
THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 21 st April, 1981.

Pursuant to the adjournment, the House of Assembly met at 12.15 p.m o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Mr. R. St. C. WEEKES, C.B.E., J.P; Hon. C. L. BOLDEN, LL.B., (Minister of Communications and Works); Hon. H. deB. FORDE, Q.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Mr. D. A. C. SIMMONS, LL.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. H. B. St. JOHN, Q.C., LL.B., (Deputy Prime Minister, Minister of Trade, Tourism and Industry) (Leader of the House); Mr. DeL. O. BRADSHAW; Mr. L. L. SISNETT; Dr. R. L. CHELTENHAM, M.Sc. (Econ.); and His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were taken by Archdeacon F. A Cayless.

Hon. L. S. CRAIG and Mr. SANDIFORD entered the Chamber and took their seats.

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Tuesday, 14th April, 1981.

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

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

Dr. HAYNES entered the Chamber and took his seat.

ANNOUNCEMENTS

Mr. SPEAKER: I have to announce that I have received copies of the Accounts and Statements for the month of January, 1981, as prepared by the Accountant General.

PAPERS LAID

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that this item be deferred as the documents have not come yet. I do not know whether it is because of the weather and the difficulty of transportation, but no documents have come yet.

Mr. SPEAKER: This item stands deferred until later.

SUSPENSION OF STANDING ORDERS

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

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

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

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

GOVERNMENT BUSINESS

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

Hon. H. B. St. JOHN: Mr. Speaker, I understand that a number of matters have been returned from the Other Place to this Honourable House with suggestions for amendment. I do not know whether they have been circulated.

Mr. SPEAKER: They ought to be dealt with first thing.

Hon. H. B. St. JOHN: That is the usual custom. I am in a position to say that the Government has accepted the amendments.

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

THE LARCENY (AMENDMENT) ACT, 1981

Hon. H. B. St. JOHN: Mr. Speaker, the first amendment is to the Larceny Act.

I beg to move that this House concur in the amendments from the Other Place.

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

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

THE CRIMINAL APPEAL ACT, 1981

Hon. H. B. St. JOHN: Mr. Speaker, there are also amendments dealing with the Criminal Appeal Bill.

I beg to move that this House concur in the amendments proposed by the Other Place.

Hon. H. deB. FORDE: Mr. Speaker, I wish to second this and to say that at the time when the substantive Bill came before the House when the hon. member for St. George North was handling the Bill on my behalf, I was unfortunately out of the Island, there were certain amendments which we wished to have introduced at the time, some of them were typographical and some were on recommendation of the Judges, and unfortunately these had not been communicated to my friend and the amendments then had to be made in the Senate. I am therefore seconding the amendments as made. This Bill was debated in this House fully already.

12.25 p.m.

The question that this Honourable House do now concur in the amendments proposed by the Other Place was put and resolved in the affirmative without division.

Hon. H. B. St. JOHN: There is one dealing with the Supreme Court of Judicature. I have just been informed that it is the Appeal Tribunal Act, Sir, but I do not have a copy of that myself, Sir. We are not in a position to do that, one, Sir. There seems to be some difference of opinion as to whether there are amendments or typographical errors that were sorted out.

There is one dealing with the Income Tax Act, Sir.

I beg to move, Sir, that this House do now concur in the amendments proposed by the Senate on the 15th April, 1981 to the Income Tax Act, Sir. It is a single thing, adding a word and deleting a word.

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

The question that this Honourable House concur in the amendments proposed by the Other Place was put and resolved in the affirmative without division.

Hon. H. B. St. JOHN: Item No. 5, Sir.

Mr. SPEAKER: Item No. 5 is the instant order of the day.

RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LAND AT CHEAPSIDE, ST.
MICHAEL, FOR THE PURPOSE OF ROAD
IMPROVEMENT AND FOR PARKING
FACILITIES FOR THE NEW
GENERAL POST OFFICE

Hon. L. S. CRAIG: Mr. Speaker, this acquisition as set out in the Addendum, Sir, is for a parcel of land which Government has to acquire for parking facilities for the Bridgetown Post Office which I believe you, Mr. Speaker, know is now under construction and of course, Sir, I think you were in the House with me in 1967 when it was talked about, Sir.

The Government is therefore now pressing on with this, Sir, and there must be additional facilities for parking and, as the executive agency of the Government for the acquisition of land, I am therefore seeking Parliamentary approval, Mr. Speaker, Sir, for the purpose of having this acquisition passed through Parliament.

I beg to move that this Resolution do now pass.

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

Hon. C. L. BOLDEN: Mr. Speaker, may I point out that the parking in this Resolution is customer

parking for the New Post Office. The Post Office has been designed for underground parking for staff and underground loading facilities. We, at the Ministry of Communications and Works have been looking together with the Town Planner at the system that is developing in Barbados now where large buildings are being erected and there is considerable amount of parking on the roads which seem to impede the free flow of traffic.

We are worried about the large containers that can be seen parked all along the streets at nights without any lights marking their presence on the streets. I know full well that as an Attorney, should there be an accident, there is every liability but I believe that for the benefit of everyone and in the interest of road users that persons who are engaged in business in the Bridgetown area and who, because of modern developments find themselves having to accommodate these large containers and have to park them at the side of the road that they should think a little bit more about the traffic on the road and find some form of attaching more lights to them.

I recognise that businesses are moving out of Bridgetown, moving into the housing areas, in the St. Michael area, and I believe that even developers should take a look at what Government is doing with the new Post Office where we have provided underground parking facilities for members of staff. Loading will take place under the Post Office and we are hoping that with the development in that area, the Fontabelle area, you will notice that the roads are being widened and part of this acquisition will also go into the road widening exercise that is taking place in that area.

We wish to re-arrange the Bus Stand which is on the Barbados Marketing Corporation side of Bridgetown. As I have said on a previous occasion in this House we are also hoping to move the buses from the Lower Green and make that into a Green as it is so called, although I noticed in the *Nation* some time ago somebody wrote and said that it was never a Green, but I believe Bridgetown is becoming too clustered with buildings. I believe we need more open spaces, and I would like to thank the Town Planner for his foresight in preventing buildings going sky-high to turn our City into a concrete jungle, as it is referred to. I believe we need to do lots more development to make Bridgetown a place where Barbadians can enjoy and visitors would look at it in the way that these Caribbean Islands should be looked upon.

As I said, I hope, Mr. Speaker, that we see a little less parking of our vehicles on our streets and I hope developers who develop the businesses in Bridgetown because it is clear that we are moving through a renewal programme in this country and I hope that developers will take into consideration the volume of traffic in Barbados today and provide some parking in their new

buildings so that we can remove most of the parking off of our streets.

12.35 p.m.

Again, on that part of the city we have marked "No Parking" on many streets. This is to ease the flow of traffic and I still find that some motorists ignore the marking on the street and park in these areas which the police themselves advocated would be free of traffic so that traffic would not build up in Bridgetown. The new road which we are providing, the widening of the road, the extension of the Spring Garden Road, these are really designed to move traffic in and out of Bridgetown as quickly as possible. It may not appear so at this time because of the disruption caused by the excavation, but we are hoping that when this work is completed and I can say I am very happy with the contractors and the utility services in this country, we have been able to co-ordinate most of the work being done so that when it is finished, I believe Bridgetown will have some of the best roads anywhere in the Caribbean. We have had a lot of problems, we have had a lot of complaints, we want to thank the people in the St. Michael area who have recognised that what is being done is being done for the people of Barbados and after this disruption is over, I believe we should not find ourselves having to dig up the roads for a very long time. We made sure that the roads are the best available to us in Barbados, we have modified our methods of making roads, we have moved away from the system of putting on the water base asphalt which was causing so many problems in the last two, or three years with the heavy rains and I believe that the motorists in Barbados will now see the benefit we have accrued by the many trials that we have had, we have had discussions with the oil company, we have brought people from abroad advising us how best to repair the roads, we have brought in new equipment, small vibrators to be used in areas where it does not require the large ten ton roller, *et cetera* and I believe that everything is moving smoothly towards keeping Barbados ahead of the West Indies, with the best road system available.

I beg to move that this Resolution do now pass.

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

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT THE JUNCTION OF FONTARELLE AND LAKES FOLLY, ST. MICHAEL, FOR THE PURPOSE OF ROAD IMPROVEMENT

Order Number Six was called - To move the passing of a Resolution to approve the compulsory ac-

quisition of land at the junction of Fontabelle and Lakes Folly, St. Michael for the purpose of road improvement.

Hon. L. S. CRAIG: Sir, this all ties in with the whole development that is taking place along the Fontabelle, St. Mary's Church, Cheapside, Fontabelle right away down to the Spring Garden highway, this is at the corner of Fontabelle and Lakes Folly, there is an area which needs Sir to be acquired for improving the area of the road there Sir.

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

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

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

Mr. SPEAKER: Item Number Seven.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT HAGGATT HALL-CHAPEL GAP AND MAPP HILL, ST. MICHAEL FOR THE PURPOSE OF ROAD IMPROVEMENT

Item Number Seven was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Haggatt Hall – Chapel Gap and Mapp Hill, St. Michael for the purpose of road improvement.

Hon. L. S. CRAIG: Once again, Mr. Speaker, this is another parcel of land for the purpose of road improvement on the Haggatt Hall, Mapp Hill and Chapel Gap. I think that Honourable Members on the Other Side would like to know that the Government also is bringing another highway through that area to relieve congestion and I am quite sure that after four years of the Opposition talking about nylon roads and now pot holes that the public would recognise that we do not go about our business in this pot hole fashion as they think, that we set about well organised, well advised by the engineers, the best way to handle these things, Sir.

With those few remarks, Mr. Speaker, I beg to move that this Resolution do now pass.

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

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

Mr. BRADSHAW: Mr. Speaker, it is part of my duty to support this Resolution and make a few comments. This acquisition, as the Honourable Minister has indicated will provide for the highway which passes through the Haggatt Hall, Chapel Gap area which is part

of my constituency. In welcoming the Government's decision to provide the St. Michael South East with this Highway, I must say that over the past couple of weeks, there has been an attempt to mislead and misinform the residents of the Mt. Friendship, St. Barnabas and the Chapel Gap area.

There are persons who for political reasons have been telling the people in that area that the Government does not intend to put a road through there and that the Government is merely talking and that they will not live to see a road coming through that area. Not only I would wish to give a lie to that sort of assertion, but at the same time, I beg to give the assurance to my constituents the people in that particular area, that we as a Government will be carrying out and resiting in a fashion similar to that that has taken place in the Clapham Park area.

I have been at pains to contact the Honourable Minister of Communications and Works and the Honourable Minister of Housing to find out what exactly is the programme for these residents and I have been informed by the Honourable Minister of Housing that those persons who will be affected in the area will be resited to the south end at the bottom of Mt. Friendship, that is to the Southern part of where they now reside, so there will not be much disruption, they will be well within the same community and they will not have much to fear, I have been informed by the Honourable Minister that the National Housing Corporation has been instructed, or the onus is on them to carry out the resiting of these houses and these people and that Housing has decided to put in the services the roads, the water and the electricity in this area that has been earmarked, it has been approved by the Town and Country Planning and as soon as they are ready, as soon as these services are provided, then the residents will be transferred to Bottom Close, Wildey where the Government has got some 32 units nearing completion.

12.45 p.m.

I want to give them the assurance that I have seen these 32 units and I am satisfied that they are comfortable and that in no way will they be short of their present living conditions, and I hope that they will take my word that I have been assured that everything will be done in a very smooth manner. I am virtually satisfied with the arrangements, but there is still some tidying up work to be done, and that is, to complete the final negotiation and deciding on the price that these people will be paid for the lands which are to be acquired.

I take this opportunity to explain this fully, Mr. Speaker, because it was to my disgust that I heard a member of the Opposition Party in addressing the people in my constituency, in Wildey, some time last year stating

that the Sanitation Authority was put in my constituency and that with it would breed rats, and that it would cause the spreading of leptospirosis. I heard that coming from a member of the Democratic Labour Party who is supposed to be the candidate of the Democratic Labour Party telling the people — one Milton Pierce — that the Sanitation Authority will bring leptospirosis..... I am sorry, Mr. Speaker, I must withdraw the name, I did not give prior notice, but it was a member of the Opposition Party who is seeking election, telling the people in Wilkey that the Sanitation Authority will cause rats to be in the area and that the people will be victims of leptospirosis, and he went on to tell the people that the Government hastened to build the polyclinic because.....

Mr. SPEAKER: I am inviting the hon. member to stick as closely as possible to this Resolution. I have given you some latitude, but I do not want others then to follow you, you understand. That is my invitation.

