a matter of policy the decision to do that where you know it is uneconomic, the Ministry should provide BMC with the van, not just a duty free van, but with the van. That is where I look at it, but all these matters I think are better considered by themselves as individual issues than giving BMC a privilege to buy a dozen duty free cars for its staff to drive. I don't think there is anything like that, Sir, but that can arise. That is something that is perhaps unnecessary and that is the approach which the Government is using with BMC, CBC, ADC and so on. With natural gas we are not going to charge duty on the piping which is going to be used to take natural gas all over the island in due course, because we are asking the Natural Gas Corporation to carry natural gas all through Redmans Village, St. Thomas and Haynesville, St. James and perhaps in due course Ellerton and Workmans, St. George. (Mr. TAITT: What about Westbury New Road?) If the hon. member for St. Michael South West asks nicely maybe he will get it in those parts of Westbury New Road that don't have it too, Sir, but therefore you have to see it as an element of subsidy for that, but that will be the approach of the Government in future to these subsidies. We are in fact going to be coming with a completely new Customs Tariff Exemption Order, Sir. We have reached now over 300, the last I think that have been laid in here were 304, 305 and 306. Well, I am moving to cut out 100 out of the duty free order, trim them down, reduce them and have some kind of order in our duty free privileges overall.

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

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

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

Clauses 1 to 3 inclusive were called and passed.

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

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, the Bill was read a third time.

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. R. TULL, the Bill was passed.

THE REVENUE EQUALISATION FUND (REPEAL) ACT, 1980

Rt. Hon. J. M. G. M. ADAMS: This Act, Sir, belongs to a past and very important chapter in the history of Barbados, for it was the passage of this Act that originally gave birth to the Democratic Labour Party, back in 1952, I think it was, when the then Leader of Government in Barbados proposed the establishment of a Revenue Equalisation Fund. This basically was a fund designed to provide a cushion against the fall in Government revenues considered possible in those distant days. Controversy arose between the then hon. senior member for St. George and the then hon. senior member for St. Joseph which led to the then senior member for St. George, now the Rt. Hon. member for St. John, leaving the Barbados Labour Party, founding the Democratic Labour Party along with others, losing his seat, gaining his seat, becoming Premier, Prime Minister, Leader of the Opposition and now indeed the father of Parliament, so this Act is of certain significance in the political development of our country. What is however remarkable is that although the Act gave rise to the formation of the Democratic Labour Party the Democratic Labour Party did not put an end to the Act when it came into power. 3.55 p.m.

In fact, it maintained the Revenue Equalisation Fund in being and maintained the sum of over seven million US dollars in that Fund and when Barbados joined the International Monetary Fund, the funds of the Revenue Equalisation Act were used for the purpose of buying a quantity of gold to satisfy the requirements of the International Monetary Fund. So, the Fund which at present has a balance of \$7,595,949.00 to its credit exists as a physical entity in the form of several bars of gold which we keep at the Federal Reserve Bank of New York. So, despite the long ago days of 1952 and

despite the iniquity of this Fund, the ignorance of the economist who sought to maintain it, the Fund, in the end proved to be of some utility and was kept in being, not even as an interest bearing instrument, but as the means of obtaining the gold which had to be bought on our accession to the International Monetary Fund. But, it is not proposed Sir, that any further monies be paid into the Revenue Equalisation Fund.

Indeed, I must tell you, Sir, that the fact that it is still in existence arose only because I took the trouble to read through the Laws of Barbados a few months ago, the new edition, when I received supplements. I found a number of Financial Bills which no longer served any useful purpose and we are repealing them as the occasion presents itself. We have already repealed one or two and we are now putting an end to this Bill.

The fact that the monies were invested in the purchase of gold which is held in our reserves for the purposes of the International Monetary Fund is recognised by Section Three of the Bill before the Hon. House which states that all monies standing to the credit of the Equalisation Fund should be transferred to a new account to be known as the IMF Reserve Tranche Account. So, the repeal of this Act is of historic importance only, since the money will remain carrying out exactly the same function Sir, it will continue to be represented by our gold reserve which is held in New York.

The repeal of this Act, Sir, will save the Government a few pence nonetheless because we will no longer have to go on printing it in the Laws of Barbados. It will make space for other Acts and postpone the date when we have to add yet another loose leaf binder to accommodate the increasing number of Laws.

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

Mr. SPEAKER: The question is that this bill.....

Rt. Hon. E. W. BARROW: Mr. Speaker, I have heard many justifications for a Bill, I do not think that anyone who has followed the trend of the debate in the Legislature over the past years will expect the people on this Side of the Honourable House to vote against a repeal of the Revenue Equalisation Fund Act.

A very, very long time ago, the Hon. Member said that one of the justifications for repealing the Bill would be that it will save some printing in the Laws of Barbados. The interesting thing is that the Bill does not appear in the Laws of Barbados Cap. 88, does not appear certainly in this Volume of the Laws of Barbados. All we have is the Short Title, the Introduction, if the Hon. Member would check his copy, he would find that we have the

Temporary Use, Cap. 89, The Revenue Equalisation Fund Temporary Use Bill, but we do not have any Revenue Equalisation Fund Bill in the actual Law itself, not in this Volume, I do not know if he has it in his.

Rt. Hon. J. M. G. M. ADAMS: The Hon. member's page must be missing. He would be interested to know that in my copy of the.....

Mr. SPEAKER: On what does the Hon. Member rise?

Rt. Hon. E. W. BARROW: I asked him a question, Sir.

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation on my Speech, Sir. He would be interested to know, Sir, I get these problems too, my copy of the Laws of Barbados does not have the first four pages of the Income Tax Act and there are some fairly important pages in there. The Temporary Use Act will also not be published again because I think that it is considered that this is spent. When the original Act is repealed, I am advised that that is spent. I just thought that I would mention that.

Rt. Hon. E. W. BARROW: I understand that the main stricture which the Hon. Member who has just sat down had against the people on my Side, against me in particular was that we did not repeal it. Well, our stand on the Revenue Equalisation Fund was a very simple one. If you go back and examine the Revenues of Barbados, at the time when the Revenue Equalisation Fund was established and the justification being advanced by the persons in authority, there was no Minister of Finance then, this Revenue Equalisation Fund was the brainchild, as far as I can remember, of Sir Alfred Savage who was then the Officer administering the Government of the country. His idea was that out of your Revenue surpluses every year, you should set aside a certain amount of money for what he chose to call a rainy day and a Minister of Government came into the Honourable House and repeated that nonsense and of course, he was attacked for the nonsense which it was and the economic fallacy which it continues to be.

Now, I cannot tell you offhand Sir, what the total revenue of Barbados was when the Bill was passed, but it was passed some time prior to 1956 or 1957. In 1961 the total Government revenue in Barbados was \$24 million, in 1951, the total Government Revenue of Barbados was between \$10 million and \$11 million, so if we do a little extrapolation between 1961 and 1951 and it was \$26 million, you say that it had an annual growth rate probably of \$1.6 million, so that in six years, the total Government Revenue, at that time could not be \$17 million.

There was no development taking place in Barbados and our point was this, that if you have revenue surpluses which you should not have in the state of the economy and the level of unemployment which prevailed at that time, that this money should have been used for developmental purposes, rather than being invested overseas against some — I would not like to call it mythical — but, some kind of rainy day as they call it, as if Governments have rainy days, some kind of rainy days when, meaning inferentially, that when the Government Revenue fell short of Government Expenditure, that you would draw on this Revenue Equalisation Fund, in order to accomplish the sublime mathematical wizardry of balancing your Budget.

4.05 p.m.

That sums up the whole situation in a nutshell. The point is that at that time no development was taking place in Barbados and what we were saying then as we are saying now is that instead of accumulating surpluses and putting part of this surplus aside for the Crown Agents for Overseas Territories, then the Crown Agents of the colonies to invest as they like, the money should have been invested in Barbados. It is as simple as that.

Government revenue is only, as I said, \$15 million to \$17 million. The level of unemployment in Barbados is much higher than it has been subsequently. I am not speaking about today, or at anytime there was no development taking place in the country. There was no public borrowing of any magnitude taking place or at all and we said that if we had Government surpluses in those days it only meant that you were over-taxing the people and having over-taxed them instead of investing the money in Barbados they were taking the money and sending it to outlandish places which I would not even go into now, or to invest the interest to development overseas so the whole idea of equalising revenue from surpluses in one year is something which no Government in the 20th Century in its right senses go in for.

This, of course, was inspired by the officer who was then administering the Government of the country. He was a Senior Civil Servant and this idea of what should happen to Crown Colonies although we were not a Crown Colony. Indeed the other stricture which has been levelled is that we did not repeal it. What is important is that we did not add to it because that will be compounding the felony. What we did was to use the balance which we found in the Revenue Equalisation Fund for departmental purposes. It was as simple as that and if you look at Chapter 89 of the Revenue Equalisation Fund (Temporary Use) Act you will find that that Act gave the Minister power to borrow the whole or any part of the fund and apply the same towards any of the purposes specified in the Schedule to the Public Loan Act, 1955 and the Public Loan Act of 1957, and then Part II says that notwithstanding anything in the Revenue Equalisa-

tion Fund Act the Minister responsible for Finance may borrow the whole or any part of the Revenue Equalisation Fund and apply the same towards any of the purposes specified in the Public Loans Act of 1961 so those two amending bits of legislation which gave the Minister power as he always should have had to use the Revenue Equalisation Fund in the same way as you would use any part of the assets of the Government of Barbados standing in the Consolidated Fund and the hon. member said we did not repeal it. What did he want us to repeal it for, to waste a lot of time like we are wasting here today?

When we repeal the Revenue Equalisation Fund Act, the Revenue Equalisation Fund is the most fair of the Acts itself. Nobody puts any money in the Equalisation Fund today probably for the simple reason that you do not have Government surpluses that you can divide in half and put 50% down and hold the other 50% because you can give it to the people overseas to invest in their development. Nobody in their right senses, not even the Minister himself would venture to do a thing like that or anybody on this side over here so the Minister justifies bringing this by saying that we did not repeal it and that at least we would save the paper that it has been printed on. We have already saved the paper over here because it does not even appear in my volume of the Laws of Barbados and I do not even miss it.

Nobody goes to the Revenue Equalisation Fund. Nobody puts any money in there so as far as we are concerned you are pushing an open door and it has taken all of these years, over 20 years, to recognise the good economic sense that we were preaching as far back as 1955 and whenever it was. All of this time, Sir, 25 whole years to realise that the Revenue Equalisation Fund was something that was not really fit and proper for developing countries like Barbados.

Rt. Hon. J. M. G. M. ADAMS: I am glad that the hon. member has had the chance to make a speech of some historical importance and I hope that the University students will study it or that they would be properly informed when they come to write the origins of the Democratic Labour Party because unlike the Political Parties in many West Indian Islands the basis of disagreement was not of a personal nature or exactly personal and in due course the Barbados Labour Party intends to publish the actual Minutes of the Party Executive, 1952/53 right up to 1955 when a lot of these matters were being discussed which gave the various views put forward at Executive level.

The hon. member, however, is mistaken in saying that we have taken over 25 years to see the uselessness of the Fund. We have not been in power for 25 years and the Fund has only been useless since the IMF. It has only been redundant since we joined the IMF because the Fund was kept in existence evidently for the rainy days

of the IMF. It had an existence up to that time. It has only ceased to be useful since then because at that time it was used to buy the gold and thereafter no resort was had to it.

Various bills providing its temporary use were passed abstracting money from the Fund for one reason or another but it only came to an end at that stage but I am obliged to the hon. member for the view expressed in 1952. Of course, it is arguable that the question of reserves and surpluses have naturally changed radically since the existence of the Central Bank because you can invest as much as you want abroad now which in fact is desirable that you have money to invest abroad since you have no difficulty in creating money to correspond with your foreign assets to provide for development at home.

In fact, economics have moved on since 1952. It has moved on to the extent where you want to have a lot of money outside of your country as a means of backing developmental programmes that you may have at home. The Fund had its difficulties representing political controversy in Barbados. It would be impossible for me to say that it is useless. It was used for many developmental projects. Without the Revenue Equalisation Fund the crash programme of 1951 would not have been possible.

The Democratic Labour Party Government Development Programme between 1961 to 1970/71 would not have been possible and without the existence of the Fund the Government would have had to acquire assets from elsewhere in order to purchase the minimum subscription in the International Monetary Fund. That is now done, Sir, and I think we can close a chapter with all of these matters.

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

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

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

4.15 p.m.

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

Clauses 1, 2 and 3 were called and passed.

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

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

**THE HOTELS AND RESTAURANTS (SALES TAX)
(AMENDMENT) ACT, 1980**

Mr. SPEAKER: Order No. 9 stands in the name of the Rt. Hon. Prime Minister, to move the second reading of a Bill to amend the Hotel and Restaurants (Sales Tax) Act.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this is a Bill which has been made necessary as a result of certain facts drawn to my attention by the Commissioner of Inland Revenue relating to the collection of sales tax. It does seem that some places of entertainment which are fully within what used to be called the mischief of the principal Act do escape the payment of the sales tax.