Mr. BRADSHAW: Mr. Speaker, thank you very much, but I think I am quite relevant when I draw a comparison of what was being said because of the attempt to mislead the people. This is something that is being done for the advancement of the area, and you find people who are supposed to be responsible telling the constituents that the polyclinic was put there because the people will be suffering from leptospirosis and that they will need a health clinic in the area. You see, Mr. Speaker.....

Mr. SPEAKER: Please, come along the Holy Ghost Road. Do not let us go along with this polyclinic. When another member rises and talks about the polyclinic I will have to stop the member with this polyclinic talk. Please.

Mr. BRADSHAW: Yes, Mr. Speaker, I must say that I support the Resolution, and I want to give the residents in this area the absolute assurance that the Government will do everything to make the transfer from the present area to the new area where they will be located as smoothly as possible, and I do hope that they will co-operate as they have been doing in the past, and I am looking forward to their enjoying the very best in their new environment.

Mr. ODLE: Mr. Speaker, I am in agreement with this Resolution. I would like, however, to make reference to the improvements to the road at Belmont and Martindales Roads. Not only has this Government been acquiring a lot of land for road improvement, but I am very pleased and very happy to see that after the roads have been put in the good job that is being done in terms of beautification of the area. Belmont Road and around there, Mr. Speaker, has already added some new dimension to the City of Bridgetown, and if this is to continue I think it augurs very well for the future. I only want to suggest that when they come to Chapel Gap they

will attempt in whatever way they can a beautification of the area.

I also notice that in St. George, my constituency, they are doing roads in the Glebe, and I am going to suggest now and put in an early plea that they should in any way they can leave it beautiful for the people of the parish. I thank you.

Hon. L. S. CRAIG: Around election time, Mr. Speaker, you get all these speeches. I do not know why my colleague, the member for St. Michael South East, seems to be eating up himself about who is misleading; when they are finished misleading his duty is to lead. I do not understand what he is so concerned about. We have given him the assurance that the residents are going to be very well housed, those houses which we have to resite that may not have the necessary toilet and bathroom facilities, and probably that are in very bad shape, we are going to make the houses better, we are going to paint them, we are going to put on water toilets and bathrooms, and put fences for them as we have demonstrated at Sion Hill and at Clapham Park. There is absolutely nothing to worry about.

As far as my colleague for St. George North is concerned, we have demonstrated at the roundabout how well we have done there, and I have no doubt in my mind as Minister of the Environment that I will make sure there is always something where people can live comfortably, have the open areas beautified and so on. They have no worry about misleading, they are to be concerned with leading.

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

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

**RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LAND AT INDIAN GROUND,
LANDS END, ST. MICHAEL, TO FACILITATE
THE EXCHANGE OF THAT LAND FOR
OTHER LANDS AT PASSAGE ROAD,
ST. MICHAEL**

Hon. L. S. CRAIG: Sir, this acquisition is more or less to do with the Government acquiring a piece of land from themselves. That is what it is all about. It is an exchange of land which affects the land at Passage Road which I had acquired for housing and a plea came in from a member of Parliament about facilities in the area, recreational facilities. I do not know what is the position yet, but I believe that whatever facilities there will be will not only be for the people in the area but for the people of Barbados, like The Auditorium, not George Street, St. Michael, but in care of DLP Headquarters, George Street.

I beg to move that this Resolution do now pass. It is only an exchange of land. We have done the exchange already, we are now acquiring back from ourselves this land, Sir.

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

Mr. TAITT: Mr. Speaker, the ramifications surrounding this Resolution have already been aired in this Hon. House and I have no intention of using the opportunity, even if I would be allowed to, to deal in any politicisation of a fundamental fact of interest to all the people of Barbados.

I am very pleased that the Minister of Housing had the grace to accept the submissions which were made indicating that Government ought to take another look at the piece of land which had been acquired with a view to housing. I am grateful to the Minister and his colleagues who took the point which I had made on behalf of the people living in that area.

12.55 p.m.

But I wish to assure him that my interest in the area for recreational facilities extends beyond the parochial concerns of these people, but is heightened by the fact that for whatever reason there is no particular recreational facility. I read somewhere that the Government is in receipt of a gift from China and determined that they would be placing indoor facilities in that area, and whether they put that particular facility there or whether they leave that area for recreational facilities, as long as the area is used towards the physical and mental upliftment of residents of the immediate area as well as others in the community, I certainly would have no quarrel and therefore would be able to support this Resolution wholeheartedly, because any little bit that can be done to assist the early implementation of the policy which the government's enlightened representation has offered will be gratefully accepted. If and when the time comes for its implementation, I would like to feel that whoever is the person responsible for implementing the particular decision will take sufficient care to see that the facilities are of the quality and standard that would allow them to be available not only for this generation of young people, but for many many generations to come.

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

THE POLICE (AMENDMENT) ACT, 1981

Mr. SPEAKER: Order No. 2 stands in the name of the Hon. Attorney General to move the second reading of a Bill to amend the Police Act Cap. 167.

Hon. H. deB. FORDE: Mr. Speaker, the purpose of this amendment to the Police Act is to establish a

Traffic Warden Division in the Royal Barbados Police Force which will be under the authority and control of the Commissioner of Police. Some of the duties which members of the Police Force are required to perform are in reality non-police duties and in many respects they are uneconomical when one considers the level of training which is accorded to police officers, and it has been the policy of my Ministry which has now been accepted by the Government to release trained police officers as much as possible to perform strictly police duties. To achieve this we have been removing non-police work from the Police Force.

Mr. Speaker, you will be aware that this has been done in relation to immigration as well as in relation to the court process, a section of the judiciary attached to the court, and what we are seeking here now in the Traffic Warden Scheme is to give supporting services to the Police Force although the police will still continue of course to enforce the traffic regulations and the Road Traffic Act. We consider that duties such as the supervision and control of traffic and of street parking could be done by a body of people who are properly trained in this field and who at the same time have conferred on them the status of island constables so that they would have the relevant powers in law to enforce the traffic regulations.

Shortly the Minister of Communications should be in a position to bring to this House a supporting Bill, the Road Traffic Bill, which will be a major part of the substantial reform of the laws of road traffic and which at the same time would contain certain provisions and under which regulations will be made pertaining as well to the Traffic Warden Division.

The main duties of the proposed division, Mr. Speaker, is to control the parking of cars in car parks including the issuing of receipts for parking fees. This is at present to a limited extent done by ten parking attendants in a limited number of Government car parks; to supervise street parking including eventually parking meters, as I believe that the establishment of parking meters can go a long way towards assisting in the regulation of the control of traffic towards relieving congestion on the highways particularly where in many instances our highways are merely non-dual carriageways. The duties will also include the regulation of traffic generally at school crossings and on occasions where there is heavy traffic concentration, and they will perform such other duties as the enforcement of the traffic laws and as may be determined by the Commissioner of Police.

It is hoped that in time we will abolish the post of parking attendant since the duties of that post will form part of the duties of the proposed Traffic Warden Scheme. Parking attendants are at the moment appointed

by the Chief Technical Officer of the Ministry of Communications and Works in accordance with the Motor Vehicles and Road Traffic Regulations. In reality the selection is usually done with the assistance of the Commissioner of Police who then recommends the persons for appointment to the Chief Technical Director. It is not the intention that any of the existing parking attendants will lose their jobs. They will be fully integrated into this scheme, and I wish therefore at the outset to make it absolutely clear so that in these nervous times no one will seek to give the impression that anything is being done to abolish the office of parking attendant without them being in some way used in the service as a whole.

Mr. Speaker, as you know, since about 1971 there was some provision made for Traffic Wardens at schools in an effort to make it safer for children to go across the road. The scheme did not become effective really until 1975 when the YWCA started to provide wardens on a voluntary basis as part of the project to mark the International Women's Year. That offer was accepted and the pilot scheme started really in October 1976, and you will now see, Mr. Speaker, at some of the schools in the Island, at Queens College, at the crossing for instance at Brittons Cross Road area, ladies who on a voluntary basis have been controlling and regulating traffic in the vicinity of crossing to certain schools.

I wish here publicly on behalf of the Government to thank the YWCA in particular and all of those civic minded women who have contributed so outstandingly to this public service without any remunerations whatsoever and have done a tremendous job in getting the scheme off the ground. I said that this scheme was being talked about since 1971. In 1974 for instance the then Minister of Education submitted a list of nineteen schools which he thought would deserve a Traffic Warden Scheme.
1.05 p.m.

We have now upgraded this to 36 Schools and it is intended that in the initial stages in particular Wardens would operate in relation to these Schools.

Mr. Speaker, I cite the dates because sometimes it is being made to appear that everything can be done overnight but it was in its conception in 1971 and we are now some 10 years on, 1981, before the Scheme is getting off the ground and it is a Government measure.

The Scheme at the time had the full support of the National Union of Public Workers who were indeed pressing for this type of Scheme and in the 1979 crisis it was estimated to cost something in the region of \$260,000 on current cost. We have an initial amount of about 60 Traffic Wardens. I believe, now, Mr. Speaker, that sum has considerably increased but the Government is hopeful that it will be in a position to implement the Scheme.

You will notice, Mr. Speaker, that one of the safeguards is that the Traffic Wardens will be public officers and they will be appointed by the Government's Service Commission to ensure as usual that in the appointment of persons in these posts there is no political manipulation of jobs so that the persons will be appointed through the Service Commission regardless of who they are, what colour, creed, religion or political affiliation. The only qualification will be that they are fitted and suitable for the post and willing to carry out the post.

Let me say, Mr. Speaker, it is not intended to refuse the continual voluntary assistance and already of the ladies who at present participate in the Traffic Warden Scheme. We will be using them as much as possible and I hope that the other terms and conditions of service would be adequate for them. There will be the usual uniforms given to them so that there will be distinguished by the duties which they will have. Uniforms as usual will be free as exist in similar services at the moment in Barbados.

That essentially, Mr. Speaker, is an outline of the policy consideration behind this very limited amendment to the Police Act. I have not of course gone into a debate on the Royal Police Force as I believe we have had the opportunity to do in here on several occasions and indeed only a couple of weeks ago in the Estimates there was some debate on the Police Force.

I wish, however, to take the opportunity to make perhaps only two very limited comments. I think on the last occasion in March when we discussed the Police Force there were one or two useful suggestions and statements made. I remember the contribution made by the hon. member for St. Michael South West in particular as worthy of note but there are still people in the society who persist for short term political reasons and who ought really to be ignored in representations directed more or less at the character of the Minister rather than at the Police Force. The most recent one is by a gentleman called Mr. Peter Morgan who talks absolute nonsense. In a letter of a few days ago he made the point of the Police Force doing nothing to control crime at Hotels and against visitors.

Mr. Speaker, I have on numerous occasions publicly given known statistics and we can only deal with known statistics in this country which are reported to us. From time immemorial that is the basis on which Police Statistics have been collected and we can therefore only compare like with like and like methods with like methods.

I have given those statistics on the first occasion. I have gone on to point out that of the crimes against visitors, the majority of crimes are committed on hotel premises, including Mr. Peter Morgan's Hotel where

there have been one or two incidents reported at his hotel or in the vicinity of his hotel.

Now I do not know anywhere in the World where you can produce in any state, no matter how small, not even in Monaco where the State can provide enough Police services for policing the premises of Commercial enterprises. They must understand and move on to the provision of Security Guards, not Watchmen, and I have on numerous occasions said that the Royal Barbados Police Force is prepared to train and provide technical assistance in the training of Security Guards for Commercial Institutions and, therefore, if you have last year reported 136 incidences involving visitors some of which are visitor committed offences as well, which is forgotten, and you have a tourist trade of 370,000 of regular long staying visitors, as compared, and I am not taking into account the number of people who pass through on cruise ships, with about another 120,000, and you have then approximately 490,000 visitors in Barbados and last year there were 136 reported incidences involving them, 60% of which occurred on hotel premises, it can only be the most prejudiced person lacking in objectivity who is going to get up and contend that the crime situation in this country in relation to visitors is of such a nature, so disastrous that it is affecting the Tourist Industry and running it and that the Police Force and/or implying that the Police Force and the Minister is responsible for this. I must sometimes suffer idiots gladly and he is one such idiot that I have to suffer gladly. That is all I have to say about that incident.

The Police Force have tried and will continue to try to control crime in here. If he was reading and was cognisant with what is happening with crime periodically, he would get up and talk some sense or he would be concerned about stopping the black people from being abused in Brixton. That is what he would be concerned with as a good Englishman. Some of these people sometimes you have to be rough on them but what is the position, Sir?

Today in Miami the rise in crime is of such a proportion that you will see in the papers in Miami its effect on the Tourist Industry. I said in this House when the hon. member for St. Michael South West, I believe, spoke on this subject on the statistics about violent crime throughout the World, in the United States, in Britain, in Germany, in Canada and in Hawaii, not only in relation to visitors but in relation to the local population and I have shown that in those cases the crime level was higher than anything we have experienced in Barbados. That is what it shows, Sir.

A few days ago in last week's *Advocate News* there was a news item of attacks on English people like Peter Morgan who had gone as visitors to Miami and were being stopped on the streets. I know the hon. member does not

like to hear me in this mood but if Peter Morgan has feelings, I have feelings too and he must forgive me for speaking in this way because normally I do not speak to people in this way, but the point is that they were attacking people in the street, and at street corners and a man was brutally beaten in the presence of his daughter, something that has never happened in Barbados under those circumstances, not that it could not happen here.

1.15 p.m.

But, I cannot unfortunately as I said deal with people whose only aim is to destroy. I have to sometimes deal with destroying them too. I know that there is the impression that I am soft and all you have to do is to attack and I will run, so I sometimes have to reply in kind. I have not got time to waste writing letters and getting them signed by other people and say I am writing to the press. I do not deal with that. If I have anything to say, I say it and if I have an article to write, I will sign my name, so that I have not got a fan club. I just deal with situations as I see fit Sir. I am neither Henry Christopher nor Christopher Henry nor Christopher Haynes for that matter Sir, I am Henry Forde with an "e" Sir, so I do not get away from that and any time that I have anything to say, I say it. I am big enough to say it, I am not frightened of anything I have said and I regret that I have had to be so direct and blunt, but I wish people will deal with factual situations and stop pushing fun.

For instance, Sir, I have on numerous occasions in this Honourable House said that my remarks which are in Hansard on the Pele matter dealing with the police was that, "the police said that they had done all they could and it is my duty to find out if they are right." I still get the same persistent misrepresentation from the same gentleman in a letter. Now, some people would be provoked sometimes, Sir. I am provoked with the foolishness when you are going to get somebody every day to say that I said that the police did all they could and this is the same Minister who is saying that there is no problem with crime. Poking fun at the Police Force, the same Police Force that the Honourable Member for St. Michael South West agreed with me is an excellent Police Force. The same Police Force that I have had over the past four years to try to reconstitute and reorganise on the basis of the fact that proper planning had not gone into policing for some years. They needed manpower, we have given them manpower and are giving them manpower. They needed training. We are providing additional training opportunities and I want to take this opportunity, in mentioning the question of training, to say once again that the British Government has this year again provided a special grant of £30 000; last year it was £20 000 another grant of £30 000 in order to increase training opportunities for the Royal Barbados Police Force at a certain level, at the level of middle management and upper

command posts and criminal investigation and I want to repeat likewise and to thank the Canadian Government for also having offered on next year's programme to take additional police people into training and we will continue this programme. It is not in the interest of anyone to have a Police Force that is not on top of the world.

I have increased, with the concurrence of the Honourable House, Sir, the resources that are available to the Police Force. I have cited where today we are spending I believe eighteen point, I believe it was five, million dollars on recurrent expenditure on the Force not to account the additional amount in Capital Estimates that are being spent on the Force. From when I took over up to now the recurrent expenditure has increased 300%, in four years it has increased 300%, the training opportunities have increased 1200% and not only opportunities, the provision for training has increased more than 1200% (ASIDE). Alright, Sir, I said all of that before but I have to repeat it. I would not want to repeat it, Sir, if they did not keep persistently, for whatever reasons it may be, misrepresenting the true position believing that that will give them something in which to beat they assume me, but in my view, they are beating the Royal Barbados Police Force not that the Police are above criticism. Where the Police have erred, they should be criticised rightly; we should investigate properly and objectively those criticisms and in fairness to the Police Force, let me again say that last year, we had about 36, or a little bit more offences committed against the Police, each one of them, complaints by the public, was investigated, policemen were dismissed, some of them were fined, there are a few that went before the Courts and we have laid down a procedure of dealing with them.

Now, it may well be that the time is coming when we may wish a separate Complaints Board to deal with complaints against police. However, the experience in England with a separate Police Complaints Board has not been without its difficulties. The recommendation for such a Board in Australia has not met with the full concurrence of the people as to whether it is more efficient and in Barbados where the Police Force is still para military, one has to be careful how you superimpose these types of precedents on the Police Force without a proper consideration of the matter and I am giving very careful consideration to the necessity for a complaints board and if so the composition of a Police Force which will deal with any public complaints.

What the Commissioner of Police, with my concurrence, has instituted at the moment is that any complaint against the Police that raises any matter of a criminal activity on the part of the police is referred immediately to be dealt with by the Director of Public Prosecutions and if it is a complaint into the conduct of the police that has both disciplinary and criminal implications that too is referred to the Director of

Public Prosecutions, so that he can deal with it. If I am being told that once it has a criminal content I must afford him different security people to investigate the Royal Barbados Police that is a matter of such wide implications as I know of no established force in any country of the world which brings in outside bodies to investigate their own Police force. The British do not bring in the Russians to do their job for them, the French do not bring in the Americans or the Germans, they do it within their own Forces because you have eventually to trust somebody, so that that is one of the reasons why one has to be careful when you are getting up and just talking through your hat, rather than looking at the proper considerations that go into this matter.

I want, once and for all, I may, or may not get another opportunity to talk about it in the Honourable House, let me say once and for all, Sir, (ASIDES), to talk about it in the Honourable House, during this year. The other men have an idea that I would not be returning, I get 80% of the votes 80% to 85% so I will let the Honourable Member know that there is no danger that Mr. Speaker, you would not be hearing me in here both you and I Mr. Speaker will be in here for several years to come talking, Sir, on these matters, there is no doubt about it. If the Honourable Member wants to know whose seat is safe, mine by 27.5% higher than anybody else's, that is how safe it is, Sir, so the Honourable Member must not catch at straws. What I mean is that we may not be amending the Police Act in a hurry again for me to talk on these matter, Sir.

But, the position is Sir that I want once and for all to get certain misrepresentations out of the way. I do not mind people disagreeing with me, Sir, I do not mind people dealing with matters and coming to different conclusions, but let us agree that on certain factual things we will have no misrepresentations of the facts, although our views in interpreting those facts may differ.
1.25 p.m.

That is the only basis on which I know to conduct any sensible and enlightening debate for the public of Barbados, or for our own enlightenment, and that is why I have taken the opportunity, although in the process I have probably had to reply in like kind as was visited on me, to say that whilst I welcome criticism of the police and how I handle the police, or anything, what I resent most strongly is misrepresentation of my statements or of the police conduct, regardless of whether it is out of maliciousness, viciousness or officiousness, or for whatever other reason it may be. I think that that is not the basis on which one can have any sensible discussion on matters such as this.

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

Mr. BRADSHAW: I beg to second that.

Mr. TAITT: Mr. Speaker, having participated in a police debate only a couple of weeks ago, I have no intention of attempting to do the same thing all over again.

This piece of legislation before us seeks to strengthen the concept and the reality of the Traffic Warden Scheme, and I do not believe that in principle anyone in Barbados would disagree with the concept. As the hon. member said, it is a concept that has been around since 1971. I believe, however, that the Minister in introducing the Bill, and the Bill as it is formulated would need to be very meticulously explained and outlined to the Police Force itself. The hon. member talked in terms of relieving the police of some of the duties which they now perform which are now not properly police duties. I think he went on to say that these Traffic Wardens will supplement the police.

I should like to suggest that his statement while being technically correct could lead to a misunderstanding on the part of both the Traffic Wardens and the police, and I believe the opportunity should be taken to let it be known that the addition of power to the Traffic Wardens ought not to relieve the police of their responsibility under the Police Act. Even without the import of the Traffic Wardens it seems that there are some things which have to be said with regard to the traffic situation in our country.

Mr. Speaker, on my way to this Hon. House just a few moments earlier I found it a little disconcerting to see some eight or ten mini mokes parked on Broad Street, driven by persons who appeared to be tourists. Not all of them had occupants in them, Sir, but there must be something wrong when our main street in Barbados on a day like today can have that kind of traffic congestion brought about in that way. I believe that the time has come for us to say to the police and to our citizens, we have more vehicles in Barbados and it would save a lot of lives and a lot of heartache if we can all recognise it, and if the police can do their duty as it used to be done in the past with regard to certain traffic offences.

I do not know if I am alone, Sir, but I believe in the last few years that we have come to feel — I certainly have come to feel — that there has been a diminution in the regard which the Police Force has been paying to traffic control in this community. There are some chaotic and disastrous acts that occur on the road which frighten anyone who has the responsibility of piloting a vehicle of any kind along the road, or indeed if you happen to be a pedestrian in Barbados in more recent times. It is true that the situation has been exacerbated by the necessary works that are going on with regard to the Sewerage Project, but even without the Sewerage Project we have had the situation where goods vehicles have felt

that they are capable of parking on any side, looking in any direction, at any time, around any corner. Worse, Sir, I have seen police vehicles parked in ways that could only be described as dangerous to the public. I have seen in the last few years persons showing little or no regard for each other on the roads, and I have been privileged once to see three or four different police officers pass on a road where there was parking on alternate sides at approximately every fifty yards, and they went along about their business.

It seems to me that in times gone by, times which I am sure Your Honour will remember, a person who was driving a vehicle, who was going to park it illegally used to look around and used to be on tenterhooks wondering if someone will come and report him, and it is a fact that people used to be reported. I am not suggesting that the police have not been reporting people, what I am suggesting, Sir, is that there is a general attitude which has come about very slowly, a general attitude of permissiveness on the highway, which seems to suggest to me that there is room for leadership at the top, whether it is coming from the Ministry or whether it is coming from the Force itself.

The Minister in introducing the Bill suggested that they would be supervising the control of parking. I draw to his attention that those words could be misunderstood, and I think that it should be more clearly outlined that the police would still be expected to deal with the question of illegal parking along the highway or anywhere else from time to time. I think, Sir, that the Government is attempting, by the introduction of this measure, to bring into effect the system which exists in a number of developed countries, more particularly the United States, where they have what are described as meter maids. In that situation, however, Sir, there is rather a parallelogram than there is a crossing of the duties. It seems to me, Mr. Speaker, that the Minister ought to take the opportunity to outline in a little more detail how it is envisaged that the meter maids, or the parking attendants, would operate, because it must be made explicitly clear that the meter maids or parking attendants will have certain responsibilities with regard to parked vehicles. To suggest that they will supervise the parking in Bridgetown also suggests that they might be giving some traffic directions to persons who might in fact be attempting to park. I submit that that could lead to confusion, which could lead to bad blood, and in certain circumstances could lead to something more dangerous.

I think that if we are to give them the police power, we should give them the police power, but if they are not to get the police power then we should define the power they have so that there can be no mistake either by them, either by the police or by the public.

The Minister indicated that he anticipates there will be parking meters in Barbados in due course. I think that he would owe us a duty to indicate what the cost of parking meters is at this point in time, and would likely to be at the point when parking meters become policy.

1.35 p.m.

I do not propose to deal with that, but I think that it is time for us in Barbados to give some consideration to what my friend the hon. member for St. Lucy has spent a lot of time discussing in more private circumstances, the question of double storey or multi-storey parking in Bridgetown. Anyone who has been into Bridgetown in recent times who has been attempting to find some place to park a vehicle must know how difficult it has been, and when we have situations like the Central Bank removing in one fell swoop all the parking facilities in a particular area, there being no substitution for that, it seems that the hon. member's suggestion that there be multi-storey parking in Bridgetown has probably come of age. It is probably time for either some entrepreneur because I am told that most of the property in Bridgetown is privately owned or the Government itself to take a look at the concept of a five or six storey parking area so that a large number of vehicles can park in Bridgetown without utilising a tremendous amount of space. Where these kinds of buildings have been erected in the larger countries, the cost of parking has proved to be economic for the building owners, and it is a matter which the hon. member for St. Lucy feels very strongly about and which I now share with him, and hope that the Minister will give it some consideration.

I am glad that there will be no abolition of the post of the present holders of parking attendant. It is always difficult when someone loses his job, but I am hoping that as the persons who are appointed would be appointed under section 94 of the Constitution, that an attempt will be taken to see that the requirements for filling this job bears some relationship to the kind of job which will be done. Secondly, I hope that there will be some serious and rigorous training provided for the persons who will eventually fill these jobs, and that included in that training will be a re-training for those parking attendants who are included as persons getting jobs under this new system.