Mr. GREAVES: Mr. Speaker, on a point of order, this Bill which the Prime Minister is introducing now is one which when members of the Opposition came in today was among a number of other Bills including the Drug Act which were left here, and we have had no time to look at them, and I do not think, Mr. Speaker that we should be proceeding on a Bill which has not really in truth and in fact been circulated. A whole set of Bills have been put here on the table in front of us and we were not aware that these are going to be done today, and I think this is a matter which I would want to draw to your attention.

Mr. SPEAKER: Do I understand the hon. member as saying that it was circulated only today?

Mr. GREAVES: Yes, Sir. This was among a set of Bills which were found here when we came in today.

Hon. L. S. CRAIG: Mr. Speaker, this is like cold soup warmed up — the old story of the printing of the Bills and these things which come down late. What the hon. member is raising objection to is something with three little clauses to add "discotheque" and to change the word "and" to "or". You mean you want to be heard! The day when you had the opportunity to deal with the Insurance Act and you wanted the Prime Minister to bring down all the files in the world, you did not come back and now with a little thing, a little more than two minutes to change a word from "and" to "or" you are saying you did not receive this early. (Mr. GREAVES: It is a matter of principle.) Principle what? The Leader of the Opposition is well aware of the fact that there are always problems at the Printery because of the volume of work they have to do. You are well aware of that.

Rt. Hon. E. W. BARROW: I am aware that there are problems, but at no time when I was on the other side and anybody here objected to the late circulation of Bills did I ever oppose it. If we had received this Bill last night, I said that members could stay awake a little late and look at it, it is such a short Bill, but when we come in here in the middle of a debate or right after prayers or before prayers and then we see a bundle of papers put down here, you do not expect us to look at these during lunch time. I am sure His Honour has not had a chance to see them properly yet. He is as surprised as we are; so there is no need to get hot under the collar on this thing. As a matter of fact, we have allowed three small ones to go through, but we certainly could not do the Drugs, and this one we have not studied the implications of or any of the others. You are only repeating, as you say, cold soup when you tell us about the Printery but the Debates Committee will have to do something about that. You have the Printery now under control. I think I made my point.

Hon. L. S. CRAIG: It is not really correct for the Rt. Hon. Leader of the Opposition to say that they never opposed. That is not true. I would say you never used to be in the House that often. You used to be away getting your battery charged.

Rt. Hon. E. W. BARROW: The hon. member cannot say I never used to be in the House. He can say that when I was in the House I never opposed it; that would be more accurate.

Hon. L. S. CRAIG: We know well enough on this side.
4.25 p.m.

Mr. Speaker, you sat on that side of the House before and you had to get up in here and beg them not to carry on with very heavy packages of legislation. I can agree with the principle that you are a victim because you only received them today, but that is nothing to shout about.

Mr. SPEAKER: My only concern in this matter is this, that I very much regret that the Government did not give an intimation earlier in the day that they intended dealing with this particular matter. This is my only regret. As far as I am concerned, I can see nothing in it to prevent it from being done today, but my only regret is I feel that Government ought to have given an intimation earlier in the day that they intended dealing with it today.

Hon. L. S. CRAIG: Sir, as Acting Leader of the House I would like to apologise to the House for not intimating earlier in the day that I intended proceeding with these Bills. I hope the Opposition would accept that.

The Revenue Equalisation Act was in the same position but you did not object to the printing. (ASIDES).

Mr. SPEAKER: Do not let us have any cross talk, don't waste the time of this Hon. House. That is my plea.

Mr. TAITT: Mr. Speaker, the fact is that three of the Bills which were in the file have already been done. To show the good faith of the Opposition, we were aware that those were in the pile but we recognised that what was involved in the package of those Bills did not require a great deal of thought. For those reasons we did not object because we assumed that the Government on the other side would be dealing with those which would be peripheral. However, Sir, if Your Honour looks in the pile you will see that there are some of them, including this one, which have implications relating to what happens outside. They are bringing into the tax net, although it is only in a few clauses, as I understand the Prime Minister when he started to introduce it, they are bringing into the tax net some funds and we would merely like to discuss the implications of it. We cannot do that if we find them here. It makes no sense for the Acting Leader of the House to behave in what Barbadians call a "horse-stylish" manner, it is unnecessary. We are hon. members of this House, we have tried to be reasonable and now the hon. member is behaving as if we are blocking the Government from doing its work.

Hon. L. S. CRAIG: All that I am saying is that it is a simple amendment. (Mr. TAITT: It is not simple). Are you going to talk about the amount of tax relief we gave to people for December and just last month? Do you mean with a 40% cost of living inflation during your time? Is that what you are talking about? (Mr. TAITT: And we brought it down to 2%). Would you like us therefore to suspend the House for 15 minutes or half an hour? You call the shots, you are the Government.

Mr. SPEAKER: I would say to the Acting Leader of the House that this is now a waste of the time of this Hon. House. What the Acting Leader is now attempting to do ought to have been done in the respective Chambers of the Acting Leader and the Leader of the Opposition or somewhere outside and not inside here. This is not a matter that this House must now decide, we should come here well knowing that we are either going to do it or not do it, but do not waste the time of this House carrying out matters that could have been dealt with by a telephone conversation or something, but I am not to direct this, but I will just see that the time of this House is not wasted on matters of this sort.

Hon. L. S. CRAIG: Mr. Speaker, as long as I am on my feet at no time have I wasted the time of this House and I do not like your remark about wasting the time of the House. What I would say, Mr. Speaker, is that Parliament can pass any legislation and the only thing

Parliament cannot do is to make a man, so if we decide it across the floor of the House or outside it does not matter, there is no wasting of the time of the House as long as I am Acting Leader of the House. I am requesting of the Leader of the Opposition if we can adjourn for 15 minutes or half an hour so that he can look at it and then come back. I am willing to make a concession.

Mr. SPEAKER: An objection has been raised in dealing with this matter today. I am saying this, that what we are now taking the taxpayers' time and dealing with is not something that can be dealt with in this House. We come in to debate matters, to pass laws, not to argue among ourselves whether we could give one side or other five minutes, 10 minutes or 15, this is not for this House. Such arrangements ought to have been made outside and we are definitely wasting the time of this Hon. House.

Hon. L. S. CRAIG: Sir, I think you know I have the greatest respect for you while you are in the Chair, and as far as that remark about wasting the time of the House is concerned, let it stay there. As Acting Leader of the House may I remind you, Sir, I do not waste the time of the House and I am not happy when you say that I am wasting the time of the House while I am Acting Leader of the House.

Rt. Hon. J. M. G. M. ADAMS: If hon. members really have any idea of the amount of work that has to be done in this House between now and the end of next week they really would not ask us to put off this one. The Drugs Bill is a major piece of legislation, we will be passing the Corruption Bill, we will be seeking to pass two amendments to the Constitution and a major Tenancies Bill by a two-thirds majority, there is a timetable which the Government has to the end of next week. We will have to come back on Friday, Tuesday and Friday of next week, and honestly, Sir, I am really not prepared on something which has met with all the requirements of the law and the rules, it has been gazetted — because it cannot come out in this form unless it has been gazetted — it has been given a first reading in the proper time and it has been in the hands of members since morning. It really is not a long Bill. Let hon. members ask what they want to ask.

Mr. Speaker, I wonder if hon. members remember my experience when in 1973 a decisive Act was taken in the direction of run away inflation in Barbados when the Customs duty on over 790 different articles was raised in a document thick like that was put in our hands at lunch time and we were told to debate it all in one day, and you are telling me that night clubs, discotheques or similar places and changing "food and beverages" to "food or beverages" is something this House must adjourn to do? Let us be serious with ourselves, Sir. Once you are sure that the rules are in order, that it can be done within the rules, and once the Leader of the House has not

received an intimation that the Opposition is not in a position to proceed with it — because as far as I am concerned the only intimation that I have had on that is in respect of drugs.
4.35 p.m.

They did Revenue Equalisation, they did the Customs Act which had more in it than this, they could not have known what was going to be in the Customs Act. They did those things — really and truly, Sir, they have not said anything about this, I might go along with them about the drugs and let us deal with that on Friday, I know that the Hon. Minister of Health is not with me, but that would be my personal view, I am not trying to dictate what the Hon. Leader of the Honourable House, the Hon. Leader of the Opposition, or, Mr. Speaker should do with that, but I really could not see, I mean I am not seeking — I do not think that the Hon. Member for St. George South is seeking to deal with the Resealing of Probates, or Registration, maybe he is, maybe he is not, but this is a Revenue measure. It is urgent that it be passed, there is a time table attached to it, it has to be passed in the Honourable Senate on a particular date, in order to be in operation by a particular time. The Inland Revenue is depending on it.

We should have had it before the recess, we did not have it before the recess and we have to hustle and get it done with now, Sir. It is a simple Bill, it has been discovered that there is some unfairness as between certain places of entertainment. Some discotheques which are contained inside hotels, you have to pay the Sales Tax if you go in there. Some which are outside, you do not have to pay it, some nightclubs have stopped serving food, or they say that they do not serve food.

Mr. SPEAKER: Mr. Prime Minister, the Bill is not properly before the Honourable House and I cannot have you debate it.

Rt. Hon. J. M. G. M. ADAMS: I am sorry, Sir, I thought that Your Honour said that the Bill was properly before the Honourable House. I am very, very sorry. I have obviously been under a misapprehension. I was of the impression that it had been given a first reading and gazetted and therefore, it was properly before the Honourable House. I am sorry, Sir, I really am. I have misunderstood Your ruling. I think that the Acting Hon. Leader of the Hon. House must have too, Sir. Well, if Your Honour rules, it cannot be dealt with.

Mr. SPEAKER: I am not saying that is cannot be dealt with, but an objection has been raised. I regret to have to say that there was a time when the Opposition did not exist in this Honourable House. I regret having to mention this now. There was a time when an Opposition never existed. But, I must take note of the fact that an objection has been raised on this occasion.

I am to hear the Acting Hon. Leader, to explain away the situation, but I warn that in this Honourable House, time must be seen to be precious and homework must not be done inside this Honourable House, homework must be done at home.

Hon. L. S. CRAIG: Sir, Item Number Nine is the Instant Order of the day.

Rt. Hon. E. W. BARROW: Mr. Speaker, on a point of order. I think that it has been draw to the attention of Your Honour that the documents relating to Item Number Nine were laid in front of the Hon. Members after the Honourable House sat today and we, on this Side, have not had an opportunity to discuss the implications, therefore, objection is being taken to its being done at this stage and the Hon. Member comes back and repeats the same Order Number Nine. I am now formally making objection of this.

Mr. SPEAKER: You are merely now repeating the complaint of the Hon. Member for St. Lucy.

Rt. Hon. E. W. BARROW: Because he repeated that Order Number Nine be the Instant Order, if he had not done that and I kept silent, Sir, the question would have been put. If he had not continued in his obduracy, Sir, I would not have had reason to raise a second objection.

Hon. L. S. CRAIG: Mr. Speaker, there is an objection raised, as Acting Leader of the Honourable House, I call Government Business, Item Number Nine. It has had its first reading, it has been gazetted, the Government wishes to proceed with this particular item Sir. I now await Your Honour's ruling.

Hon. Miss B. A. MILLER: I beg to second that.

Mr. SPEAKER: I seem to believe that a mountain is being made out of a molehill.

Hon. L. S. CRAIG: All I can do Sir is do my duty. I move that Item Number Nine be the Instant Order of the Day — and that Government Business — it has been seconded, it is now for you, Mr. Speaker, to call the Order which I have moved and let us proceed with the Bill, Sir.

Mr. SPEAKER: It is to be regretted that an Item such as this is creating such an unpleasant atmosphere in this Honourable House at this time. The Government's Programme must be carried through.

I will not try to teach anybody, or to give the impression that I am trying to teach anybody on any Side, how to pursue their respective tasks.

I still feel that the Acting Hon. Leader of the Honourable House owes much more to this Honourable House, than we have seen today. Nevertheless, I accept the motion because the Government's Programme must be proceeded with. Item Number Nine.

Item Number Nine was called — To move the Second Reading of a Bill to amend the Hotels and Restaurants (Sales Tax) Act.

Rt. Hon. J. M. G. M. ADAMS: This is a very short and simple Bill, Sir. It has been drawn to the attention of the Commissioner of Inland Revenue who is responsible for collecting the Hotel and Restaurant Sales Tax, that there are a number of places which, either because they do not serve food and drink, or because they do not serve food, are escaping a tax which was meant to apply to them. They would serve food, in the general restaurant sense, in other words, they have not got Restaurant Licences, although they may serve a snack, or a toasted sandwich, or whatever.

4.45 p.m.

Some discotheques inside hotels are caught by the Act. Some discotheques outside hotels even though their clientele may be exclusively touristic are not caught by the Act. The Government does not intend, and I repeat "not" to impose taxes on such places as the Democratic Labour Party Auditorium, the Barbados Labour Party Dance Hall, the Casinova Club or the other Clubs, the Liberty Sports Club, or others, if that is what is worrying hon. members. Those places are clearly places for the entertainment of Barbadians at weekends. They do not have bills, Sir. They do not keep cash registers. They are no more intended to be caught by the Act than the places in Baxters Road about which so much was said when the Bill was originally passed.

What is intended, Sir, is to make sure that all of the high powered businessmen attached to Tourist Establishments frequented by tourists, by well off persons are included. We all know the types of places of which we are speaking and really, Sir, do not have to spell out their names. It is not intended to catch votes.