Mr. Speaker, I do not believe that it take a Solomon to work out that the parking attendant system which we have in Barbados now is unsatisfactory; and while I am on that, Sir, some time ago, more than three years ago, a car was parked in the parking lot at Independence Square. While under the aegis of a parking attendant that car was broken into, important documents were stolen, the police were called, the police came and took statements from the car owner and from the person who was driving the car. That is about three years ago,

Sir. Since that time not a single solitary word has ever been said to either the driver or the owner of that vehicle as to whether they had made any progress, as to whether they had apprehended anybody. It is clear that they did not apprehend anybody because neither the driver nor the owner ever were summoned to come to court to give evidence. It seems to me that in recent times there has been a proliferation of larceny from the parking areas, and it seems to me that when that larceny has occurred it has been treated too lightly. The result has been that it has increased. Nothing has been done as far as I know about the increase of this kind of crime. When a person leaves a vehicle in a parking lot in Barbados and he pays money for it, that person ought to be able to feel that the car has some measure of security. No one can expect a parking attendant to be a security guard at the same time, but if we have parking lots where people pay for parking, they have a right to believe that the car will have some measure of security. That is now not the case. I hope that steps will be taken with this amendment to improve that particular area of the operation.

The Minister indicated that the cost of the introduction of the new Traffic Wardens will be in excess of \$¼ million. He said it was \$216,000 at 1979 prices and through the galloping hyper inflation which we have become accustomed to, it stands to reason that the cost is probably now in excess of \$250,000. I do not believe, Sir, that \$¼ million can be too much to spend if it will improve the quality of traffic control in the country. If however it is going to be nothing more than the expenditure with the acquisition of sixty more positions and there is going to be no change, then I think we would be wasting money. That is why I insist that the Government ought to embark immediately upon setting up criteria which will be required for the people who will fill these jobs, setting up a systematic training scheme so that like the police who now know that when they join the force they are going to have six months training at the Institute, Traffic Wardens and people who aspire to be Traffic Wardens will know they will have a one, two or three months' training period, and the public can be assured that they are likely to be people who know how to approach them and who know how to deal with them.

Mr. Speaker, there is one other aspect that I want to touch on. It has to do with the safety of children as they attempt to go to and from school. For as long as I have been in this Honourable House every opportunity that presented itself I have raised the question relating to the crossing from Richmond Gap across President Kennedy Drive to the other side of Richmond Gap. Mr. Speaker, more than 2,800 children go to the compound called St. Leonards every day. I am sure, Sir, that from time to time as you have crossed that road which we all must cross if we are going into town sooner or later, if we happen to cross it around the hours of school time, it

is like an open lottery; it is a species of lottery as to which child would cross the street before which car hits it. To this date as far as I know there has been nothing concrete or specific done to assist in the crossing there. From time to time a policeman is put at the corner where President Kennedy Drive merges into Barbarees Hill Road or Eagle Hall Road. That policeman assists with the moving of the traffic and incidentally he assists with the movement of people from one side over by the Plantrac people across to the other side, but at the corner at Richmond Gap where all these children that are flowing up Barbarees Hill and come across Richmond Gap, as I said, it is a species of lottery to watch them hustling across, or worse, Sir, sometimes daring the drivers as they cross. There is a new thing which the kids have worked out; if ten of us hold hands and walk across, we can stare down any driver. The problem is that not all the drivers are humane and considerate or even temperate, and I hope that we do not have to have another death at that particular point before having something done about it. 1.45 p.m.

In the United States, Sir, and I usually refer to the United States because that is where I have experience in these matters, in the United States traffic crossing, especially near schools are clearly marked on the roadway and everybody who is approaching one can see some distance before he gets to it that there is a traffic crossing. That is in addition to any signs which may be posted.

Mr. Speaker, I am satisfied that the signs which are posted in Barbados after a while have no effect on drivers. If you want proof of this, Sir, stand by Wesley Hall School any morning, observe the two signs about 100 metres away from the school property which says "school crossing" and then watch the drivers as they drive down. Mr. Speaker, the two things are as far apart as chalk is from cheese. No driver who had read those signs could come down King Street the way they do.

But, Mr. Speaker, it seems to me that part of the problem has to do with that long awaited Road Traffic Act. I think myself, Sir, that it is a disgrace that two administrations have promised a New Road Traffic Act. I came back to this country in 1971, Sir, and I heard that there was going to be a new Road Traffic Act. In 1981 the Honourable Minister introducing this Bill was able to say "the new Road Traffic Act which would shortly be coming to this House." This must be the most spoken phrase by any Minister in the last 10 years in this House.

That shares the distinction with the Companies Act, Sir. They have been on the road for a long time. I feel that that is a disgrace. I feel that that has contributed to the attitude which we find both administratively and by the consumer, if you will pardon the term, because they have heard so much about the Road Traffic Act, they have seen the attitude which is displayed by those

who are supposed to bring the Road Traffic Act, they must come to the conclusion that the Road Traffic Act is not serious.

We have seen so much other legislation which has been hurried to these Chambers, Sir, and this legislation which has to do with the life and the living of the people of Barbados, it is always coming. I believe that Hansard is replete with words spoken by almost every hon. member in this House, not excluding Your Honour's distinguished words in the earlier days, imploring the respective Ministers of Communications and Works to bring the Road Traffic Act and Hansard will also show that many of the Ministers of Communications and Works have always indicated that the Attorney General's Chambers have been dealing with it and they cannot bring it unless the Attorney General's Chambers bring it.

I am not blaming, and you will note, Sir, that I said two administrations so I am not apportioning blame to the one, two Governments, Sir, administrations, I like administrations, Sir. I am not apportioning the blame to the present Attorney General and the present Minister of Communications and Works except to say this that they, too, have participated in the game of promising the Road Traffic Act.

I believe that there is a certain amount of seriousness which ought to go into the production of this Act. I once heard the Honourable Prime Minister say that if something did not happen that heads would roll. I recall that, Sir. It had something to do with the Printing Department or some other Department but he said that heads would roll. I am told, Sir, that heads have rolled. I believe that the bringing of the new Road Traffic Act deserves more than it has had in the last 10 years.

Now, the hon. member has said that he does not believe in importing foreigners to come into Barbados to investigate. I want to touch on that in a different context but if the problem is with the Road Traffic Act that we do not have any experts who can design it, draft it and conceive it, we should look to some expert to assist us and I hope that the Minister's statement that it is on the way is the very last statement of that kind before we see the Road Traffic Act.

Now, I hear that the House is going to be dissolved shortly and we are going to have an Election. I hope that we get the Road Traffic Act before the Election, Sir, although I will not go into that.

Mr. Speaker, on this question of the Attorney General's attitude to the Police in regard to the investigations. I am not going to deal with that in this Honourable House. It has been dealt with and I believe that anything I have to say in that regard ought to be said outside of this House so that I will be subjected to the scrutiny of

those with whom I would speak so that when the bell rings, they can expect that I will have a lot to say about those things but I would like to draw to his attention, perhaps it might support his position, that the murders remaining unsolved, we have some retired Policemen in this country whose reputation for criminal work is well known.

I do not wish to be invidious and call their names, Sir, because I would have to leave out one of them, Sir, but we have some retired criminal chiefs. It seems to me that the present crop of Policemen has been dealing with these matters and looking at them from close up and what is more, might have become myopic in their approach.

I obviously cannot say that the Malone Commission has thrown a lot of light in terms of how the murders are to be solved except in one recommendation they have made, but I believe that we have people like Cecil Bourne who could look at this matter up-front and I would recommend to the Minister that he suggest to the Commissioner of Police, because he cannot direct the Commissioner of Police in these matters, that people like Cecil Bourne be given an opportunity to review the files and look at this matter and see if there are any lines opened so that we can once and for all get away from all of the questions and answers or questions and no answers as the case may be which have plagued this particular issue.

As I have said before, I believe that the Police Force in Barbados is a good Police Force but it is because I believe that it is a good Police Force that I could never be able to condone any slackness on their part whether it has to do with traffic or whether it has to do with solving murders. If we really believe that the Police Force is a good Force we should strive to keep it so and while one should strive to keep it so, we should criticize it when it needs to be criticized. Constructive criticism of the Police Force is one of the best compliments that we can pay to the Police Force and we outside will give the Police Force constructive criticism whenever we consider it desirable.

It is interesting, Mr. Speaker, that as we debate this, I am not quoting from the Newspaper but I am using it to get the headline. It is interesting that on Tuesday, April 21, in the Historical Column, "It so Happened" that the headline says "Robbery at Police Station" and it goes on to say that early on a Sunday morning in 1887 funds were discovered stolen from Central Police Station. It is ironic that in 1981, yesterday at an excursion where we had so many buses that we could not count them, somebody came up to me and said "have you heard that money at the Police Station got thief?"

Now, I have attempted to find out about that. It is that kind of remark which will assist in protecting the Police Force.

1.55 p.m.

But, Sir, in 1887, this statement here says that there was immediate investigation, that when the investigation was completed that the Sergeant who had responsibility was dismissed, final, swift, decision-making. That is why from 1887 to the present or until recently the Police Force was able to maintain a good reputation. I am saying, Sir, that just like the law in general, where there has been a wrong, it ought to be dealt with, if there is justice to be meted out, punishment to be meted out, it should be swift, it should be sure, and the people who are watching on ought not to be able to use the Police Force as a whipping boy, or use the Police Force as some tool for rumour-mongering.

I do not know if they have lost any money at the Police Station recently, but I am saying that when the citizens start using the Police Force in that way true or false, we in Barbados are worse off. It is time that we get clear indications that the Government's policy and the Police Department's policy would be such as to take the public into their confidence. I believe that in those circumstances all of us will have less of the kind of debate which unfortunately led the hon. member to engage in *ad hominem* approaches, which I am sure he will agree are unworthy of him, or any other hon. member in this Honourable House. Whatever he might think of a particular citizen of the country, he ought not himself by innuendo be suggesting racial overtones in his communication. To describe a citizen of Barbados as an Englishman ought to be insulting to describe him without indicating that he is also a Barbadian ought to be insulting. I do not believe that normally the Honourable Minister will engage in that kind of approach because the Honourable Minister has always in this Honourable House admonished his colleagues and those of us on this Side, when he has gone to his high levels of oratory and moral suasion, when he has been more priest-like than lawyer-like. He reminds one of the hon. member for St. Michael West sometimes. He has indicated that we must not engage in personal abuse and that sort of thing.

I was therefore very disappointed to hear him for the very short period to castigate a gentleman who has sat on the Ministerial Bench as well, it does not augur well for the totality of the high moral turpitude which the people of Barbados have come to expect of Ministerial persons. To call him an idiot, Sir, when he knows that if he had called any other hon. member an idiot, he would have to withdraw it, Sir, is to me to suggest.....

Mr. SPEAKER: The hon. member is reflecting on the Chair.

Mr. TAITT: I beg your pardon, I withdraw that, Sir.

Mr. SPEAKER: Is the hon. member going to complete his address by 2.10 p.m.?

Mr. TAITT: I do not think so, Sir.

SUSPENSION

Hon. H. B. St. JOHN: The hon. member is entitled when we resume to continue.

I beg to move, Sir, that this Sitting be now suspended until 2.45 p.m.

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

The question was put and resolved in the affirmative without division and Mr. SPEAKER accordingly suspended the Sitting at 2.01 p.m. 2.01 p.m.

On Resumption:

Mr. SPEAKER: This Sitting is now resumed. When the Suspension was taken the Honourable Member for St. Michael South West was making his contribution. He may continue.

Mr. TAITT: Thank you, Mr. Speaker. If I may continue Sir on the question of the safety arising out of certain attitudes and activities on the roads, the question of safety on the roads seems to me to include one of the problems that obviously affects Barbados as a whole, a problem which I believe has its antecedence in good intentions, but which as we have developed as a community has tended to create more problems than it solved. I am speaking here Mr. Speaker of the fact that two different departments of the Government have responsibility for certain aspects of traffic control.

Under the old system, the one which we practice now the Chief Technical Director has been given certain responsibilities and the Police Department has been given other responsibilities. Now, Sir, if you look at the experiment which has been tried at the bottom of Pine Hill as it goes into Pine Road just below Government House, that experiment as I understand it is an experiment suggested by a senior police officer who was at the time involved in traffic control. It seems as if that experiment is working, he could not have got that implemented and indeed I believe did not get it implemented, as early as he wished because the person with ultimate responsibility was the Chief Technical Director. So that a suggestion for

such kind of traffic control from say the Police Department which department would be immersed in traffic control from a day to day basis has to get the blessing and approval of the Chief Technical Director before it can be implemented. There is basically no quarrel with that, except that in a modern approach to a developing Barbados, it seems to me that wherever possible, we ought to co-ordinate the activities so that a particular department can have functional responsibility for a particular area.

Sir, the difficulties which come to the fore are best exemplified in an area which I touched on very lightly when we had the Estimates Debate. It has to do with the new development arising out of the improvement surrounding the harbour and the highway going off to the North. I believe that it is the Spring Garden Highway. Now, Sir some weeks have gone by since I sounded a note concerning that particular junction. I have seen no evidence that anyone is going to do anything about it and I have invited and would invite again Honourable Members if they have not had the experience of it to attempt to use that particular, I do not know if we could call four cross roads, Sir. What we have done is that we have taken a two lane highway, we have made it a four lane highway at that point. I am speaking of President Kennedy Drive. At the point where it crosses Fontabelle, it has now been widened to a four lane and the size of it suggests even a six lane highway. It means that traffic emerging out of Fontabelle has for a considerable period of time to be in the middle of the new highway, whether they are making a left turn, or a right turn. In order to go to Fontabelle coming from the North Sir, say to turn right going towards the harbour when one reaches the point at which the stop has been drawn, one then has to emerge out on to the highway before one has clear visibility of what is happening, even if one has visibility when one is stationary, the speed with which one has to make the turn either to the left, or right, but especially to the right is such that given the speed at which traffic on the main road may be travelling, it provides nothing other than a danger zone. Mr. Speaker, anyone who has been caught in that situation has had the feeling which soldiers must get when they are in what is described as "no man's land". It is virtually impossible to look left and right and proceed without caution.

2.50 p.m.

You have to proceed in a manner that could only be described as proceeding in fear. Each time one comes to that junction one is in mortal fear. I believe that what is required there is the simple expedient of using traffic lights, traffic lights that will operate according to the flow of traffic, which would tend to deal with the flows as they occur throughout the peak periods of the day and which can be adjusted. All of us who have travelled outside of Barbados have seen this type of arrangement, we know that there are eight-lane highways which traffic exit

into, and so it is not a technical problem beyond the ingenuity of Barbadian technicians. More important, Sir, the new highway, as I understand it, ought to constitute a main highway.

The Westbury New Road, up until now, has been a main highway, because it was the only one on that part of the country. However, some clever person has now determined that the traffic flowing from North to South on the new highway ought to stop and allow the traffic coming from Westbury New Road to proceed. There can be nothing more illogical from a driving point of view than that particular piece of arrangement. If one is travelling on a highway coming toward Bridgetown, that highway is going to be a four-lane highway, it is going to be a super highway, and traffic will be travelling at a reasonable speed. To bring the traffic to a halt at that point seems illogical, Sir, and most motorists if you observe them even now do not even see the stop sign.

Mr. Speaker, I took the trouble to observe the spot for about 12 minutes on one occasion, and I would say fully 80% of the traffic that came from north to south on that highway did not stop. I myself when travelling on the highway on more than one occasion went straight through, because the stop sign obviously could not apply to traffic that is going north to south. It is a problem which I believe would lead to tragedy if something is not done about it.

I have no doubt that superior brains, superior as regards traffic control, must have operated in looking at the project, but if there is anywhere that cries out for a roundabout or traffic controlled by lights in Barbados, I submit that that particular junction is such a place, and I do not believe that there is a motorist in Barbados who has used that junction who would disagree with the point I am making.

I am hoping that the Government will take steps as a matter of urgency to review that particular junction. It would be a tragedy if the review of that junction came as a result of the death of one of our citizens.

Mr. Speaker, not certain that the Road Traffic Bill will arrive in time for serious debate, there is one area which I think this Bill provides opportunity to discuss. It has to do with the question of speed limits in Barbados. Either the speed limit in Barbados as it now stands ought to be adhered to, or we ought to take a look at a realistic speed limit in certain areas of Barbados. I do not believe that we ought to force the citizens of a country to break the law as a matter of course, but all of us drive, and I make bold to say that on the average every day, except for those people who drive the old time Mini Morris, all of us go over the legal speed limit of 30 miles per hour in certain areas in Barbados. I think that some serious study ought to be given to look at what constitutes a reasonable

speed limit for us in Barbados, canvass it, let the community and the Government and all concerned come to a reasonable position, and if we conclude that the speed limit ought not to be changed, let us say so. If we conclude that it ought to change, let us change it, but I do not think that we ought to continue with a speed limit that was designed in the days when the maximum speed of a motor car was in the vicinity of 40 miles an hour. I think that we have gone beyond that, we now have highways, we have nylon roads, and we have a lot of people who are in a hurry. I think that that adds to part of the traffic congestion.

Mr. Speaker, we look in the newspaper from time to time and we see photographs of goods vehicles travelling in breach of the law. I make bold to say that there are very few poor people who own goods vehicles. Invariably the vehicles are owned by persons who can read and write, who have sufficient capacity to take the steps necessary to protect citizens and to conform with the requirement of the law. For whatever reason, the police have not always felt it necessary to impose the law or to see that the law is adhered to on this question of goods vehicles. The fact that no one has been killed because goods have fallen off a truck is no indication that it will not happen. The law is there, the law says that if you are carrying goods they should be carried in a particular way; then the police ought to understand that the law has to be carried out. It makes no sense for us to pass legislation and then it be ignored as a matter of course by those for whom it was implemented.

I find it intolerable that companies in Barbados, especially companies can have goods vehicles or can use vehicles for transporting goods which are not designed for that purpose and not take the necessary steps to secure those goods on the vehicles.

Mr. Speaker, there is another matter. We introduced into this country the concept of the trailer. We have seen at least four accidents where a trailer has jack-knifed. So far no one has been killed, but I have had the very strange experience of seeing two trailers racing in Barbados on that Princess Alice Highway. Maybe they were not racing, but one was passing the other one. It seems to me that we may have to have special legislation, or improve the legislation in a way, that trailer driving on the highway be controlled specifically. In the United States, again where the bulk of the trailers can be seen, they have long haul trailers, they have short haul trailers, the lanes are so designated that everyone knows that there is a lane where trailers and the Fire Service trucks have the right of way. I am not suggesting that we can afford to have a special lane for trailers, but I believe we can have special control for trailers, because, Mr. Speaker, the trailer is here and it is not something that will disappear, and what we are noticing now, especially with some con-

struction going on, that we are getting longer units which can be described as trailers.

Only last night, Sir, I saw one of those very long refuse carriers, obviously owned by a private company, because I do not believe that the Sanitation Department owns any of those, and the speed at which that particular vehicle overtook another parked vehicle as a bus was approaching from the other direction was frightening, to say the least.
3.00 p.m.

Mr. Speaker, I stopped my vehicle and for a few seconds could not proceed because I could not believe that a vehicle of that size and length could have been driven in that particular way. I believe too that the manner in which buses are propelled along the road ought to take some notice from the authorities. I do not wish to suggest that the authorities can dictate always how a particular driver must drive. Most of the drivers in the Transport Board are experienced, most of them drive with due care and caution, but I think there are one or two drivers who seem not to always remember the size of the vehicle which they are propelling along the road.

Mr. Speaker, all of these matters seem to cry out for the Road Traffic Act to be here in this Parliament for discussion so that the people of Barbados can get what might be termed the new era of road traffic control, so we will all have some idea of what is happening. Mr. Speaker, sometimes when I leave home to go in a certain direction, you come to a corner and the traffic lights are off, and you are not sure what is going to happen next. You manage to cross the street and when you get to the other corner the traffic lights are off. Traffic lights will go off from time to time. That is not the problem. It seems to me that when traffic lights are going to be off for whatever reason that the communications system which we have in Barbados which is used for so many other sometimes unimportant things ought to be put in use so that motorists will know the traffic lights at such and such a place are not working and will not be working for the next three days, and there ought to be a police officer wherever there are traffic lights and those traffic lights are broken down. That seems elementary, Mr. Speaker. We ought not to be driving in Barbados taking life and limb in hand at this time in 1981 wondering what is going to happen.

Mr. Speaker, there are times when it is in the rush hour, morning or evening; rush hour traffic is flowing in all directions and the lights are not working and everybody is playing cat and mouse. It is I dare you and you dare me, something like driving in Paris. If you have ever seen driving in Paris, Mr. Speaker, unless you have yourself participated in it, it looks as if it is a war between all the drivers and it is who can get whom first.

It is like that in Barbados sometimes when we have no traffic lights. It cannot be difficult for a policeman to be posted in these areas.

Mr. Speaker, there are a number of other areas where one could give what could be described as individual picayune complaints. I do not propose to list them. What I do say is this: that taken cumulatively they all add up to a depreciation of the quality of traffic control, traffic movement and traffic flow in Barbados. I am not going to even attempt to suggest what are the causes. What I am going to say is that I believe the time has come for us to take a realistic look. The creation of traffic wardens is a step, but the creation of traffic wardens by itself will not solve the problem created with parking. The creation of traffic wardens will not by itself solve the problems connected with motorists moving outside the schools in Barbados that happen to be located near the highway at speeds which are unreasonable. Anyone who has a child at almost any school in Barbados who happens to pass by that school will see, especially the infant schools, people driving past at speeds which are not acceptable to reasonable people. And I do not believe that these people are criminals; I do not believe that these people are inherently evil; I believe that the attitude of the total society has permeated to the point where people are not thinking and they are not required to think so far as this particular aspect of life is concerned.

I think that the uniform of the Royal Barbados Police Force still has some majesty about it; it still invokes a question in the minds of the citizens, and when a policeman is posted at a particular point, the policemen, if he or she does nothing more, they induce the citizen to remember that the roads are for the use of all. I submit, Mr. Speaker, that from a policy point of view the time has come for a statement, the time has come for an attitudinal change so that we in Barbados can begin to feel that law and order does prevail on the roads as well.

Mr. Speaker, I hope that the Traffic Warden Scheme gets off the ground; I hope that it works well and I hope that steps will be taken to enlighten the citizens as to what precisely it is so that there will be no conflict between the citizens, the police and the wardens. On another occasion and at another time I will deal with another aspect of traffic control which I believe is outside the scope of this particular piece of legislation. Thank you, Mr. Speaker.

Hon. C. L. BOLDEN: Mr. Speaker, I really thought we were dealing with the Motor Vehicle and Road Traffic Act for the last probably half an hour or so. I did not recognise that we were dealing with another bit of legislation. The hon. member is trying to catch the Reporters

in the Gallery so that he can see his name appear in print tomorrow as making these suggestions.

Mr. TAITT: On a point of order, Mr. Speaker, I believe the Rules of this House preclude the casting of aspersions on the motives of an hon. member's speech. I do not know if the hon. member heard all of my speech, but I submit that the statement that I am trying to catch the newspapers' eye is questioning the motives on which I made the contribution and I ask the hon. member to withdraw it.

Mr. SPEAKER: The Standing Orders do not preclude a member from casting aspersions on the speech of another member. It is on the member, not on his speech.

Hon. C. L. BOLDEN: Mr. Speaker, I have no intention of casting aspersions on the hon. member, none whatsoever. But the hon. member has spoken long on things which I believe in his own mind he knows the answer to. I am not going to be as long as he has been. I want to be as short as possible on this. In the first place, the Motor Vehicle and Road Traffic Act was placed before the Cabinet about three months ago. There were certain amendments which Cabinet suggested and the draughtsman who was dealing with the Road Traffic Act went on long leave, he came back, we sat with the Attorney General, we made these amendments, and then the same draughtsman went off on a course dealing with WIPO, the World Intellectual Property, in Geneva. He has just come back, the Road Traffic Act is now with the printers, and as soon as we can get it from the printers it will be laid in Parliament. 3.10 p.m.

I have spent many nights and many days putting together a Road Traffic Act which contains most of the things which the hon. member has suggested in this Honourable House a few minutes ago.

Now, the junction at President Kennedy Drive, Mr. Speaker, that junction has been designed with slip roads. It has slip roads on all sections. It has been designed for traffic lights and there will be the new type of vehicular activated lights. They were ordered long ago. The hon. member knows full well that a number of imported goods which should have come to Barbados have been held in the United Kingdom because of the Seamen's strike.

Similarly, the buses. We should have had 30 new buses on the roads today but the material for completing those buses, half of the material is still.....

Mr. SPEAKER: I beg the hon. member, do not introduce any discussion on the buses because in reply, somebody might want to discuss the Transport Board.

Hon. C. L. BOLDEN: That is alright. The Government can do so much and no more. Half of the material for finishing those buses is still lying down in the United Kingdom on the dock side. The traffic lights for that junction are somewhere between the United Kingdom and Barbados. The culvert that has now been put in was lying in Puerto Rico for months. We could not get it into Barbados. Barbados has no merchant ships and therefore we have to depend on the regular shipping lines to bring the goods to Barbados. The road is not yet completed in the first place. People are using the roads. The Ministry of Communications and Works have gone in and put in temporary markings because we recognise that people are using the road even before it is opened.