This thing about food and beverages, Sir, this is another matter out of caution for making things abundantly clear. I personally think that "food and beverage" that the "and" is disjunctive anyway but so as to make it clear to people who are not Lawyers we want to change it to "food or beverages" or both so that places which say well we only sell a drink and not food and we only sell food and not drink will not be able to escape. It is really a simple Bill, Sir.

This Bill is not going to put any burden on the people of Barbados. It is going to make the work of the people who are responsible for collecting the Hotels and Restaurants Sales Tax very much easier. The Hotels and Restaurants Sales Tax so far this year has yielded 30% more revenue than last year and that revenue comes in the form of foreign exchange. These Sales Taxes when paid by the tourists help Barbadians themselves to buy things they like because they contribute to our foreign reserves.

The thrust of the last Budget was away from taxing the articles which ordinary people consume or on services that ordinary Barbadians use. I have heard so much about the Consumption Tax and the extra taxes that we have put on. I have not heard anybody, not even the Government Information Service point out that the Consumption Tax Act reduced the Consumption Tax on virtually every item to which it had formerly applied, that the actual incident of the tax fell on such things like bottled gas. I hear everybody talking about Corned Beef and we spend more money on bottled gas than we spend on Corned Beef. A bottle of gas was reduced to a price in the Budget and I have not heard anybody saying anything about that.

Refrigerators — we have spent more money on refrigerators than I believe we have spent on typewriters and the tax on refrigerators was lowered while the tax on typewriters went up in the Budget and in the same way, Sir, we would be losing our thrust if we allowed Tourist Establishments which are intended to be taxed by this Bill to continue to operate without a Sales Tax. The 8% Sales Tax is intended as a levy on the tourist who come to this country and it was a wise and good tax introduced by the former regime and it continues to be a wise and good tax maintained by the present regime. It is a way of charging people for the maintenance of law and order and charging people for the work Parks and Beaches does in cleaning the beaches and making Barbados a beautiful place to live in. That is what this tax is all about.

It will affect Barbadians very little and those Barbadians who are affected by it, I must say like myself, because I am known to have resorts with discotheques, night clubs or other places for entertainment from time to time. I do not think I am too old yet not to go into these places and I have had the pleasure of seeing the Leader of the Opposition in them as well, Sir, and I think that we can afford to pay these taxes.

It is really quite a simple matter and I much regret that it has occasioned so much discussion and confusion in here. It may not be a major amount in terms of taxes but is regarded by the Commissioner of

Revenue that it is an important record of ensuring recovery of the 8% Sales Tax which is in itself a tax for the tourist trade, fully accepted by the tourists who come from Europe, the 15% to 18%, and in North America where the Sales Tax is not only invoked at State level but at State level in most municipalities throughout the United States and I believe also in Canada. It is a very well accepted tax and we are extending coverage in a very limited way.

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

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

The question that the Bill be now read a second time was put and resolved in the affirmative, the House dividing as follows:—

Ayes: Rt. Hon. J. M. G. M. ADAMS; Hon. L. S. CRAIG; Hon. L. B. BRATHWAITE; Hon. L. R. TULL; Hon. Miss B. A. MILLER; Messrs. ALLEYNE; WARD; SISNETT; Hon. C. L. BOLDEN; Hon. DeL. BRADSHAW and Mr. ODLE. — 11.

Noes: Rt. Hon. E. W. BARROW; Messrs. GREAVES and TAITT. — 3.

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

Clauses 1, 2 and 3 were called and passed.

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

On separate motions of Hon. L. S. CRAIG seconded by Hon. L. B. BRATHWAITE, the Bill was read a third time and passed, the House dividing as follows:

AYES: Rt. Hon. J. M. G. M. ADAMS; Hon. L. S. CRAIG; Hon. L. B. BRATHWAITE; Hon. L. R. TULL; Hon. Miss B. A. MILLER; Mr. ALLEYNE; Mr. WARD; Mr. SISNETT; Hon. C. L. BOLDEN; Mr. BRADSHAW and Mr. ODLE — 11.

Noes: Rt. Hon. E. W. BARROW; Mr. GREAVES and Mr. TAITT — 3.

RESOLUTION TO COMPULSORY ACQUIRE LAND AT TUDOR STREET AND SOBERS LANE

Mr. SPEAKER: Order No. 6 stands in the name of the Hon. Minister of Lands and the Environment to move the passing of a Resolution to approve the compulsory acquisition of lands at Tudor Street and Sobers Lane for the provision of a Youth Centre.

Mr. SPEAKER left the Chair and Mr. DEPUTY SPEAKER took the Chair.

Hon. L. S. CRAIG: Mr. Deputy Speaker, in keeping with Government's policy, to bring recreational facilities to the youth of Barbados, this is an acquisition for a small portion of land at Tudor Street which was formerly Youth Town and the property of a Mr. Foster and another property of Mr. Spencer.

The purpose behind this Resolution is that Government is examining the area where Youth Town originally was to purchase the land and upgrade the facilities which are in keeping with Government's policy. At Murphy Pasture, Mr. Deputy Speaker, work is underway for the construction of a playing field and hard court, and a pavilion is also going to be built at Murphy Pasture, and I believe history would recall that no Government in Barbados has ever done as much for sport as this present Government in a period of four years.
5.05 p.m.

The setting up of the National Sports Council was the beginning of allowing the young people the opportunity to pit their skills against each other on evenings after work, to give the youngsters, both boys and girls, at school the opportunity to have that competitive spirit, and I believe that out of Youth Town we have seen some of the finest table tennis players, some of the finest cricketers, some of the finest footballers, some of the finest weight lifters who came from the areas around the City. Credit has been paid to Darcy Beckles on the floor of the House, and I believe publicly, for his outstanding contributions in the field of sport, and this Government must be congratulated along with CBC and the administration of the Table Tennis Association, headed by Mr. Keith Morris, for doing everything in their power to bring the Chinese coach to Barbados and therefore putting on the fine edges to bring Robert Earle into the limelight of being the Caribbean Table Tennis Champion. If I am not mistaken, Sir, Earle is another of the Youth Town boys, I am told, and all this in spite of the last administration allowing Youth Town to deteriorate completely.

It is an old building owned by the Church, there were no facilities in the City of Bridgetown, no auditoriums, nothing at all apart from the Y.M.C.A. where the young boys and girls would go and play. The Government therefore set about to acquire these pieces of

land for the purpose of rebuilding Youth Town, and along with the facilities at Murphy Pasture, I am quite sure, Mr. Speaker, that we will all be happy to see many more Robert Earles, Beckleses, Soberses and people of that category.

I am therefore happy to associate myself with the acquisition of this land for the resurrection of Youth Town under the capable Ministry of Senator Don Blackman who is doing an outstanding job in the field of community services.

I think, Mr. Deputy Speaker, it is fair for me to say, although I do not have the exact figures with me, that the last administration in 15 years built a pavilion for recreational purposes at Bayville. They built one at Bagatelle, one at Grazettes or Eden Lodge, one at Blenheim in My Lords Hill and one in Gall Hill, St. John. That is seven in 15 years. This present administration in four has one at Farmers in St. Thomas, one at Dover which Mr. Peter Morgan had promised for 10 years, one at Sion Hill, St. James, one at Chapel, Church Village in St. Philip. They held both those seats in St. Philip for a number of years and never gave them anything. One at Wildey and one in St. Peter at Warleigh. That is six pavilions and the upgrading of the grounds in four years as against seven that they built in 15. Now what is under construction is one at Wotton and one at St. John the Baptist. They had to give me a little play in between because it is going to be very difficult with me in St. James, things are going to be a little tight and I do not know if the Leader of the Opposition would like to take up a little challenge that he can leave St. John knowing that that is safe and settled, that that is his seat for life, so he can come to St. James and see what he can do. Do not send anybody in St. James to get beaten, you can come yourself.

We had hard courts constructed at Deacons Road, one is under construction at Wotton, hard courts at Princess Royal, hard courts at Wildey and at Parkinson, one at Holy Innocents. All these facilities we have given the young people of this country in four years and I think it is a record worth mentioning in the light that after 15 years the now Opposition can only point to seven pavilions as compared to us in four years, and therefore, Mr. Deputy Speaker, I am particularly happy to introduce this Resolution acquiring these parcels of land at Tudor Street for the people in the City. I suspect too that they are going to get an auditorium in the City, I have a sneaky feeling something is going to happen very very soon somewhere in this very Bridgetown about a gymnasium and that will be the contribution of this Government as far as recreational facilities are concerned in the City of Bridgetown.

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

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

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

THE HOUSING (AMENDMENT) ACT, 1980

Hon. L. S. CRAIG: Mr. Deputy Speaker, this amendment before the House will amend the Housing Act Cap. 226. You yourself are familiar as Chairman of the National Housing Corporation with the problems which we have had and you would know that we have been able to reduce a number of these problems so that we can now give conveyances to people who purchased houses through the National Housing Corporation.

The Act therefore sets out, Mr. Deputy Speaker, to be amended whereby a simple statutory form of conveyance can be used by the Chief Legal Officer of the National Housing Corporation, and the sole purpose behind this amendment is to save the person who is purchasing a house or land from the National Housing Corporation thousands of unnecessary dollars paid to other lawyers in Bridgetown. For example, Sir, let us take a house for about \$30,000. The purchaser must look for \$3,000 as the down payment to the NHC and they get a 90% Mortgage from Mortgage Finance. It is amazing to know that in some cases the actual work done by lawyers in Bridgetown for that person is something in the vicinity at times of as much as \$2,500 to \$3,000.
5.15 p.m.

For what? I do not know. I am told that all they have to do is to put in the person's name maybe the date they were born, their occupation, I do not know, Sir, but I am told that it is no more than ten or twenty minutes in work but, it costs that poor working man out there sometimes as much as \$2,500.00 to have his property conveyed and worst of all, it does not allow the National Housing Corporation to collect the outstanding money because of the time factor, the great delay which you have between the lawyers in Bridgetown and I am saying again, on the Floor of the Honourable House, that many of the lawyers in Bridgetown are responsible for the high arrears owing to the National Housing Corporation because they would not do the work. I do not want to call anybody's name, but I think now that the Hon. Leader of the Opposition is back as a Legal Consultant, that he would hear of this type of behaviour in Bridgetown and the Act therefore, sets out; I say Legal Consultant because of the chlorodyne business. Three English Lawyers, Asquith Phillips and Maurice King are not good enough.

Mr. DEPUTY SPEAKER: Order, please.

Hon. L. S. CRAIG: Not even Sir Lionel Luckhoo could get into this Sir. This is big work, big friends, big money, big work for a big man.

It is therefore necessary, Mr. Deputy Speaker, to introduce this Amendment to the Act primarily to make sure that:

- (a) you reduce the cost of the purchaser through the legal work which is done by the legal boys in Bridgetown;
- (b) to make sure that much more money can be collected from these people by the National Housing Corporation, so that we can carry out our commercial programme.

This is the thrust behind this Amendment, Sir. We have examined this very carefully, we have tried to make sure that there is no conflict of interest with the Legal Officer, by putting in certain Provisions in it and therefore, Mr. Deputy Speaker, I beg to move that this Bill be now read a second time.

I am quite sure that when it receives the approval of the Honourable House, Mr. Deputy Speaker, I am quite confident that the National Housing Corporation can set about collecting the amount of millions of dollars which they have outstanding over the past years, Sir.

It is unfortunate that there are a number of people who are living in the Eden Lodge and the Lodge Hill area who only paid a deposit on a house, I think that it was \$2,000.00, they have never paid a single cent since and they are living in there now, for the past five to six years. Some of them are not qualified to get their mortgage and that is really problematic, as far as I am concerned because I do not know what to do with these people who were put into the houses without having the property conveyed to them. I do not know, I am trying to get advice from the officers in my Ministry, before I can come to a decision, before you hear that I put people out of houses. I am not here to put them out, I am here to keep them in, but something has to be done because it would not be fair for one person to have a house for \$30,000.00 and only paid down a deposit of \$3,000.000, not another cent and in some cases, would not even pay a kind of tenancy rate which was introduced to keep them going, but the other persons have paid all of their monies. It is a very impossible situation which must be rectified and which was created by the Hon. Minister of Housing in the Democratic Labour Party Regime. I do not mean Ambassador Mapp, I have to be very careful there.

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

Hon. DeL. O. BRADSHAW: I beg to second that.

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

On the motion of Hon. L. S. CRAIG, seconded by Hon. DeL. O. BRADSHAW, Mr. DEPUTY SPEAKER left the Chair and the Honourable House went into Committee on the Bill, Mr. ODLE in the Chair.

Hon. L. S. CRAIG: I must confess, Mr. Chairman, I am a little wobbly, the mind is really boggling today with the non-performance of the Opposition. I am not really on my toes and you must pardon me, Sir, when I asked the Hon. House to have the Bill read a third time Sir.

I beg to move that Clause 1 — stand part.

Hon. DeL. O. BRADSHAW: I beg to second that.

The question that Clause 1 stand part, was put and resolved in the affirmative without division.

Clauses 2 to 6 inclusive were called and passed.

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

The Second and Third Schedules were called and passed.

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

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

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this House be suspended until Friday, the 19th September, at 12 noon.

Hon. DeL. BRADSHAW: I beg to second that.

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

On Resumption:

Mr. DEPUTY SPEAKER: This sitting is now resumed.