The member spoke about the Westbury New Road Junction. If the member cares, he can come to the Ministry of Communications and Works, he can go to the Project Office and he will realize that all the roads which now lead on to the new Spring Garden Road will not lead on to the road on completion. Those roads will be sealed off. The road is designed to take traffic out of Bridgetown, as I said earlier. People will not be using the Westbury Road as they are using it now when the road is completed in its entirety.

We have done a survey. We have had traffic counts from Eagle Hall to show how the potential traffic flow will be into the new road. We have got to leave the road open now at access points but as soon as the road is completed most of those roads will be blocked off. The residents in those areas will have to come out on the other roads and there will just be one or two roads leading on to the main highway.

The traffic stop which is now placed on the Westbury Road, as you know, what is now the new Spring Garden Road, has been there since it was a cul-de-sac for Land's End. We have not attempted to move those signs yet, because, as I have said, we are still working on the roads. Every day you can go down there and you will find that we have to put in manhole covers with the pace that was going on because people started to use the road so all the manhole covers will have to be moved when the road is completed, they are still working on the road, so the hon. member does not expect us to start putting up signs on an unfinished road.

The people are using the road because they find it more convenient. It is easier to leave Bridgetown or come into Bridgetown by using that road and turning by Berger Paint and then using that road. We just cannot shut it down and the technicians in the Ministry of Communications and Works are all against putting up temporary signs. They say that in Government anything that goes temporary will last for 15 or 20 years so they would rather wait until the road is completed to then put up the signs. The hon. member would notice that

signs are now going up along the road because we hope to complete that section of the road within the next six weeks or so.

The contract for the remainder of the road has been dealt with by the Tenders Committee. That contract now has to go to IADB and we are hoping that we can start further extension to the road by probably the ending of May or very early in June. As a matter of fact, my Ministry would like to see a continuation of the road coming into being around the 15th of this month and we are hoping that IADB officials will recognise the urgency of getting the roads completed and give us the go ahead.

Speed limits in Barbados. The new Road Traffic Act has looked into this. Certain proposals have been made for new speed limits in Barbados. I, myself, believe that 30 miles for cars and light vehicles and 20 miles for buses are now a joke in today's world. I believe that but there are a number of organisations, there are numerous individuals out there who believe we should still stick to the 30 mile limit. Now, in order to override that, we have introduced a section in the new Road Traffic Act which gives the Minister power to introduce experimental speed limits after notification and after laying an Order in Parliament because we recognise that on this new road, on the road to the Airport we need to have increased speeds.

We also recognise that when we are building roads and it has been recommended to us that the best way to rebuild our roads today is to close off the road completely and rebuild it in two or three weeks rather than the existing system so we have introduced an experimental speed limit so we can cut down the speed limit to what we want or we can raise it depending on the circumstances but, as I have said, this will come in the new Road Traffic Act.

Goods falling off trucks. The legislation is already there. If the Police ignore the legislation, if there is not enough evidence from persons to carry out a prosecution, there is nothing the Government can do. Parliament can pass legislation but there is nobody in Parliament who can deal with offences under the legislation. There is a member on your side who came in here and complained about a high fee for killing a cow, but a fee only comes into existence as soon as there is a trial and a conviction. The legislation has been passed and there is nothing more that we can do.

Trailers. The Ministry is particularly worried about trailers that are now operating in Barbados. We have carried out a check. Out of 100 trailers in Barbados, only 40 of them have been registered with the Ministry of Communications and Works. We have taken steps to rectify this when the new Road Traffic Act comes into existence. I have said on other occasions that persons

who seek to import vehicles of this nature into Barbados should clear the specifications with the Ministry of Communications and Works. People have gone abroad and brought in 60 ft. trailers. There are two trailers in Barbados which I understand can carry something like 40 tons each. We have refused to license them in my Department.

3.20 p.m.

I get all kinds of insulting letters from the importers telling me how they have spent their money to bring trailers to Barbados and then my inspection department would not inspect them. They are telling me that they will control the weight, but I was privileged to see a trailer stop along the street a couple of months ago loaded with BRC and the two holding beams in the front were imbedded into the road that trailer has never been registered with the Ministry of Communications and Works. It has been recommended to us, we issue special plates, special plates are issued by the Ministry of Communications and Works and affixed by the Ministry of Communications and Works to all trailers that are licenced by us. Even at that point, it is up to the police to take appropriate action if they find a trailer not carrying a plate issued by the Government.

Under the new Road Traffic Act, we decided to issue licence plates for mini buses in fact, all public service vehicles. We can carry a check on them having done that that is all the Government can do.

Buses, the Honourable Member speaks about the speed of buses along the road, there are schedules for buses, but you cannot control some of the bus drivers, I admit some of them drive as if they are on a race track. We regret the situation. As a matter of fact, between the Ministry and the Transport Board, we have now reduced the size of our buses. We have been able in the present buses that are being constructed to take off some eight inches in width. We are hoping in the new orders to order a special size chassis that can also take off another six inches and therefore bring them something like twelve inches to fourteen inches narrower than they are at the minute. We recognise the width of our roads and together with Town Planning, the Ministry of Housing the Ministry of Communications and Works, we are carrying out road improvement programmes which will result in the widening of our roads, but that is all we can do for the time being.

Traffic lights. Now, the traffic lights are electronic. Any time there is a power cut, we have found immediately after that that the traffic lights go hairwire and we have spoken to the Government Electrical Engineers Department and we have said to them, anytime you recognise that traffic lights are not working, please use the media to inform the public where the traffic lights are not working. I have been told that the system of free

flow of traffic goes in this way. They say uncontrolled crossings traffic flows well, traffic lights give a certain amount of control, but they say whenever you put policemen at a cross road that there is a build up of traffic. They say frustration steps in and it is best to leave the crossing uncontrolled until you get the traffic lights back in operation. Nine times out of ten, as soon as you are notified that a set of traffic lights are not working, you can get them back into operation within half an hour.

Where you have excavation like at the Roebuck Street junction something goes wrong in the cables, that is the reason why traffic lights go out. As a matter of fact, this Government is in the process of replacing all the traffic lights in Barbados because they have passed their useful life. You cannot find spare parts for them any longer, the manufacturers do not develop, or do not produce that type of traffic light system any more. If you look around you will notice that you have large grey boxes set up at Roebuck Street corner; there by the financial building we are introducing a new type of traffic lights, they are electronically controlled and I am informed that they would work far better than the existing sets which we have. People complain about the traffic lights at Beckles Road junction. We have completely changed those traffic lights. We are now seeking to install the traffic activated sector of the traffic lights so that after hours, you would not have to wait on the present time programme which most traffic lights are now geared to but we have to import them from abroad and one of the problems which a country like Barbados faces is that when we import, we can only import ten. The expert is not going to waste time for us when we can put up probably ten thousand for the United States, or Germany, or somewhere else, we have to wait until we get them.

As I said earlier, my Ministry would have constructed the section of the Spring Garden Road which we were constructing long ago. We had to wait on Puerto Rico to produce the armco culvert for the river which runs into the sea. Every time we sent a telegram, they said, "in production." This is a problem facing small countries, or small communities like ours. I can understand the Honourable Member's concern, I am as much concerned as he is, I am concerned to get the work finished. I know many of my officers are anxious to get the work finished, but these are problems which we have literally no control over. I would have liked to have seen the traffic lights put up at the junction of President Kennedy Drive from the time you opened the road. We are hoping to have two lanes of traffic going right across the road and the skip roads have been provided for easy access.

If you look at the roundabout by the Port Authority building, we have changed the roundabout for easy flow of traffic. That is the most we can do.

We have changed the roundabout at Hall's Road because in certain cases we have been advised that while roundabouts are appropriate roundabouts call for a lot of land acquisition. Somebody wrote in the press about mini roundabouts, but mini roundabout have not been accepted by the engineers in our department. We have had associates, we have had another set of consultants look at all the roads and we are using the three opinions to come up with what we consider is best for Barbados. So, the Honourable Member must not think that we are sitting down not looking at what is happening out there. We are looking at traffic problems, the Road Traffic Act has been drafted, it is being printed and I would be very glad to see it laid in Parliament probably within the next week, or so from now.

Dr. HAYNES: Mr. Speaker, the more this debate continues the more is the revelation of the total confusion in the internal transport system within this country, not only in respect of roads, drainage, but quite clearly in relation to the management of traffic within Barbados that there seems to be total confusion and a virtual admission that the whole system has broken down and that the Government seems to be powerless to do much about it. However.....

Certain remarks made by the Honourable Member for St. Michael South Central were ordered to be expunged from the Record by the Speaker.

2.30 p.m.

Dr. HAYNES: Mr. Speaker, if I may continue, I said that it would appear to me that not only in relation to the physical structures relating to internal transport in this country, but in the management of that transport system, that there is a considerable element of chaos, and indeed I drew attention to the inappropriateness of certain remarks made by the introducer of this matter before this venerable Chamber today, and of great concern, he also referred to the unfortunate events in Brixton, and if I may be permitted to respond to the statement which he made, I would be very interested to know whether the Barbados Government as a Government has made any representation to give aid and comfort to the many Barbadians who live in the Brixton area of the United Kingdom.

Now, Mr. Speaker, it has been suggested that it is uneconomic to use fully trained police officers to carry out duties which can be as efficiently carried out by people with a more limited but with specific training in that particular field. This concept not only relates to the area of police officers, but applies to every single professional group within this society or within most societies. I wanted to make reference to the limitations of the kinds of functions as outlined by the hon. member for Christ Church West who specifically referred to their functioning in the areas such as car parks, street parking, parking meters and school crossings. These were the four main areas which he outlined.

I have no doubt that all these areas are of some importance, but I am beginning to wonder whether or not the most serious dangers facing the public of Barbados, whether they be the motoring public or whether they be pedestrians, whether they be adults or children, does not reside in terms of the moving traffic in this country, and I wonder whether or not a system of patrols, not necessarily involving police officers, but recruiting persons specially trained in the area of traffic control and who are on the beat, particularly on the main areas where there is heavy traffic during the day in Barbados, whether this will not contribute considerably to the kinds of problems which have been so eloquently outlined by my colleague on this side of the House already.

I would not wish to repeat the many problems which he raised, and which are serious problems, and indeed it is a matter of surprise to me that there are not more fatalities on the roads of this country. When one considers, Sir, the narrow streets, when one considers the speeds at which heavy vehicles in particular travel, quite clearly unable to stop in some instances. For example, I have been passed by a bus at about 4.30 in the morning when I myself was probably breaking the speed limit, because I was rushing to an emergency situation, and I was passed by a bus coming down the Garrison Hill on a wet surface, and I was quite sure that there was no possibility of that bus being able to stop within four or five hundred yards if anyone had crossed the road, say, coming out from the garage there at the bottom of the Garrison Hill or coming down the other way. There was no possibility of being able to stop with that kind of speed, and as one hon. member has said already, that kind of thing makes you very nervous when you observe it.

Another matter which concerns me very much is that many an afternoon I see many children in the Government Hill area with traffic passing there at tremendous speeds, and I wonder whether something cannot be done in order to make it possible for those children not to be exposed to that kind of heavy traffic and the kind of obvious risk to their lives in that particular area. I myself have the honour to represent certainly many of the people who will be attending that particular school and who will be walking along that road. Many people have made representations to me and it is a matter of grave concern to me, to their parents, as to what happens on that particular strip of road, particularly when it is wet, and particularly in relation to traffic coming down the hill.

Now, Sir, there is another area I wanted to deal with in response to the hon. member for Christ Church West. He himself spoke of the effect or lack of effect of crimes of violence against the visitors to this country, and I am responding to a matter that has been the subject of debate. The fact remains, Mr. Speaker, that many people

involved in the hotel industry in Barbados, whether as proprietors, whether in an advisory capacity, whether in a research capacity, whether in an employee capacity or whether as friends, as hosts to the visitors to this country, feel that crime in Barbados has had an adverse impact on the tourist industry in this country. I think it is important not to ignore the feelings of such a wide range of people who have various levels of intimacy, of knowledge, of workings of the industry, and simply to assume that because X amount of crimes were committed that it has no particular impact. That is not scientifically correct, Sir, there can be instances where you may have one or two crimes of a particular nature that can have a far greater effect on a particular sector in any community, than if you have a much larger number of crimes.

3.40 p.m.

If the people in the industry say so and they feel so, then I think it is reasonable to assume that their position deserves much greater attention and cannot simply be dismissed again and again by the recitation of figures that may be irrelevant and not germane to the effects of crime within the particular sector of the economy.

Now, Sir, there are two other things that I want to mention briefly. Quite often when you are travelling along the road you see a very minor accident. No one is injured. Maybe one fender has a little dent and there is a scrape on another vehicle, and traffic for one or two hours might completely be held up between 4 o'clock and 6 o'clock because of some minor incident on a major highway in Barbados. Surely, Mr. Speaker, I do not know what are the legal implications, but it seems to me to be uneconomic and it seems to me to be completely irrelevant no matter what result comes out of that legal process that you should have, say, the highway between Bridgetown and the main road from Christ Church to Oistin held up between 4 o'clock and 6 o'clock because of some minor incident on the road. I could understand that, Mr. Speaker, if there was probably a major accident involving life and limb, but when you get a minor incident of this kind, these things should be dealt with or some mechanism should be devised to deal with these matters far more expeditiously.

One other point I would like to raise is the question of disposing of matters involving breaking the speed limit in Barbados by means of giving a ticket. A ticket system is worked in many countries if someone is caught breaking the speed limit and they know that the matter will be dealt with and can be dealt with on the spot, unless of course they wish to challenge it in the courts. I am not saying that one should be exclusive of the other, but I am sure that that system would certainly lead to greater care by the motoring public in respect of speeding on the roads, because it is always difficult, Sir, to relate

speed as a specific causation in relation to increases or otherwise of accidents, but I think that generally speaking, depending on the type of road that you are travelling on and the type of vehicle, speed has been identified by various scientific methods as being an important cause of problems relating to traffic fatalities and of course all forms of disfigurement and disability. I believe that if we were to tackle this problem of speeding that we would probably be in a position to give some comfort to the many road users in Barbados.

I want to say that there are many people, particularly among the middle-aged and among the elderly people who are afraid to drive on the roads of Barbados and are most selective in the times that they choose to travel. Many of them would not even attempt to drive after dark in this country even although they may have adequate eyesight; many of them would not attempt to drive between the hours of 7.30 and 10.30 o'clock. Mr. Speaker, you will find that many middle-aged and elderly folk, many people in retirement have been limiting the periods that they feel secure even to venture out on the road for the period between 11.30 and about 5 o'clock in the afternoon, and I think that this could be a matter of concern because they themselves like anybody else have to pay to have their vehicles on the road and they have a right to some kind of feeling of security. So quite clearly there has been an entire break down in the management of traffic in this country and the many areas that have been outlined are symptomatic I think of poor management, ineffective direction from the top and lack of appropriate supportive services for the police force in this country.

I believe, Mr. Speaker, that we need to go a bit further from the concept of wardens in relation to stationary traffic and see whether or not we could not extend that kind of ancillary type of personnel to deal with traffic in actual movement on the roads, because I believe that this is where perhaps the greater problem lies at this moment rather than in the area of parking.

Now, Sir, one final point here, the question of the relationship between these various groups and the people, the police force, the traffic wardens and any other groups which you might recruit to assist in this process. It is never an easy matter when you try to introduce systems of this kind, and I think that that relationship should be very clearly established from the very beginning, nor is it made any easier where you are dealing with an area such as the police and ancillary services to the police who would be dealing with the public from time to time in a hostile situation, and I believe that an extensive course in public relations has to be established with particular emphasis on politeness in dealing with the public and in dealing with the offender, because it is my experience that in many of the bigger countries in the world where this kind of system operates, very often the

key to it and the acceptance of the entire system depends on how the employee under the system approaches the general public. That attitudinal position is of vital importance, and if it is not started the right way from the very beginning, then you can run into a considerable amount of trouble if the areas of responsibility between the traditional police force and any ancillary forces are not clearly demarcated and if at the same time the relationship between the several groups and the public is not clearly established and if the principle of politeness in approach is not built into the entire exercise.

Mr. GREAVES: Mr. Speaker, I just want to make a short contribution to this debate particularly following on the worthwhile suggestions which have been made on this side by the hon. member for St. Michael South West and the hon. member for St. Michael South Central. There is no doubt that the whole question of parking in Barbados and particularly the area of Bridgetown needs to be looked at very carefully because of the fact that it has become a serious problem in this country.
3.50 p.m.

I would see, Mr. Speaker, the establishment of a Traffic Warden System as one of the aims which the Government in its wisdom would consider to be useful in being able to deal with this particular problem. However, I wonder if the Government has given consideration to the whole question of the absence or the lack of parking space in the general area of Bridgetown.

I think it is very clear the length of time which has to be spent very often in trying to find some place to park in Bridgetown that it causes a considerable amount of problems and frustrations by a number of people who very often do not have that kind of time to waste or that kind of time to spare and the hon. member for St. Michael South West made what I would consider to be a valuable contribution in this area by floating an idea which I have been floating for some time, that is, the provision of a multi-storied parking lot in Bridgetown.

I believe, Mr. Speaker, that this would go a far way in alleviating some of the difficulties and problems which are being experienced and I would have thought that the Minister of Communications and Works in his address would have made some kind of reference even in passing to this because I think that in the area of traffic control this is a matter which, whether the idea comes from this side or the other side, when the idea is a useful one, then, I believe, that some kind of plan should be devised to deal with it.

Now, I know that some people would want to argue that the Barbadians might not take too kindly to having to pay to park their car or whatever it is in this kind of lot, but, certainly, at present there are a number of areas where people do have to pay for parking

and I believe that this would add to the amount of space which is available for parking in Barbados and would go a far way in relieving some of the congestion in streets which at present takes place and certainly the kinds of problems which are presented to the Police in having the streets properly cleared so that traffic would flow much easier, so I would hope, Mr. Speaker, that we could get some positive response from the Government on what we consider to be a worthwhile suggestion.

On the question of the traffic wardens more specifically. The point has been made that particularly in areas where schools are, that there is need for wardens to ensure that there is proper supervision and I would like even to suggest that at St. Lucy's Secondary School, and that is in a rural area, but at times before school and after, at the end of the day we find that there could be problems and I would like to think that the traffic warden system would be extended into the rural areas. Also, I am sure that the hon. member for St. Philip North and indeed the member for St. Philip South would want to make a similar plea for those areas around Princess Margaret.

We on this side were very taken back by what appeared to be the inability of the Minister of Communications and Works to deal with some of the problems which he himself has identified as problems facing the whole question of regulation of the traffic in this country and it was a very serious admission on his part that there are large trailers on the roads in Barbados, which are operating without licences and without the permission of the Ministry of Communications and Works and we thought this was a very serious admission on the part of the Honourable Minister of Communications and Works.

We were looking for some kind of indication as to the kind of measures which he would have been introducing or which he would have been telling this House about to deal with this particular problem and so I believe that it is a matter which the Minister should feel ashamed of that he could have that kind of traffic operating in Barbados without permission from his Ministry and certainly does not really speak well for him and the kind of management which he is supposed to give to the Ministry of Communications and Works in such a vital area and I feel, Mr. Speaker, some kind of assurance should be given by him to this Honourable House on this matter.

Hon. C. L. BOLDEN: On a point of order. Sometimes it really makes one boil.....

Mr. SPEAKER: That does not matter.

Hon. C. L. BOLDEN: On a point of order.

Mr. SPEAKER: Come to the point.

Hon. C. L. BOLDEN: The hon. member should understand that nobody in the Ministry of Communications and Works can prosecute anybody for using a vehicle on any road in this country without using a proper licence and the hon. member is only exhibiting his ignorance before the House to think that a Minister of Communications and Works can go out there and look for vehicles that are not licensed and say, you are not licensed, go off the road.

The Police carry out an exercise once a year to check for vehicles which have been licensed or registered with Rates and Taxes and the Police should carry out prosecutions if they find vehicles on the road that do not comply with the registering regulations or laws of this country so I have nothing to be ashamed of. I am ashamed that the hon. member for St. Lucy at this day and age is so ignorant of what goes on in this country. That is what I am ashamed of.

Mr. SPEAKER: Please. The point is well taken.

Mr. GREAVES: Thank you, Mr. Speaker. It is very clear. What is coming through very clearly is that the Honourable Minister has indicated that there are trailers on the road operating without the proper licence from his Ministry and all that we are asking from this side is that if he is in possession of that information and if he is as concerned as he says he is, then, certainly this kind of information should be passed on to the Police. I do not expect the Honourable Minister.

Hon. C. L. BOLDEN: Mr. Speaker, on a point of order. The hon. member is really showing forth that he is unsuitable to be a member of this House.

Mr. SPEAKER: Please, please, please. We are not far away from the day when the people will say. Give the people a chance. Do not take that chance away. The hon. member for St. Lucy.

Mr. GREAVES: Thank you, Mr. Speaker. It is very clear that if the Minister is as concerned as he said that he is and certainly this information could be passed on and I am sure that the proper authorities will carry out the necessary act because as he has pointed out, and certainly had been pointed out from this side on more than one occasion, I think it was just about two weeks ago when the same Minister revealed for the first time that the Bridge in Bay Street was damaged severely by the excessively heavy traffic which was using the roads in Barbados and at that time he expressed his concern and all that we are saying is that it is indeed a very sad state of affairs when we can have within this country trailers of the size that the Minister has indicated, trailers carrying over 40 tons operating without the proper licences and without the proper registrations. That is the point I was making and I think this is a very serious.....

Hon. C. L. BOLDEN: Mr. Speaker, on a point of order. I really do not understand the hon. member at this point in time. Vehicles are imported into Barbados and there are certain procedures which they must follow in order to put those vehicles on the road. I have practised as a lawyer in this country and I have represented a number of people who have used vehicles on the road without the proper licences.

4.00 p.m.

What is the Honourable Member saying that a Minister of Communications and Works....

Mr. SPEAKER: The Honourable Member is inviting you to practise as an Honourable Member of this Honourable House that is all.

Hon. C. L. BOLDEN: I am still practising, but I am surprised that he will not practise as an Honourable Member of this Honourable House.

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

Mr. SANDIFORD: Mr. Speaker, Sir my contribution will be very brief. It is well known that the Police have to carry out many functions in this country and that this particular Bill that is before us to amend the Police Act imposes further duties on the Police. I would like to say first of all that the establishment of a Traffic Warden Division within the Royal Barbados Police Force will not draw any opposition from this Side. We have no objection to this.

I would like to say that as far as the arrangements for parking in car parks and other designated areas in this country is concerned that I personally have always had very good co-operation and service from the existing parking attendants and that the functions will be transferred into the Royal Barbados Police Force mainly for improvement, I do not know, but I would like to express my personal appreciation for the services which they have rendered over the years. I would also like to pay a tribute to the YWCA for the public service that they had rendered, have rendered and continue to render up to this present time in respect of the control of crossings near schools. This is a problem with which I have had to wrestle from time to time when I was in the Ministry of Education and I believe that the Young Women's Christian Association have rendered this country an outstanding service through their voluntary efforts in this particular regard.

I would like however to state that I believe that the problem is much bigger than the YWCA can handle and I would like to think that this is a function which should be carried out now under the control of the Royal Barbados Police Force and it is in this connection that I regret in the piece of legislation which we are considering that specific provision has not been made for this function of the control of crossings near schools. I believe

just as the function of controlling parking in the car parks and maybe on the roads have been identified specifically in this piece of legislation before us, I consider that the functions of controlling crossings near schools should also be included in this piece of legislation. I know that there is a kind of catch all omnibus Clause at the end which says that:

Any other duties which says that any other duties which the Commissioner of Police I believe that is how it is worded, may require of traffic wardens to perform that the wardens may be enabled, or entitled to carry those out.

I believe that this is a very specific and a very important function.

Mention has been made of the St. Leonard's School, the very busy area around there and the difficulty that children and others have in crossing the roads there and the Springer Memorial School. I would also like to mention that I believe that it is very important that Traffic Wardens interrupting traffic and enabling pedestrians to cross the roads of Barbados with a greater measure of safety is vitally necessary and at certain junctions in this country including junctions where there are traffic lights. I think in particular of the junction at Eagle Hall, and Bank Hall. I myself had occasion to cross as a pedestrian the junction at Eagle Hall about two weeks ago, I was going to get a little refreshment that evening at Eagle Hall... (*Asides*).. and one had to run the gauntlet of traffic coming from different directions in order to get across that street. When one light said stop, another one was saying go and the pedestrian has to take his life or her life into his or her hands in order to get across the street. I believe something has to be done about this particular problem. A similar problem exists at the junction of Culloden Road and Pine Road and lower Collymore Rock, where quite a number of my constituents have to run the gauntlet of crossing there — I will be back in here too, no doubt about that. (*Asides*).