THE PROBATES AND LETTERS OF ADMINISTRATION (RESEALING) ACT, 1980

Mr. DEPUTY SPEAKER: Order No. 11 stands in the name of the Hon. Attorney General, to move the second reading of a Bill to make new provision for the resealing in Barbados of probates and letters of administrations and instruments having similar effect granted outside Barbados and for related matters.

Hon. H. deB. FORDE: Mr. Deputy Speaker, the purpose of the Bill before the House is to make up-to-date provision whereby grants of administration or representation made in a jurisdiction overseas may through a straightforward procedure be given effect in Barbados, whereby normally part of the estate of the deceased may be found without the need for the personal representative to spend time and expense in seeking out a fresh grant of administration.

I set out the purpose in this way because I think it is necessary to say that we are trying to update our legislation to accord with similar legislation which has been passed in other Commonwealth jurisdictions. If I may put it simply, Sir, where a person dies leaving property in a country overseas as well as in Barbados and the testator's executor or in the absence of a will the testator's administrator proves in the estate overseas, it becomes necessary in the absence of legislation such as this for a fresh grant to be taken out in our own jurisdiction.

The 1977 Commonwealth Law Ministers' Conference Meeting in Winnipeg had before it a very detailed study of this problem done by Professor Patchet and one other expert, Professor McClean who was Professor of Law in the University of Sheffield, and considered what provisions had been made in the laws of Commonwealth countries including our own for the recognition and enforcement of judgments and orders including the recognition of grants of probate and letters of administration, and their conclusion was that the legislation in most of the Commonwealth countries particularly the newer Commonwealth countries was defective. Subsequent to the 1977 meeting, the Commonwealth Secretariat arranged a series of regional meetings and one such meeting was held in Basseterre, St. Kitts, between 24th and 26th April, 1978. It is out of the Report then and the series of regional meetings that a model Bill has been produced which is strongly recommended for implementation within the Commonwealth jurisdictions, and we are therefore seeking to harmonise our law with the laws of other Commonwealth countries and at the same time to make adequate provision in order to reduce the

area of conflict which may occur with those countries outside of the Commonwealth. That is the full purpose of this Bill.

The existing law respecting the resealing of grants of probates is contained, Mr. Deputy Speaker, in Section 39 of the Administration of Estates Jurisdiction and Procedure Act, Cap. 242 and in the Non-Contentious Probate Rules of 1959. The principal features of this Bill have been set out of course in an explanatory memorandum which I hope has been circulated with the Bill. But they are as follows:

The privilege of resealing is given in respect of grants of administration made in any part of the Commonwealth without the need for reciprocal arrangements. That is clause 3(1) of the Bill.

In clause 3(1) the privilege is also provided in respect of grants of administration made in any non-Commonwealth country, again without any requirement of reciprocity.

In Clause 3(1) and (2) the grants which can be resealed, in addition to probates and letters of administration, include any instrument which is given like effect under the law of the country in a court of which it was first issued or filed. In addition to those made by personal representatives, applications may be made by an executor by representation, or a trust corporation or public officer appointed to administer the estate or by a person duly authorised by power of attorney, and the applicant on resealing acquires the same responsibilities as a personal representative locally appointed.

The Act contains provisions creating a requirement to advertise. This would permit persons objecting to the grant and resealing of the grant to lodge caveats and would also allow time to be given for prescribing documentation. Provision is provided requiring the resealing court to be satisfied that estate duty has been paid before resealing takes place. That is clause 3(4)(e). The necessity for this is to permit the laws relating to estate duty to be fully carried out. The task of resealing is given to the Registrar rather than the Court, but with provision for a reference to the Court by the Registrar, particularly if the applicants so requests.

An express provision is included whereby grants made by a court of a country in which the deceased was not domiciled at his death and thus where the normal connecting factor in conflicts of law is lacking, are not to be resealed unless the receiving court would under its own law have had jurisdiction to make an original grant in similar circumstances. The purpose of this is to enable the receiving country to refuse grants made in exercise of exorbitant claims to jurisdiction; and provision is also

made regulating the responsibilities of a person authorised by power of attorney to administer the estate after a successful application for resealing. That is clause 7.

Those are the main provisions of the Bill. As I said, it is one which is now perhaps going to become standard form for the Commonwealth and we may be able by such an exercise to achieve a uniformity of legislation throughout the whole Commonwealth. I am therefore recommending this Bill to the House.

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

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

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

On motion of Hon. H. deB. FORDE seconded by Hon. DeL. BRADSHAW, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLB in the Chair.

12.15 p.m.

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 take the opportunity to say that this section of the Bill calls on the Judicial Advisory Council to make rules regulating the practice and procedure, including fees and costs, on or incidental to an application under the Act for receiving. I take the opportunity to inform the Committee that we have just completed the carrying out of an exercise in looking at the rules and regulations which should have been made in Barbados under various legislation for regulating the practice and procedure of applications to the court under this legislation. For instance, Sir, we have laws that have been passed in Barbados since the 19th century and the beginning of the 20th century under which no rules or regulations have ever been made. One such Act is the Companies Act passed in 1901; not one bit of rule or regulation has ever been made under that Act. Another such Act is the Bankruptcy Act passed in 1923; not one rule or regulation has ever been made under that Act. Another such Act was the Modification of Restrictive Covenants Act passed in 1967; not one rule or regulation has been made under that Act.

I am not going to recite to the Committee the number of Bills, each Bill by name, but we have found 91 different Statutes in the laws of Barbados in which we have been operating in this country without rules and regulations for the conduct of applications to the court, etc. having been made. Obviously, that it not a satis-

factory position. In some cases what has happened is that we have adopted the English rule even when that particular rule did not make sense, and we have adapted it *pro tanto* — I want to use the phrase very wisely because I am sure when you get to some other legislation before this House you will hear about amending things *pro tanto*, like section 16 of the Constitution — but we have adapted it *pro tanto* without a procedure, and I think the profession has therefore been at a loss as to how to carry out the specific provisions of the legislation, and we have just done the first set — a major task it has been, Sir — of the Rules of the Supreme Court, they have been forwarded to the Judicial Advisory Council, and the Chief Justice appointed a special committee composed of the sub-committee of the Judicial Advisory Council to look at these rules, but the task for the preparation of those rules has fallen on my department and more specifically on the shoulders of Mrs. Betty Bourne-Hollands who was a consultant to us here and of course the Reform Section, Mr. Errol Chase, and I wish to commend them for the outstanding work done.

I am hoping that the Bar Association will give its reaction to the rules so that early in the new year we may be in a position to promulgate rules which will cover almost all the legislation under which we have never made rules for over, in some cases, almost 100 years. I think we are really and truly a law abiding country in some respects, because people have still tried to enforce their rights despite the absence of this sort of thing being done, and the reason why I am underscoring it to the Committee is that sometimes when we come down to the House with legislation and there is a typographical or other error you hear some of the most serious criticism being levelled about the Attorney General's Officers or the Attorney General, and it is not recognised the amount of work and the tremendous task that we have to catch up with the law in this country because of the absence of any systematic attempt to deal with these defects and omissions by successive Governments, and I am not afraid to say this, and I am going to repeat it on several occasions.

I think for the first time for some 100 years or so we have had any serious attempt to reform the laws of Barbados being done in the last four years. Obviously we may make some mistakes, and obviously we will try to avoid those mistakes, but I think it is commendable that without any significant increase in staff at all — in fact we have the same numbers as I had when I became Attorney General — that we are now seriously attacking this problem about taking our legislation in this regard.

I hope shortly, perhaps Sir before the end of the year, to introduce a very major piece of legislation, the Supreme Court of Judicature Bill, which would completely re-organise practice and procedure in the courts,

and the structure of the courts, where we will have a court administrator and various other offices in order to streamline the administration of justice in the court. We are suffering from various physical limitations over at the law courts in that the courts have now, particularly the Registry, outgrown the size of the physical premises made available to them, and the result of this is that we are having problems with the safety of documents and deeds, and indeed with the speedy processing of some of the matters that we have to deal with within the law courts. The Registrar must however be commended for trying to re-organise his staff in such a way as to minimise any problems that there may be, but I am hoping that come the new year — in fact not later than May I hope — the plans for the new law courts will have been completed. 12.25 p.m.

I am still awaiting the final details of drawings from the architects and engineers before we can begin construction and I am told that they should be in a position to complete at least 90% of those drawings by March next year and the Tender process to allow construction to begin possibly between May and in any event, not later than July next year.

We need these new premises, if we are to bring in new practices and processes in the Law Courts. For instance, Sir, we have a project for computerising quite a lot of the records of the courts and also to update micro filming some of the big and old documents. This is very necessary in this country, but we can only move forward with that project, when we have got new premises.

Now, I take the opportunity to advert to a matter which was aired in this Honourable House, during my absence because a lot of matters apparently affecting my Ministry, usually get aired when I am not here and when the opportunity presents itself, I will reply to them. There was a statement, I believe, coming from the Rt. Hon. Member for St. John, about missing stamps from documents filed in the Registry. It is a fact, that after the revenue had been paid its due and stamps on documents had been cancelled, some stamps were being found to be missing.

We have investigated that Sir, both the Registrar and the Police and we are satisfied that this had nothing to do with the Registry staff and it appears as though the Clerk, or Clerks of some Attorneys-at-Law — this is the advice given to me by the Police — connected with this matter. The stamps can be of no use to them now because the Registrar and his Deputy would be looking out for anybody who may try to re-use those stamps on any documents.

Again, I want to say that this is not the first time that it has happened in the Registry. Prior to my

becoming Attorney General, from all research, there have been one or two cases in which this has occurred. I deprecate this sort of thing happening in circumstances where you may hear the matter being aired and it made it appear as though the staff of the Registration Office was either negligent, or fraudulent and I am satisfied, from the information available to me, both from the Police and the Registrar, that neither fraud, nor negligence occurred, on the part of anybody in the Registry.

The Police still have the case under investigation and I hope that they will get a greater lead, that they can have some hard evidence to deal with people who will use the privilege of going into the Registry, in order to do such an act which can only be referable to scoundrels, as to remove stamps from documents.

The hon. member, my colleague from St. James asked me whether lawyers are not involved too. What I would say Sir, is that those stamps could only be re-used if a lawyer acts in consort with the person who removed them.

I am throwing out, as I told the President of the Bar Association, and let me say that the Bar Association has acted responsibly on this, they came to see me on the matter, if we do not begin to enforce the disciplinary procedures which are contained in the Legal Profession Act against errant members of the profession, we may end up bringing the whole profession into disrepute. I cannot say any more. I have told them that. I regret to say that the Disciplinary Committee of the Bar has not functioned now for about three, or four years. I have written to them, on numerous occasions with complaints, serious complaints made by people overseas in particular, and people here on these matters and I have had no proper functioning of the Committee.

About four weeks ago, I had a meeting with the new President of the Bar who is very energetic on these matters and we have agreed on a course of action, where the Bar will now appoint a full time paid Secretary, or at least, a paid secretary and not rely on a member of the Bar to deal with these matters, so that the Disciplinary Committee can function and I said to the Bar, Sir, that in the absence of this new thing proving useful, that I would be prepared to bring in the relevant legislation, to increase the fees payable by the Bar, to make funds available to them in, order to retain adequate staff to service the Legal Profession Act.

Attorneys-at-Law pay roughly \$60.00 a year towards their professional Association, that is, five dollars a month. If you take off tax and assume that they are all taxed at about 50%, that is, \$2.50 a month which is less than — divided by a day — it is certainly less than they

spend on a coke and yet, there seems to be a hesitancy on their part, to pay for running their Association properly. I am making this point, Sir, because in my view, we can only have the Law functioning properly, if we get the ready co-operation of the Bar in these matters and I am satisfied that the new Council is prepared to try to give that co-operation, instead of using the Bar as a political vehicle, as used to happen in the past, and that they are attending to the professional issues which concern the Bar itself.

Sir, I want to say therefore, that I hope that this Clause Eight, in this Bill for Rules will not only be an empty Clause, merely passed by the Honourable House and that no Rules are ever made under the Clause because what I am assuring you of, is that we are taking steps to promulgate Rules and Regulations, as called for by the Acts of Parliament, which have not been made under some 91 existing Laws of Barbados ranging from about the end of the Eighteenth Century, the beginning of the Nineteenth Century, going into the Twentieth Century and that we are doing this and we hope, that over the next four or five years, the whole process will be so up-to-date that you will never hear another Attorney General having to complain that this was the state and condition of the Laws of Barbados.

I beg to move that this Clause stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

Clauses 9 and 10 inclusive, were called and passed.

Clause 11 was called.

Hon. H. deB. FORDE: In moving that Clause 11 stand part, Sir, I just want to assure the Committee that both the Chief Justice and the Bar were consulted on this Bill and we have had very valuable suggestions from the Chief Justice, as well as, from the Bar, particularly Mr. Vere Carrington who is an expert in this field and who submitted a memorandum on behalf of the Bar and I believe therefore, that the Bill is about the best Bill for this purpose and that we have had the best available advice on the matter.

I beg to move that this Clause stand part.

Hon. DeL. BRADSHAW: I beg to second that.

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

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

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

VITAL STATISTICS REGISTRATION ACT, 1980

Hon. H. deB. FORDE: Mr. Deputy Speaker, the simple purpose of this Bill is to reform and simplify the Law and administrative procedures respecting the registration of vital statistics. I had better explain, Sir, for those persons who watch shapes and forms that vital statistics do not, for this purpose, include the shape of any animal either human or otherwise. The vital statistics means the registration in this case of Births, Deaths, Still-births, Adoptions, Marriages, Divorces and changes of Name.

I should point out to the House that there are four reasons why we have brought this bit of legislation. The first is because last year we enacted the Status of Children Reform Act of 1979. That Bill, as you will recall, Mr. Deputy Speaker, abolishes for all times in Barbados the distinction between legitimate and illegitimate children in the law and equalises their rights. Yet, under the Registration Act the procedure for registering a child borned out of wedlock is different from that to register children borned within wedlock and what we are seeking in this Bill is to adopt a uniform procedure without in anyway affecting the rights of those persons who may contend that they are not the father of the illegitimate child. That is the first reason why we are bringing this. As a reform measure it implements full equality between all the children in relation to their registration.

The second reason, Mr. Deputy Speaker, is that there is a need to simplify the administrative procedures respecting the registration of vital statistics. Mr. Deputy Speaker, it is nonsense for us in this day and age to be taking up the time of a Minister, the time of a Permanent Secretary, the Administrative Assistant and other clerical officers to correct, for instance, a late registration of birth.

If your birth has been registered late today and you want to get it re-registered you have to first go into the Registration Office, make an application to the Registrar, you then go to a Lawyer and get an Affidavit, which will cost you at least \$50 and you will be lucky in these days because I hear of an Affidavit costing as much as \$300 and \$500 for this sort of thing depending on which Lawyer you go to. You then take

that Affidavit and document and it comes up to my Ministry. It is received by the Clerk, she processes it through the Registrar, it comes to the Administrative Assistant who sometimes processes it to the Assistant Secretary, until I stopped that, and before they used to process it to the Permanent Secretary and I stopped that, and then it gets to the Minister. Now what for, Sir?

I have never known any occasion in which one has been refused. In my view it is a total waste of the time of persons. It shows that we are over-bureaucratised in many instances in our law which is unnecessary. It puts people to unreasonable inconvenience and unnecessary expense when we should have had as a simple procedure not only for registering Births but to allow late registration to be dealt with by the people most likely to be concerned about the matter, the Registrar General or the Registrar rather than having a political note in what is obviously a defect in administration or merely an omission in administration and this is not the only law.

Regrettably I would not be Attorney General long enough to deal with all of them because it will probably take me about 15 to 20 years and this is not a post for anybody to hold longer than five years and that is even too long, Sir. You let somebody else take over that sort of thing but the point is that whoever succeeds me, whenever that time comes, should continue the process of trying to look at our laws to get rid of this sort of nonsense in the law and prevent us from being over-bureaucratised. That is the other reason why we consider this Bill necessary.

Now the third reason is that we thought that we ought to centralise in one statute the registration of vital statistics. Instead of allowing the registration of Marriages and Divorces to be done in every Act we are now dealing with them under this Act and so with Adoptions there is an application to register.

The fourth reason is the need to economise on the administration and ministerial time in the administration of the system whilst improving the efficiency of the system.
12.45 p.m.

Mr. Deputy Speaker, by section 8 of the existing Act different registration systems, as I said earlier, are required in respect of legitimate and illegitimate children as they were formerly called, and we are therefore abolishing that anomaly. May I also say that we are in this Bill trying to follow the precedents being used in other Commonwealth countries who have had to reform their law in the manner in which we are now seeking to reform ours, and in preparing this Bill we have consulted several Commonwealth precedents and we have carried

out this process in particular because of a recommendation of the World Population Plan of Action which was a real population conference in 1974 which advised countries to do this in order to improve the system of civil registration.

I think it would be good, Mr. Deputy Speaker, if I may adopt an extract from a letter written to me by the Director General of the Inter-American Children's Institute to show the process of civil registration and that it may not just be dismissed as another lawyer's law. He says that from a statistical point of view one corollary of modernisation of civil registration will undoubtedly be an improvement in the quality of vital statistics in the country and consequently its demographic variables and most public health problems may be better measured. From a juridical point of view it will be of importance in furthering family organisation, and therefore the condition of the illegitimate child. As far as sociology is concerned it should prevent the existence of individuals and groups who have not been formerly incorporated into the current juridical and social system due to registration omissions, particularly that of birth and its sequelae to mal-adjustment and behavioural problems phenomena.

I think that those points which have been made are valuable points and I hope that therefore when the Registrar's Report is published annually in this House that we would have improved on the information which is available to allow planners to plan for the system. Vital statistics are essential in providing Government with a solid base for the sound planning of the social and economic development of the Island, and I think to this extent this Bill is therefore necessary.

I do not believe that members would wish me to go through each provision of the Bill since it is divided into various parts, but we have wherever possible maintained the existing administrative structure in so far as registering births are concerned. I ought however to point out to the House one departure which I think is important. We are no longer going to legislate for it to be necessary for baptisms to be registered although we will continue as a matter of practice keeping baptism records. The Church, certainly the Anglican Bishop agrees with me that it is not necessary to force people to bring both their birth certificate and their baptismal certificate, and a baptism certificate is only further evidence of the registration of a birth, and indeed Barbados is unique in Commonwealth countries in having a legal requirement for registration of baptisms. Nowhere in England or anywhere else in the Commonwealth that I know certainly can you find anything making it obligatory for a person to register a baptism in addition to registering his birth, and the reason is simple, Sir. If I do not belong to the Anglican faith, I need not be baptised, and indeed I need not be baptised in that form because I can be baptised in the water when I

am saved several years later — using the word “saved” as it is used — or at some time afterwards, so that the concept of baptism although having proved useful particularly during the time of slavery when you will find records, sometimes it is only the baptism records which would help, today where there is this form of registration, it is not necessary to have an obligation for baptism. But we will continue, and I give my undertaking, to keep within our Registry the baptismal records of those Churches which take the trouble to send that information.

Now, Sir, I may rightly be asked by hon. members what will happen where at the time of birth you did not give a name to that child. No problem, Sir. We have provided within the Act for the Registrar to alter the records in such a way as to reflect the name at the time when a name is given to the child, and therefore all you have to do is to take in the evidence and he makes the necessary change after the necessary investigation. In fact we have some problems now because at the time of registration of birth some parents register a name. They then baptise the child later, for instance, in the Anglican or Catholic Church and they change their minds about the name. They go and take the child to X school and they find that the name on the birth record does not accord with the name on the baptismal record, and they then have to go through the procedure of paying a lawyer with an affidavit and expense in order to make that change. We are getting rid of that. All you would have to do is to go in the Registry, submit evidence to him, satisfy him and that is it. We are providing standard forms to avoid people having to create expense on doing matters of this sort.

Now I want to say that our Bill is very similar to the Bill of all Commonwealth countries which have recently been updated. We have looked at the precedent particularly in England, three in fact, the United Kingdom first we have looked at, secondly New Zealand and thirdly we have looked at the law in the Province of Ontario and it is on the basis of in particular those three precedents that we have brought this legislation taking into account as well the practice and procedures in Barbados and avoiding any difficulties which may occur for people. I believe that the legislation is adequate; we will not bring it into effect until the forms and regulations are ready but I think it makes much more up to date practice and procedure than exist at present.

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

Mr. ODLE: I beg to second that.

Mr. WEEKES: Mr. Deputy Speaker, having listened to the hon. Attorney General explaining the registration of legitimate and illegitimate children, I want to say that I have great pleasure in supporting the Bill.

Mr. Speaker, in the past and presently it is embarrassing for children who were called illegitimate with their birth or baptismal certificates, and therefore when a piece of legislation of this nature comes before this House I have no doubt that it has the wholehearted support of both sides of the House.
12.55 p.m.

In many cases, Sir you get the fathers of illegitimate children who reside in other countries — and I refer especially to Canada, the USA and England — those parents in many cases would like to have those children with them in those countries, but because their names were not registered on the certificates they are not recognised and they are not allowed to enter those countries. This piece of legislation here today covers all aspects of that matter and I am sure that all of us join in commending the Government for bringing this legislation here.

It is a fact that the Act was amended some time ago and it was expected that legislation of this nature should come here after. In addition, I will also say, Sir, that the stigma which was attached to illegitimate children in the past has been corrected by bringing this legislation. As a regular church-goer I am here to state that several years ago it was the policy of the Church to baptise legitimate children on Sundays and illegitimate children during the week. This kind of discrimination was not embarrassing to the child at that time when he or she was baptised, but it was embarrassing to the parent, and especially the mother, and therefore we are happy to know that the embarrassment which children suffered in the past they will not now suffer through this change which we are about to bring about today.

I want to say that even with properties, in some cases the deceased did not make a will, he died intestate, he might have had a number of legitimate children and also a number of illegitimate children, but because of the law in those days the legitimate children were entitled to all of the deceased's property and in many cases they never gave the illegitimate ones one cent. In some cases fathers died and left small children, but because they were not lawful ones they were not given any kind of assistance, they did not share any part of their fathers' estate. Consequently you had to apply to the Board of Guardians for those children — in these days it would be called the Welfare Department — and therefore, Sir, when we consider the embarrassing

situation, the difficulties which illegitimate children have suffered in the past, we know that the time is right for this change.

I have great pleasure in supporting this Bill today.

Mr. TAITT: Mr. Deputy Speaker, what I have to say on this Bill will not take very long, because as the Attorney General said, this is a consequential result of such previous legislation as the Succession Act, the Status of Children Act, which went some very long way toward changing the pattern of discrimination in this country which has existed almost from the time Barbados was.

Mr. Deputy Speaker, you will recall that on the occasion of the Status of Children Act I spoke for some considerable time in this House and I do not propose to do so today, but I would like to draw to the attention of the Attorney General that while this Bill is going to do the things which he says, it strikes me that perhaps we could have gone a little farther and tighten the concept of registration such that our system would record not only the Commonwealth countries which themselves are lagging somewhat behind as compared with, say, the Soviet Union and the United States, but indeed to have looked, and I wonder if he did look, at some of the systems which operate say in the United States. There are a lot of things which we borrow from that country which are not desirable in this country, but I would suggest that the system of registration which operates, at least in New York State, is one which we could usefully borrow for our purposes in Barbados.

Mr. Deputy Speaker, we in Barbados have now reached the stage where the computer is no longer unfamiliar to us, and one of the ways in which we are going to be able to have accurate information about our population in the long term, indeed in the medium term, will be through our registration of births and deaths. Now, it seems to me that where in Part III an option is now given to medical practitioners, etc., that we might go the further step and make its mandatory that the institution where the birth occurs, and indeed the death occurs, would be required to register that birth and that death.

It is a fairly simple matter, Mr. Deputy Speaker. What it requires is that the administrative part of the institution — in our case, generally speaking, the hospital — would have by law to notify the Authority that a birth has occurred in that institution. Now, I think it is fair to say that in Barbados over 99% of the births which occur now occur in institutions. When the old Registration Bill was enacted and its predecessors were still familiar in Barbados with the midwife, and most of us — in fact, I think that the majority if not

the entire generation of hon. members in this House — would have been born at home, and therefore the change which has occurred between then, when Your Honour was a little boy, or when Your Honour was born, and now has been fairly rapid, and for that reason I think we in Barbados could accept and operate a system which requires automatic registration of births and deaths which occur and which are certified in institutions in Barbados.

1.05 p.m.

Because then, Mr. Deputy Speaker, all that is required and this is done every day for millions of people in the United States is that the administrative staff of the Institution concerned would fill out a form which would be a computerised form, the name could be inserted, or not be inserted, but all of the other vital statistics would appear on the form and bearing in mind that we are all going to be having a single number which will be attached to the Central Data Bank, as I understand it and since the hospital is going to have to be passing on that kind of information to this Central Data Bank, it seems to me that the opportunity should have been taken to include a forced system, if you will, of that kind, into the Registration of Births and Deaths, *et cetera*.

Mr. Deputy Speaker, what in fact, the Attorney General has said about the difficulties of obtaining information, through the various institutions connected with Registration could be extended to almost every institution in which the poorer classes especially, have to get vital information which is important to them, sometimes the most crucial step in their entire lives and it is pathetic to observe, through no fault of anybody's apparently, because you can never pinpoint where the bottleneck has occurred, but I am sure that you, Your Honour are aware of cases and instances where individual persons have had tremendous difficulty getting any kind of information in a relatively short time.

It has always struck me as being remarkable that, in a place like Barbados, the normal time to get a passport is two weeks. Now, Sir, I used to function at some time in my life in the issuance of passports to persons outside of Barbados and in actual fact, if all the information presented is there, a passport can be issued in a half hour and I might say in passing, that the Passport Office in Barbados does issue passports very quickly where an emergency occurs. But, the point which I am making, Mr. Deputy Speaker, is that our thinking generally, is so accustomed to long delays in matters of this kind, that a period of two weeks is considered a normal and reasonable period, in a place like Barbados where, in other places, two days would be considered the norm.

Mr. Deputy Speaker, more recently, a number of children who had taken the eleven plus Exam, who had entered school in Barbados at age five and who had pre-

sented their records to that school which they attended at age five because they are now required to do so, they have to take their birth certificate, a vaccination certificate and other documents when they enter school at age five. But, a number of parents had something akin to palpitations as they went to the school from whence their children were being transferred and were told that they could not find records for that child. The people at the secondary school told them the child cannot enter here, unless the child presents those records.

Now Sir, once again, that affidavit, the fifty dollar bill, well, the Attorney General says the three hundred dollar bill, once again this comes into play. It is wrong that the simple misplacement for whatever reason, of a document, or a set of documents by one institution, can result in a fee of \$200.00, or \$300.00 for a poor parent, merely to transfer its child legitimately, from one school to another and so, Mr. Deputy Speaker, what I am saying is that we ought to look at this whole question of record keeping, not only in terms of the Bill, not only in terms of this particular Bill for registration of births and deaths and other related matters, but I think that the Government should take a look at the concept of record keeping in its broad entirety, so that all these matters, including registration of births and deaths can have an inter-related role with all the other matters connected with the keeping of vital statistics in this society.

Obviously, Mr. Deputy Speaker, no one will not approve this Resolution and I think that so much has been said about the registry, that it would merely be repetitious for me to go over a lot of the ground that is covered. But, I think that in spite of the new building which has been promised and in spite of all the reforms which will take place because there is a force of momentum which required that there be some kind of reform in these areas in Barbados, it must happen, but in spite of all that, I do believe that steps can be taken to change the attitudinal stance which persons functioning in these areas seem to adopt, as a matter of course. It is a fact that if an individual is functioning in a cramped and negative environment every day, that that individual is bound to be influenced by the environment. It is therefore, in my view, necessary.

The Government has a large quantity of spare property all around Barbados, by design, or by accident, that is the case. It seems to me, that some aspects of registration, or some aspect of the work of the Registrar's office ought to be moved from its present location and put into a situation where the ordinary citizen does not have to feel the weight, the psychological oppression of having to get a document, starting off in the knowledge that it is *comme si, comme ca* whether he will get the document in a reasonable time.

The fortunes of a large number of persons in this community and Barbadians, outside of this community,

have been affected adversely because of our inability and our inexpertise in this whole matter of record keeping. I believe, Mr. Deputy Speaker, that this Bill which we are now about to adopt is only a step in the right direction and I look forward to seeing more of its kind and more comprehensive in its nature coming before this Honourable House not very long from now.

Dr. R. B. CADDLE: Mr. Deputy Speaker, like my colleague on this Side, I would like to add some support to some of the things which he has stated.

I, in general, welcome the introduction of this Bill to this Honourable House. I would like to point out quite strongly, that this Bill is long overdue, when one bears in mind the societal changes which have been taking place in Barbados within the last fifteen to twenty years.
1.15 p.m.

I would like to draw to the attention of the Hon. Attorney General that the general trend of the birth of children is for them to occur in an Institution, I would not put the figure as high as 29% but in future it may very well be that or it may very well be a 100% and therefore I would say that a case can be made out for having some facility where the registration of that birth is done through the delivery Doctor or the authority of the Institution where the child's birth took place. This may very well be done by having a registration form where the necessary information can be taken on this form and then sent to the Registration Office.

In addition to that, I am wondering if the Hon. Attorney General has seen the necessity for looking closely at the present form which is issued for registration of birth. I wonder if some more relevant information more suited to the identification of the child at birth can be added to such a form and also if the size of the form could also be reduced to make it more convenient for people who may have to travel from one place to another place.

Going a step further, I see that the Hon. Attorney General has been rather silent on the registration of deaths in his opening remarks. I do not know if that is by design or by accident but Clause 28 of this Bill has attracted my attention very much and I would like to commend the Hon. Attorney General for the introduction of that Clause to this Bill because I have seen for some time the need for the registration of death and I am going a bit further than he has for the registration of death to actually take place before the burial takes place.

I can present cases now in Barbados where a death has taken place 3, 4 and 5 months previously and the death has not yet been registered but the body has been buried, and I think in a situation where the evidence that certain types of trends are on the increase and will con-

tinue to be increased I can see the necessity for having this kind of remedy introduced into the Bill. It is necessary to have the death registered before the burial and it would be necessary also to have a permit issued in the event that the death has been registered and the burial may now take place.

Some people may consider this very harsh but if one is thinking in terms of lessening certain trends in this country in the area of crime, I see this as a necessary step to be taken in the registration of deaths and while the Hon. Attorney General has been silent in the introductory remarks on that, I would like to point out that I see this as a necessary matter and I am commenting on it.

When one looks at the Barbadian society one would recognise that the majority of people in this country male and female will fall under that category of illegitimacy if one goes by the previous laws of this country. Some people have put the percentage as high as 70% or over but we are not disputing that, whether it is 70% or not, but it is a fact that prominent people in the Barbadian society would have been looked down on in the past and still be considered as illegitimate.

I also make the point that the Hon. Attorney General is trying to stress that there is need now, not only to pass laws to indicate that we are no longer holding that stigma on children, through no fault of their own, but we are taking all the necessary steps that come as a result of having introduced such laws and can be assured that we can only register those children without reference to that fact of facilitating and carrying on such a stigma put on it, although I welcome this Bill.

However, looking again at the registration of births I notice that in Part III that we begin with the father and then you go on and say "If the father is not capable, then the mother." Am I to understand that in spite of all the wonderful talk that the Hon. Attorney General has made about women's rights and women that we are now seeing a suggestion that there is some discrimination between the father and the mother. (ASIDES). Well why then do we have it in this form? Suppose the father is unwilling. He is not incapable but he may be unwilling. I believe that within the keeping of our present thinking on these matters I would like to see some change in that particular section whereby the onus is put on either parent and if the paternity of the child is disputed then the onus falls squarely on the mother.

I would again appeal to the Hon. Attorney General to look at the question of having Institutions where births do occur because in the future more and more births will be taking place in those institutions to ve responsibility for the registration of births.

Mr. GREAVES: Mr. Deputy Speaker, the question of registration of births, deaths, still-borns, adoptions, marriages etc., are matters which are of vital concern to all of us and particularly of importance to the community. The importance of registration unfortunately does not come home to people until when something that requires certificates of registration of one sort or another crops up and then they find that all sorts of problems are incurred.

The present Bill which we are discussing, as I understand it, seeks to regularise the whole question of registration and indeed the Hon. Attorney General in giving the reasons for the Bill indicated that one of the reasons why it was necessary to bring down this Bill was a result of a problem which arose particularly out of the Status of Children Act, 1979 and some of the problems apparently arose there because he indicated that when that came into being under the Registration Act, Chapter 199, no provision was made for the registering of children borned out of wedlock. At least there was some difficulty there.

I wonder, Mr. Deputy Speaker, if in truth and in fact the real reason behind this cursory Bill is not as a result of the passage of the Childrens' Act in 1979 that a major problem did not arise. At least I am saying that a major problem arose particularly in the area of re-registering of births.

As I understand it, at present in order to get a birth re-registered of a child who is borned out of wedlock and whose parents were subsequently married, they have to go now to the Court because the Registrar has indicated that the new Bill relating to children took completely out of his hands the whole question of re-registration and what you find is that whereas before when parents were married they could go with their Marriage Certificate or the Baptismal Certificate and the Birth Certificate of the children and get the names re-registered into the married name of the couple now what happens is that they have to go to Court, make an application to the Court and this causes considerable expense.

1.25 p.m.

I understand that the Registrar ceased the re-registering of births as used to be done in the past. I happen to know a little about this in detail, because I did, when I first started to work, work in the Registrar's Office and I know that to re-register a birth cost very little in those days because all that was required was a certificate of marriage and the certificates of the children and the presence of both the father and the mother, and re-registration would take place and the child would then have a re-registration birth certificate. It was a very simple and straightforward matter, but I understand that with

the change in legislation it became complicated and people then had to go to petition the court in order to get re-registration; so I hope now that this amendment is coming in that we will be able to bring back some kind of simplicity to a very important aspect of registration.

Now I think that the Attorney General also indicated that another reason for the Bill was to simplify the administrative procedure relative to the compilation of vital statistics, and I just want to make a few comments, Mr. Deputy Speaker, on the present administrative arrangements at the Registrar's Office as I understand it. I have never in here spoken on this particular matter for a number of reasons, but since the Attorney General has mentioned that there will be a new office and all these sorts of arrangements are going to be made, I wonder if the Attorney General could give us some idea, not now as to the arrangements and the new building, but as to whether the Government has any plans to reorganise the whole administrative arrangements in the Registrar's Office. I remember at one time there was some talk about the appointment of a Registrar-General and a series of registrars and deputy registrars under him looking after various aspects of the work of a very important office in this country.

On this question of the administrative arrangements, Mr. Deputy Speaker, I would like to refer to the position of the Chief Clerk and the work which he will be called upon to do when this whole arrangement comes into operation as indeed he is called upon to do at the present moment. It seems to me that the Chief Clerk at that kind of level needs to have much better facilities in order to carry out the functions which are given to him under this particular Act. One is amazed to find the number of changes which have to be made in the registration of births and baptisms particularly every day in Barbados, and I should like to think that when the office is reorganised that a proper system is set up for dealing with these particular matters to make it possible for the Chief Clerk to function in the kind of environment that would enable him to get through his work very very quickly and efficiently.

In this regard, Mr. Deputy Speaker, I should like to make the point that I think those persons who are charged with the responsibility for registering births, deaths and the other matters under this Act must exercise much more care in making these registrations. I believe that a lot of the problems which this Bill is seeking to overcome result very much from or at least are created by the carelessness which persons who are charged with the responsibility of making registrations practice from time to time, and I think it is a very serious problem because the question of a person's registration, whether it is a person's birth or death or any other certificate relating to a person's life must be properly registered, because I think that we all now recognise how important these are.

This brings me, Mr. Deputy Speaker, to another related point, the question of the keeping of records at the Registrar's Office. I happen to know for example that a lot of problems are encountered with the kind of registers which are kept. I remember at one time there was a volume over there which was about the size of this briefcase and this book put together and people had to be lifting this off the shelf and putting it down to search the index in order to find names, and it is fairly obvious that it would be dropped on the ground often by some person who might not have had the strength to lift it down or through carelessness might have dropped it, and very often one found that you could not therefore get the information which you required. I should like to think, Mr. Deputy Speaker, that some provision would be made for improving that kind of record keeping by having volumes which can be easily handled, having the quality paper on which the records would be made that would make sure that these records can be kept for a fairly long time without making the necessary corrections and re-writing of the registers, whether it is the index or the actual register of births or deaths as the case may be, because I know sometimes when the re-writing is done that some errors are made and they have to go back and correct the errors which have been made.

I should like, Mr. Deputy Speaker, to just refer to Section 7 of this Bill which relates to penalties for offences under this particular Act. It is important and the point should be driven home by having the kind of provision included in the penalties for people who might deliberately or carelessly for that matter enter wrong information into the register for one reason or another. I think it is well known that over the years these things have happened from time to time and we would want to see that there is a close supervision of this and indeed that some serious penalties would be brought to bear on a situation where there is a deliberate act to have fraudulent records.

I should also like, Mr. Deputy Speaker, to impress upon the Attorney General, as I believe he already appreciates, the whole question of provision for the correcting of errors and the kind of information which would be required in order to make sure that one is not just seeking to correct a particular registration for a particular purpose because we have had situations where the person sometimes for one reason or another would want to get a date of birth altered and would go to the Chief Clerk and say that the information contained on the registration is not correct because they may be over a particular age limit which would qualify them for a particular kind of arrangement. So I hope that they are proper safeguards which would ensure that that kind of situation does not arise. While I am on this, I wonder, Mr. Deputy Speaker, if the Attorney General could give me some idea as to whether in a situation where a person changes his or her

name by deed poll, the Registrar on the strength of this would issue him with a certificate, or whether each time he wants to get his new name that he has to go back and get a copy of the affidavit or the deed poll as it is called and submit this as his certificate. This I think causes some considerable problem. I recognise that one has to be very careful in this because you might find people ending up with three or four names and using one at their particular convenience. I am wondering if the Attorney General could give us some general indication as to what would apply in a situation like this.

As has been pointed out by my colleagues, we have no objection to this Bill. We feel that the Bill will indeed assist in simplifying the whole question of births and deaths and the other matters which have to be registered in this country. I would want to reiterate that we consider registration of births, deaths, still-births, adoptions, marriages, divorces and changes of names are very important in any society and certainly are important to individuals because from time to time people will be required to produce evidence of this kind of arrangement.

1.35 p.m.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I wish to reply very briefly to the points made by hon. members. I believe that we have had a very constructive debate on this Bill and perhaps some constructive suggestions as well.

I wish to assure the hon. member for St. Michael South West and the hon. member for St. Michael North Central that we had given consideration to the point made by them since most, over 90%, I think of all births in Barbados now occur either in the hospital or within district hospitals, that it would be proper for us just to have a system of registration there. The Ministry of Health raised objection however to the provisions of clause 9 of the Bill as we had originally drafted it which required the registered medical practitioner who attended at the birth of a child, or the nurse in the event that the registered medical practitioner was not present, to give a notice of the birth. They pointed out that they have the Health Services (Notification of Births) Regulations, 1972 and that this imposes a duty for notice of registration to be given to the Chief Medical Officer.

They are right on that, Sir, so what we intend to do is to get the Minister of Health to make a relevant Order under this section in order to harmonise the provisions of the Health Services (Notification of Births) Regulations, 1972 with the vital statistics provisions. That does not deal, however, with the point of records and computerising because at present they keep one set of records and we keep another set of records, and I take the point made by the hon. member for St. Michael South West that in these days we need to keep perhaps from the start a proper record that could go with you right through life,

and we are hoping to do this under the new form of Registration and Statistics Act, and therefore the Government is working towards the position that all these records would be computerised, put through the same computer and you get rid of the three or four different forms of registration.

Hon. L. S. CRAIG: Mr. Deputy Speaker, at this point I would like to move that this Item be postponed until later in the day, Sir.

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

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

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that Items (g) and (1) of the Order of Business, Government Notices and Statements by Ministers be now reverted to.

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

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

STATEMENTS BY MINISTERS

Rt. Hon. J. M. G. M. ADAMS: Mr. Deputy Speaker, hon. members will be pleased to know that the National Union of Public Workers has accepted Government's final proposals for a wages and salaries settlement for the public service and that formal notification of this was received by the Chief Establishments Officer earlier today.

This agreement by the largest union representing persons paid from the public purse joins the agreement reached between the Government and the next largest such union, the Barbados Union of Teachers, on outstanding issues of regrading and represents a satisfactory outcome to a long process of negotiating.

The negotiations were fully canvassed in the Press, and were marked by vigorous language from the National Union of Public Workers, which even declared itself to be in a state of 'military' readiness. But the good sense of Barbadians and, in my opinion, the generosity of the Government's offer, prevailed and the negotiations concluded without humiliation for either side or for the people of Barbados, whose record of stability would inevitably have been compromised by any forcible confrontation.

It is important to note that the settlement represents the largest increase of wages ever given to Public Servants in Barbados. In percentage terms, it is the largest ever negotiated for a two-year period. I believe, Mr. Deputy Speaker, that it is further significant that in two

successive negotiations the present Government has been able to grant increases in percentage terms at the bottom of the salary scales which clearly exceed all settlements so far reported to the Government this year made between the Barbados Workers' Union and employers in the private sector. Those agreements have been in the range of 25 to 35%. I am therefore happy to note that a maid in the Government Service whose wages will now rise to \$116 a week will be better off than her counterpart in most of the traditionally higher paid private businesses in Bridgetown. I regard this development as making a reality of Government's role as a model employer.

These benefits have been made possible only as a result of the steady expansion of our economy, an expansion achieved not only through proper management of our Island's resources, human and material, but also through the efforts of the very Public Servants who were reviled by a former Head of Government as an "Army of Occupation".

Without the restraint that all members of our community exercised in 1977 and 1978, which allowed the Government to repair the ravages of mismanagement, we would not have been in a position to make the salary and wage proposals to Public Servants that the National Union of Public Workers has now accepted. Credit for this success must be shared by the entire community of which the Public Service is a part.

1.45 p.m.

The agreed settlement provides for salary increases ranging from 38.3% at the bottom of the Government salary scales to 22½% at the top. The increase at the bottom ensures that no full-time employee of Government will work for less than \$500 per month. The wages of an established maid at the bottom of the scale will go from \$363 per month to \$502 and the Government will also make alterations in the grading of the post, so that these lowest paid employees will be placed on a rising scale that will allow them to receive two annual increments of salary in future.

The Government also listened carefully to representations regarding the reclassification of the unestablished posts paid on what is known as the Key Scale and we are prepared to carry out such an exercise — something which has not been done since 1966 — to take account of new responsibilities and new skills. It is expected that the wage points of artisans, drivers, operators (especially heavy-duty operators) foremen and supervisors in the Key Scale will all be reviewed.

The reclassifications will be in addition to current analyses of regrading proposals submitted earlier by the National Union of Public Workers. In respect of these, certain categories have already been identified for

improved salaries, for example, Air Traffic Controllers. It is also intended to examine the feasibility of extending the Government's initiative taken over the last two years, or establishing as many temporary posts as possible, and creating more permanent jobs in areas where casual workers have been employed for very long periods, for example, at Soil Conservation.

Mr. Deputy Speaker, the settlement with the N.U.P.W. still leaves outstanding negotiations or part-negotiations with other unions and bargaining bodies. First, the Barbados Workers' Union.

The progress of negotiation with the B.W.U. on behalf of the some hundreds of public workers whom it represents has not persuaded me that this union intends to reach agreement at any level acceptable either to reason, or to the Government's financial position. In response to the Government raising its offer over several months of negotiation from 20% at the bottom to 38.3%, the B.W.U. over all those months refused to budge from its initial claim of 45%. Eventually, last month, it gave way to 40% but when it seemed possible that progress could be made, a factor was suddenly emphasised which had the effect of raising what the Government had been led to understand was the Union's claim. This resulted from the General Secretary standing on the letter of his proposals and demanding that all Key Scale workers receive the same percentage increase, although top Key Scale workers already get, almost twice as much as those at the bottom. At the previous negotiations in 1978 the Union had agreed to the usual gradation between bottom and top, even in the Key Scale. I therefore gave careful consideration to this matter and to the general progress of the negotiations and I regretfully came to the conclusion that the B.W.U. could not be negotiating in the same good faith as had marked most of its previous dealings with the Government. Its proposal at the last possible moment would have meant the rewriting of the entire Government salary scale with financial consequences, far beyond the Government's capacity to meet. To hear, in mid September, 1980, that the Union would refuse to submit a general scale of wages in response to a scale submitted by the Government — a position from which, to its credit, it subsequently retreated — further convinced me that its motives owed something to considerations other than those normally canvassed across the bargaining table. The fact that, unprecedentedly, it was demanding more from the Government than it had from the private employers with whom it had reached agreement this year made it clear beyond any doubt, that the reasons preventing the B.W.U. from agreeing with the Government were so overwhelming that it would be useless to proceed any further with the negotiations. The public and Hon. Members may judge what those reasons were.

The Government has therefore decided that public servants represented by the Barbados Workers' Union

must get the same increases as those agreed for the overwhelming majority of public workers, and that the intransigent attitude of the B.W.U. is not to be allowed to delay the payment of those increases. I have accordingly signed an appropriate Order, embodying the agreement with the National Union of Public Workers of which notice will be given shortly, and on which debate with a view to passage through the House will take place next Tuesday, September 23rd. I am fortified in this decision by the statement of an Assistant Secretary of the Barbados Workers' Union made on an Opposition political platform at *Gazettes* earlier this year which excused the legislation of all salaries in 1976 by the previous Government in these words and I quote:

"I want you to understand that that took place after very many meetings were held and the legislation was legislation for money that could not have hurt anybody."

On this occasion in 1980, where the Government's proposals offer more at the bottom than any possible increase in the cost of living, compared to 1976 where increases were legislated at almost 40% less than the increase in the cost of living, I sincerely trust that I can expect the support of this particular Union official in legislating for increases for a small recalcitrant minority for money that cannot hurt them.

Proposals from the Police Association for salaries increases and other benefits were received very late by the Government, in fact only last month. General agreement has been reached between the Association and the Government, although the Government has not found it possible to accede in full to the Association's proposals for the lower grades of constables or for further regrading of higher ranks. The Government's first offer at the bottom of the scale for police constables has been improved from just over 30% to 35%, equalling the best increase in the private sector this year.

1.55 p.m.

The financial and other benefits which have been granted to the Police Force during the last three years have been so exceptional that the Government considers that it would be inequitable once again to single out the Force for special favourable treatment. It has been granted a general duty allowance, stated to be temporary, but this allowance has been allowed to remain although the conditions out of which it arose have largely disappeared. Complete reorganisation of the promotional ranks has led to literally hundreds of opportunities for constables and corporals to enhance their positions. Police numbers have been increased, certain non-Police responsibilities removed from the Force, and all senior as well as junior ranks regraded. I have therefore embodied the general agreement in an Order which will also be dealt with next Tuesday.

No salary proposals as such have been received from the unions representing Teachers, but following the agreement on regrading with the B.U.T. and the partial agreement with the Barbados Secondary School Teacher's Union, I have little doubt that new salary scales in conformity with those for Civil Servants will prove acceptable. The increases to some teachers, along with regrading will mean salary improvements for over 50% and the agreement includes one year's backpay at old but regraded salaries. A Senior Teacher, for example, will therefore see his or her salary go from a minimum of \$998 monthly to \$1,567 monthly and will receive back pay of \$2,880 for 1979 - 1980 and \$3,983 for the months of April to October, 1980 (when arrears are expected to be paid) a total of \$6,863. I have therefore made two Teachers' Orders, also to be debated next Tuesday.

It only remains to deal with certain specialist and marginal areas. Part-time officers are being granted comparable percentage increases with their counterparts in the full-time service and this applies also to the Governor-General, the Judges, Ministers and other Parliamentarians.

I need hardly remind Honourable Members on either side that, in accordance with the pledge which I gave to the Chief Opposition spokesman, whom I observe today to be leading the Opposition, when he raised the matter during the last debate on salaries revision in the House of Assembly on November 21, 1978, these salaries have been linked to those of Public Officers and will move automatically with each pay increase in the Public Service. It is intended that all these matters will be debated next Tuesday as well as the other Public Service Salaries.

In addition to those mentioned earlier, representations for regrading have been received from certain senior Government Officials. In response to this the grading of all fixed salary points, including those of Judges, will be reviewed by the Government.

I turn finally, Mr. Deputy Speaker, to pensioners. A study of the increases granted to Government pensioners over the years has led the Government to adopt a more equitable method for granting such increases.

Concurrently with the grant of increases in salaries to Government workers in 1959, 1963, 1966, 1970 and 1973 a flat cost-of-living allowance was granted to all pensioners. In 1976 two flat rates of allowance of \$30 per month and \$40 per month were granted. Again in 1978 two rates of \$25 per month and \$30 per month were granted, and a minimum pension of

\$150 monthly for Government pensioners was established in 1979.

The Government has now decided that pensioners should be granted increases in their pensions on a similar basis to that used for salary increases. Accordingly it has been decided that with effect from 1st April, 1980 all those pensioners in receipt of pensions of up to \$600 per month will be granted a 25% increase and those in receipt of larger pensions, a 22½% increase. All those persons who retired from the service between October 1st, 1978 and March 31st, 1980 would have received the benefit of the salaries which were granted with effect from April 1st, 1978 both in the form of increased salaries during that period and as an enhancement to their pension on retirement. It has therefore been decided that such persons should be granted 15% increases in their pensions.

Hon. members would also recall that the income tax allowance for pensioners had been very substantially raised so as to remove the over-whelming majority of Government pensioners from a necessity any longer to pay income tax on their pensions.

In conclusion, Mr. Deputy Speaker, I wish to thank all concerned who have made it possible for agreements to be reached, some of these agreements, I might add, in areas where they were never possible before. Unlike the situation in previous years, the Barbados Union of Teachers were able to conduct itself without acrimony and unreason. Despite the talk of military action, not by the Government, but in an ungarded moment by the National Union of Public Workers and despite the threats to make Government crawl on its knees, an agreement has been reached that represents an admirable compromise in the interest of national harmony and progress, and in the best interests of the workers and their representatives.

Mr. Deputy Speaker, the task of improving salaries and conditions of work in the Public Service is a never-ending one as far as this Government is concerned. Our intention continues to be that Civil Servants should share fully in the rewards arising from the financial and economic policies successfully pursued by the Government. We have in the last three years made really major concessions to the Teaching Service and the Police Association for which they had been agitating unsuccessfully under the previous Government. We have made permanent many hundreds of temporary jobs. We have greatly improved training opportunities and we have paid salary increases that have kept right up to and past increases in the cost-of-living. The present increases which should be paid as from next month will cost approximately \$51 million annually, including pensions but not including the \$3 million in Teachers' back-pay. It is a high price, but it is one Mr. Deputy

Speaker, that we should all be glad to pay as another installment to moving Barbados forward in the 1980's 2.05 p.m.

Mr. Deputy Speaker, I am commanded to lay the following:—

The Civil Establishment (Teachers) (Amendment) Order 1980.

The Civil Establishment (General) Order 1980.

The Civil Establishment (Teachers) Order 1980.

The Civil Establishment (Part-time Officers) Order 1980.

The Judges (Salaries) Order 1980.

The Senate and House of Assembly (Remuneration and Allowances of Members) Order 1980.

The Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order 1980.

I also beg to give notice of the following:—

Resolution to approve the Civil Establishment (Teachers) (Amendment) Order 1980.

Resolution to fix the emoluments and conditions of service of Headteachers, Deputy Headteachers and the various categories of Teachers in Secondary Schools with effect from 1st April 1979.

Resolution to approve the Civil Establishment (General) Order 1980.

Resolution to approve the Civil Establishment (Teachers) Order 1980.

Resolution to approve the Civil Establishment (Part-time Officers) Order 1980.

Resolution to fix the rates of pay and conditions of service of unestablished staff and casual employees with effect from 1st April 1980.

Resolution to fix the emoluments and conditions of service of Headteachers, Deputy Headteachers and the various categories of Teachers in Secondary Schools with effect from 1st April 1980.

Resolution to fix the rates of salary and allowances applicable to the posts of Personal Assistant to the Prime Minister Press Secretary and Executive Personal Secretary, with effect from 1st April 1980.

Resolution to fix the emoluments of the Governor-General with effect from 1st April 1980.

Resolution to approve the Senate and House of Assembly (Remuneration and Allowances of Members) Order 1980.

Resolution to approve the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order 1980.

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this Sitting be now suspended until 3.15 p.m.

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

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

On resumption:

Mr. DEPUTY SPEAKER: This Sitting is now resumed.

THE BRIBERY AND CORRUPTION ACT, 1980

Mr. DEPUTY SPEAKER: Order No. 16 stands in the name of the Hon. Attorney General to move the Third Reading of a Bill to provide for the more effectual prevention of corruption in Barbados and related matters.

Hon. H. deB. FORDE: Mr. Deputy Speaker, the Select Committee Report on this matter is in, and I beg to move that the Report be now adopted.

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

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

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

VITAL STATISTICS REGISTRATION ACT, 1980

Hon. H. deB. FORDE: Mr. Deputy Speaker, I was replying to the points made by the hon. members who had spoken on this matter and I was making the points in reply to the hon. member for St. Michael South West and the hon. member for St. Michael North Central that consideration is being given to coordinating the statistics collected by the Chief Medical Officer of births at Government hospitals and statistics which had to be kept under this Act. That still leaves the question of com-

puterisation of the records and we have given consideration for computerising these records. Indeed the International Development Research Centre of Canada has undertaken to assist us with putting various registry records on microfiche. As you know, IDRC is supported with funds from CEDA and the Canadian Government and we are hoping to develop a project in which we would computerise those records in the registry which can be computerised so as to lead to the greater efficiency of which the hon. members have spoken.

The hon. member for St. Lucy in a very useful address raised the question re-registration under the Legitimacy Act.

Mr. TAITT: Mr. Deputy Speaker, if the hon. member would give way on a point of elucidation. On the question of computerisation I think that earlier when the Minister was replying he had missed just a small point I was making, not that the doctor who had attended the birth would have the obligation, but that the institution itself, the hospital itself. It seems to me that what is required here is that in essence you would be shifting part of your administration machinery to the hospital, by way of adding, say, one staff member or two staff members but the administration of the hospital would include a record section.

If the House does not mind, in New York for example when a baby is born the hospital records the vital statistics about the baby as it has to do for its own records, including the name of the child. That record in its original form is sent to the mother for confirmation of the child's name as she has handed it in. Now when the mother receives that she has three days in which she can change it, but once she has passed it back to the hospital, that becomes the record. If the mother wishes subsequently to change the name, then she has to get an affidavit, but the point remains that the record is created immediately the baby is born and the obligation is not on the attending physician but on the institution itself.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I am indebted to the hon. member for that explanation. At the moment the sort of information of which the hon. member speaks is collected by the Chief Medical Officer. Unfortunately the record of which he speaks is not then compiled, so that when we are discussing the matter with the Ministry of Health, I will try to see whether we can implement the system once and for all.

On the re-registration point, Sir, the point was being made here that since the change brought about by the Status of Children Law Reform Act that re-registration under the Legitimacy Act now became the matter of a separate petition to the Court. There were two opinions in the profession on this matter, Sir. There was the opinion as expressed by the hon. member, and there was

the other opinion as expressed by our Chambers, and I think followed by more enlightened attorneys like the hon. member for Christ Church East that this was not necessary at all.
3.25 p.m.

We drew to the attention of the Bar that under the amendment made to the Registration Act it was possible to do the re-registrations of what used to be legitimisation cases without the necessity to go to the court. However, the hon. member for St. Lucy is quite right, this Bill will settle all those problems and the division of opinion within the profession.

The hon. member also made the point of the necessity to re-organise the Registration Office to ensure that records are kept in a better quality and that there are not these heavy and onerous books which have to be lifted from shelves, and indeed that even the forms of records were improved. I assure him that we are giving consideration to these matters, but once again it seems to me that these types of improvements would have to await physical space at the new Registry when the new law court is completed and the new Registration Office is completed and the implementation of the computerisation of the records as a whole.

I agree with him that it will be necessary for us to exercise caution in the correcting of errors and to ensure that people do not give wrong information to correct an error in a public record merely to benefit themselves in some way, and when we make Regulations under the Act we will ensure that a statutory declaration will be made, but this will be a printed form that you merely swear out before the Registrar in order to cut down on the cost of people having to go to lawyers to get this done.

I have found the debate most useful, Sir, and when the debate is printed I will ask the Registrar of the Supreme Court who deals with these matters to read the debate himself in order to note the positive suggestions which have been made by hon. members in relation to this Bill, so that if it becomes necessary we will have to come back to the House at some time for any consequential amendments which will arise out of these matters.

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

Hon. DeL. BRADSHAW: 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. DeL. BRADSHAW, Mr. DEPUTY SPEAKER left the

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

Hon. H. deB. FORDE: Mr. Chairman, I am asking for leave of the Committee to deal with this Bill in Parts, particularly since the Bill meets with the unanimous approval of both sides of the House.

Mr. CHAIRMAN: There is no objection.

Parts I to IV inclusive were called and passed.

Part V was called.

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

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

Mr. TAITT: Mr. Chairman, during the second reading speech I wanted to touch on a matter but I did not. The reason was that my copy of the Bill, and obviously some copies of the Bill which were circulated did not in fact contain Part V, and we did not realise this.

But adoptions, Sir. I really am appealing to the Attorney General, if he has not so done, to take a look at our adoption procedures in Barbados and to speed up the process of changing the rather outmoded and totally inadequate system we have. I have just had an experience with a person who had lived with her grandmother for upward of 16 years. She for all practical purposes knew no other mother than her grandmother. Her grandmother either fortuitously or otherwise just becoming an American permanent resident and wishing to give her ward the assistance of relatively inexpensive university education, etc. raised the preliminary question of getting this child adopted. The child had just turned 17, and if you are going to adopt you must adopt before 18, and she was told by three legal practitioners that she had better not bother to start because they doubted that the procedures and proceedings could have been completed before the child had reached 18.

Now, Sir, the Report of the Registration Office of the Supreme Court relative to 1979 indicates that there were some nine adoptions during the year 1979. I wish to make it clear that what I am saying is not at all a reflection on the work done by the Welfare Department in Barbados. I think that that department, bearing in mind its resources, does as good a job as any other department in Barbados, but I think that the law itself as it now stands is a hindrance, and this is without reference to having any specialised knowledge of the law, it is simply the law relating to adoption requires some kind of six month association and a six month probing and it really is abominable.

Now, Sir, when that law was thought out and implemented the desire to prevent white slavery and that sort of thing would have been uppermost in the minds of the framers of that legislation, because I think you are aware, Sir, that white slavery is still being practised in a number of countries that have been described as otherwise progressive, and indeed, Sir, there is reason to believe that some form of that kind of slavery still exists in Barbados. (Rt. Hon. J. M. G. M. ADAMS: Your party would know about it, it is your party supporters who bring them in). The Prime Minister is not as good when he is sitting in that seat as when he is up front, Sir. But quite seriously, Sir, I think that we really ought to do something about this, because a number of persons suffer, and usually the need to have a formal adoption is not recognised until the child is on the verge of either going to Canada or the United States, or about to get something happen to them that is going to be important for the rest of their lives and they discover that they are not able to assume the position of child of a person who for all practical purposes has been a parent to that child.

I was making the point about white slavery. I do not believe that we are now informed and we should be informed by the kind of consideration which would have been prevalent say 20 or 30 years ago, for although there is still some form of what is described as white slavery, that is to say, persons are sold to other persons for nefarious activities, it is still generally true that we are now sufficiently enlightened in Barbados that especially in the adoption of adults the persons are free to speak their minds, and therefore I do not think that any of the difficulties normally connected with adoption can be envisaged.

3.35 p.m.

Furthermore, Mr. Chairman, in almost all of the progressive countries of the world, there is now a modern Adoption Act and I am sure that the Hon. Attorney General would agree that as part of the general reform of Family Law, it is very important and very urgent that a Reform Act which will allow adoption to proceed not only speedily, but with better satisfaction of persons concerned.

I raise this question until this particular case, perhaps one took it for granted that these things would happen, but this has presented tremendous hardship and a dangerous traumatic reaction in the young lady concerned because she has had to face, for the first time in her life, the possibility that the person who has been her mother is not her mother, or could not be her mother for purposes which should be normal and easy in a normal relationship.

I do not think that I have to go any further to make the point, Mr. Chairman, and I am grateful for the opportunity to put this question which I believe the Attorney General will explain, what is happening, in his Ministry.

Hon. H. deB. FORDE: Mr. Chairman, I support wholeheartedly the call made by the hon. member for St. Michael South West for an updating of the Laws dealing with adoption.

You know, Sir, that Law was passed in 1955 and other than for a few cosmetic changes which were made, no major overhaul of the Law has taken place since 1955. Being myself a *de facto* adopted child and not a *de jure* adopted child, I have great sympathy with this part of the Law. At the time when I was adopted, there was not any Legislation on the Statute Book which permitted legal adoptions taking place and there are certainly several defects in the Law which ought to be changed and indeed certain procedures which ought to be simplified and made less expensive than the procedures now warrant.

We have had concrete suggestions from the Ministry of Labour and Community Services for updating the Law and indeed, instructions have met with the approval of the Cabinet and my Chambers are now engaged in drafting the necessary changes to the Adoption Act, as well as, to the Minors Act which deals with the Guardians and Custody of Infants, as well as, an updated Divorce Legislation and Legislation dealing with the breakdown of marriage and the consequences following from that.

We are hoping that we can bring down a total package shortly to the Honourable House, Sir. The Family Law Bill is actually in the third drafting stage. We have had a Committee composed of various people on the first draft and the second draft and we are now producing what we hope will be a final draft for consideration by the Cabinet and at that time, we will bring down, we hope, the amended Legislation to both the Child Care Board Act, the Adoption Act, the Infants Act, or the Minors Act, as it is called. We hope, as well, that we could do some consequential changes to other Legislation dealing with children.

I regret that pressure of work really caused us to put that bit of Legislation down. We had to give way to the Ministry of Communications and Works on a major reform of the Shipping Bill which is now finished, but we would try to get on with the amendments to deal with the permanent Electoral and Boundaries

Commission and the officer who was doing the drafting had to switch from that work to do that Sir. So, we are hoping that he can get back to this next month and I promise my friend that I would try very much to see if I can get the Legislation before the end of the year, or certainly in the new year, at the latest, I will get that Legislation here.

But, his point is a valid one. In fact, there are only nine adoptions on the last Report which I have seen which is one of the lowest out and I think that part of the problem is that the procedure is drawn out, it is cumbersome, it is expensive in legal terms and we must try to cut down those difficulties about the Legislation, Sir.

The question that Part 5 stand part, was put and resolved in the affirmative without division.

Parts 6 to 7 inclusive, were called and passed.

Part 8 was called.

Hon. H. deB. FORDE: I beg to move that Part 8 stand part, Sir.

Dr. R. CHELTENHAM: I beg to second that.

Mr. GREAVES: Mr. Chairman, just for a matter of information, now that we have reached Part 8 under General Provision. I happened to be anticipating and looking into the Schedule, but I wonder if the Hon. Attorney General, who is introducing this Bill can give us some information, as to the forms which will be used on the various certificates of registration.

As a matter of fact, I get the impression and you can correct me, if I am wrong, that this Act will repeal the whole of the Registration Act, Cap. 191. Indeed, at page 40 of this Bill, one could see that the extent of the repeal is the whole of the Registration Act, Cap. 191.

Now, in the Registration Act, from what I can remember, there are various forms attached to the Registration Act as to forms relating to the register of births, certificate of baptism, there is a form, registration of baptism. There are a whole set of forms, but I do not see any such forms attached to this Bill and I wonder if it is an oversight, on the part of Government, or whether we will have regulations published on this Act which would give some indication as to the kind of forms which will be used in the future.

Hon. H. deB. FORDE: Mr. Chairman, Sir, it is quite true that we are repealing the whole Act including

the forms which were set out attached to 191. The Registrar has prepared a new set of forms and we have draft Regulations attaching those forms and as a matter of fact, they are waiting for merely approval, in order to print the forms and then after the forms are printed, we will bring the Act into effect.

Now, I believe that it is the hon. member for St. Michael North Central who made the point of redrafting the forms and I, myself, unfortunately, have not got the forms here, although quite a lot of work has gone into modifying the forms, in keeping with some of the new drafts which we have seen in other Jurisdictions.

But, I could undertake to my friend, to send him a copy of the draft Regulations, even before I approve of the Registrar making these Regulations. Under I think 46, the Registrar is now empowered with the consent of the Hon. Minister, to make the necessary Regulations and these Regulations will contain the forms.

One of the reasons why we are moving away from putting a Schedule of fees and forms in Bills is because we are now using the loose leaf system of Bills and they are a little bit expensive every year when we make changes, to be changing whole pages, so we are pushing those into Regulations, Sir.

But, I can give my friend the undertaking that I will either myself, or get the Registrar, or Chief Parliamentary Counsel to send him a copy of the draft Regulations and forms and I will welcome any suggestions for changes.
3.45 p.m.

Part VIII was called and passed.

The First and Second Schedules were called and passed.

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

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

ADJOURNMENT

Hon. L. S. CRAIG: This concludes Government Business and I beg to move that this House now stand adjourned until Tuesday, 23rd September, 1980 at 12 o'clock noon.

The question was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER adjourned the House accordingly.
3.50 p.m.