I would like also to make this plea and this is the final point I am making because we have had quite a long day on this matter that in the provision of traffic wardens, I would like to make an appeal that the ladies and gentlemen who worked under the programme for the YWCA that they should be considered for inclusion as traffic wardens, if they so desire because they have rendered very vital service and I believe that they should be given every opportunity to participate in this programme under the Royal Barbados Police Force. I took the point that this will be a matter for the Public Services Commission since the persons will be recruited in that way, but I still make a plea that they have made a contribution and so long as they are suitable in all other respects that they should be considered.

4.10 p.m.

I also make a plea that in providing for the Wardens the schools should be given priority, because that is where a major problem exists, and I would like the Minister to respond to this particular point. I am asking that priority be given to the matter of manning crossings near schools and at some of those junctions to which I referred, and I do hope that these words will not fall on deaf ears. I know that the Minister is a very concerned Minister and will pay heed to the points that have been made.

Hon. H. B. St. JOHN: Mr. Speaker, I would just like to make a very slight contribution to this debate. I do not think that anyone could fail to recognise that the Government is fully aware of the manifold problems which have arisen in respect of the increase in traffic in Barbados arising from the improving economic condition of the people and therefore their ability to have motor cars and other means of transportation. This has brought problems with our narrow roads.

The Government, conscious of this, is doing everything in its power to widen some of the main highways in Barbados as well as to introduce new highways in Barbados. Anyone who has been abroad would recognise that it is a waste of talent and money invested in training of a Police Force to expect them to continue to do the routine regulation of traffic. This is primarily the function of a different group of people whose purpose solely is to regulate traffic. I was very impressed on a visit to France not so long ago with the efficiency of the ladies who appear to commandeer the positions of traffic officers in Paris. I am hopeful that in the appointment of our Traffic Wardens a large percentage of them will turn out to be ladies. Anyone who watched the experiment of Traffic Wardens on a voluntary scale in the Government Hill area outside the Springer Memorial School would recognise the contribution that ladies can make towards the enforcement of traffic regulation. I believe there are also some operating outside of Queen's College and other schools.

It is therefore wrong when the Government brings in a Bill to legalise and to enshrine in the law the posts of Traffic Wardens to free the police to carry out other duties for us to receive these carping criticisms that have been made by the other side. This is a positive attempt by the Government to ensure that a modern system of regulation and enforcement takes place.

On the question of traffic tickets, hon. members may not appreciate, but already in Barbados in a restricted area, namely at the Grantley Adams Airport, there is a system of ticketing for traffic offences, and computerised parking systems. As a matter of fact, when it was introduced and the legislation went before Cabinet for its approval, all members of Cabinet recognised that it would be a good thing to implement that system in that

area at a stage before it was generalised to see the Barbadian reaction to the system. It has been operating now for a year and we have had no public outcry with respect to its operation. It has had a few teething problems, but I am very pleased to say that a number of the problems have been ironed out, and it is significant that hon. members on the other side with their capacity to ferret out areas for criticism, although all of them have spoken, not one of them has today mentioned their dissatisfaction with its operation.

If therefore, it can work in that area, there is absolutely no reason why it cannot work in other areas in Barbados. The Barbadian must recognise that if we are to regulate our traffic in the 20th century, approaching the 21st century, that we must introduce new methods of control.

On this question of traffic lights, the time has come when the Government Electrical Department must have an electronics engineer within the Department. The discipline of electrical engineering is completely different from the discipline of electronic engineering. They are two separate courses now. The days of omnibus qualifications are over and we must upgrade our Government Electrical Engineering Department with people who are electronics technicians, who are in a position to advise the Ministry as to the updated requirements to ensure that electronic equipment is constantly functioning irrespective of a power cut. There are such things as a non-interruptible power supply system working off batteries that at the airport in our radar systems we had to introduce. They are costly, but you have to introduce them if you want continuous use of the electronic equipment irrespective of the power supply from your main power station.

Now, Sir, there are other areas that we speak of on which I heard criticisms from the other side. Regrettably a debate on the Police Force, some aspects of the Police Force and tourism crept into this debate. I am satisfied as Minister of Tourism that considerable progress has been made in the course of the last year in particular in dealing with a question which is a matter of some concern to all Barbadians, namely, that in Barbados like in Hawaii, in Florida, in Italy, in the United Kingdom, the year 1980 was a year in which there was an increase over 1979 in the amount of crime directed at visitors to the country. We have increased the Police Force considerably in the course of the last year. Visible evidence is there for everyone to see, not only on the St. James Coast, in Bridgetown, in Christ Church, of the number of patrols that have been instituted. We have already said that we are not complacent about the situation.

I, as Minister of Tourism, have had a number of meetings with the Hotel Association, the Parks and Beaches Commission and with the Commissioner of

Police, and he has explained that he had to train his people, that more and more were coming out of the Training School and that he would increase the patrols. That has taken place, a number of arrests have been made, and there has been in the course of the last three months a reduction over 1980. That is a fact. We also have to remember that the evidence is also very clear that hoteliers have a responsibility to deal with their own internal security. This is not, Mr. Speaker, something that the Hotel Association has not accepted.

4.20 p.m.

The President of the Hotel Association and the General Manager of the Hotel Association have publicly stated that they have recruited a Barbadian who has had experience in hotel security in the United States to join their organisation specifically for the purpose of advising their members what steps they have to take in regard to their own internal hotel security. All of these things are taking place. Barbados is no different from any other part of the world in this respect. We have taken positive steps; the fruits of the steps that we have taken are there for people to see. It has not reached the stage where we can say that we are fully satisfied. There has been a great improvement, but as Minister of Tourism I am not fully satisfied that it is as perfect as we would want it to be, but we are living in an era in which there is restlessness among young people; there is a restlessness of spirit, and so we must be able to re-direct the energies to constructive channels of our young people. It is for that reason that recently we have in our Budgetary Proposals made specific suggestions and laid out specific programmes for training of these young people to bring them into the mainstream of the work force. It is no wonder that the hon. member for St. Michael South Central does not mention these points because when he had the full opportunity he had no answer to this attempt by the Government to re-direct and channel the energies of the young people towards constructive channels.

This is only part of a comprehensive attack upon the problems of traffic, the problems of utilisation of the police force with a view to ensuring that as we develop and our people earn more money, as competition for the use of the limited road space becomes greater, as we are trying to build larger roads to accommodate the traffic, to modernise our transportation system, that in the interim steps are being taken to ensure that the conflicts that arise are reduced. This is the sole object of this Bill. There is no use for people to attempt to say that people cannot understand and appreciate the problems. The new Road Traffic Bill will be before this House. This is part and parcel of it. The roads are there for people to see; the Spring Garden Road is there for people to see; the road from Wildey to St. Barnabas will be there for people to see. You, Mr. Speaker, know and can testify to the fact that the road from Speightstown is there for everyone to see; it has not only started, but the first

phase is completed. The roundabout at Halls Road is there for people to see; but, Mr. Speaker, we can only do as much as we have the workmen available for. We can line up the finance, and it is only five years we have been in power. The problem the other side is wondering about is how is it we have done so much in five years and they had fifteen years and they could not do it.

Hon. H. deB. FORDE: Mr. Speaker, most of the points raised by hon. members have been adequately replied to on this side by both Ministers who have spoken, and I will content myself therefore in probably replying to two points made by the hon. member for St. Michael South. First I gave him the assurance that the existing wardens will be considered for appointment, as well as the particularly charming females who at present are part of the voluntary service, and every effort will be made to see that they are given an opportunity to be appointed wardens.

In relation to the schools which he mentioned and the need for these schools to be considered for inclusion into the traffic warden scheme, I give him my assurance that this will be done. Indeed I think they are included in the thirty-six schools which were submitted by the Ministry of Education, and I think the hon. member when he was Minister of Education had listed some sixteen of these schools as well for consideration in his list. It was not his fault that the traffic warden scheme did not get off the ground early. He made very strong recommendations as far as I can see from the files on these matters, but the then Minister of Communications and Works could not persuade the then Minister of Finance to do anything about it. The then Minister of Communications and Works was Attorney General and various things; he could not have got very much done. However I give him the assurance that the existing or whichever Minister has the duty to see this Bill through will make sure that those schools are included.

Insofar as specifically referring to the control of areas near to schools as highway crossings, Sir, adequate steps will be taken in the subsidiary legislation under the Road Traffic Act to designate those areas as special crossing areas, and there will be regulations controlling those. I believe all the other points raised have been adequately dealt with except for one matter raised by the hon. member for St. Michael South West in which he referred to a rumour which he overheard yesterday at an excursion on the East Coast. Well I cannot deal with such a vague allegation at all, but I can assure the hon. member that if money is missing from any Government Department regardless of whether it is the police or anywhere else, these things will be investigated as is normally done and anybody who is the culprit will be brought to justice as we will expect to be done.

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

On motion of Hon. H. deB. FORDE 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 and 2 were called and passed.

Clause 3 was called.

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

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

Mr. TAITT: Mr. Chairman, in Clause 3, Part VII, Section 40, there is established in the Force a division to be known as the Traffic Warden Division. There is an indication in the Bill and I think when the Minister was introducing it he so indicated that the Traffic Warden Division will be within the Force. I had asked the Minister earlier in the second reading to indicate the specific relationship and I believe it slipped him in his winding up. I just want to get his view because I think it is important.

Hon. H. deB. FORDE: If I can give the reply, it is not intended at all to take away from the police *in toto* overall responsibility for the enforcement of the traffic laws and regulations, but just as now we do have parking attendants under the Police Force, we would have traffic wardens who are basically directed and controlled by the Police Force, but would be a civilian section doing those particular duties with the police always having over-riding responsibility and also to carry out the duties if they so choose.
4.30 p.m.

Mr. TAITT: Yes, if the hon. member would give way. Is it intended that the Commissioner of Police will be the Accounting Officer in terms of the funds received? I believe there is some difficulty now with the present arrangement where the receipts — let me put it this way, Sir. The Accounting System in the present parking lots, as I understand it, and as I recall when I was involved in the administration, is not the most explicit and it forms part of the responsibility of the Commissioner of Police.

Now, also while I am on my feet. I notice that Section (d) says: "To perform such other functions in relation to the enforcement of the road traffic laws as the Commissioner requires." That strikes me as being fairly wide and I am wondering if that requirement is going to form part of regulations made by the Minister

or whether the Police Commissioner is going to have sole responsibility or whether he is going to make the regulations approved by the Minister as he now does in other matters relating to road traffic.

I believe and I would recommend that such other duties as the Commissioner may call on the traffic wardens to perform ought to arise out of regulations so that there can be the kind of clarity I talked about earlier so that we can have no difficulties between the new Division and the Commissioner of Police. I think that we owe it to them and we owe it to the public to specify as clearly as possible and even though it may not have been written into the Law specifically, I think what the Minister said as he introduced the legislation will be taken into account by the Commissioner of Police. I wonder if he is able to respond to this, Sir.

Hon. H. deB. FORDE: I can respond on both things, Sir. The Commissioner of Police will be the Accounting Officer for this Force. At present there are 10 parking attendants on the unestablished staff of the Police Department. The monies for them are voted in the Police Vote and they are paid from the Police Vote and any monies which they collect are paid into the Police Vote. I have the figures for 1976 and they collected something like \$38,172.15. This should be slightly higher now and those funds are paid into the Police Vote. It is intended that the fees will be paid into the Police Vote and through the Police Vote into the Consolidated Fund and, therefore, from an administrative point of view, the Traffic Warden Division will be under the Division of the Police under the Ministry of the Attorney General. In so far as administrative orders are given them, therefore, administrative and what would be quasi-post orders will be issued to them as a matter of course and particularly under this section.

In so far as traffic duties are concerned that call for the force of law, either by substantive law or subsidiary legislation, those rules will be established under the Road Traffic Bill and the Road Traffic Regulations in due course and really not under the Police Act but so far as there may be day to day deployment and use of the traffic wardens are concerned, just as we do with the Police at the moment that we give force orders, there will be orders given to the traffic wardens on a similar basis. I think that is where the distinction is.

Mr. TAITT: Sir, if the hon. member would give way, Sir. While introducing the Bill he also indicated that these persons will become public officers. I believe that the Bill indicates that they will be appointed in accordance with Section 34 of the Constitution. Now, Sir, the police themselves are appointed under the Police Service Commission and it seems that these persons are going to be appointed under the Public Service Commission.

I am wondering if there was some specific purpose because the whole question of discipline in the Force is determined by the Police Commissioner and appointments and promotions are dealt with by the Police Service Commission and the Police Commissioner is going to be the Accounting Officer and he is going to be in essence the head of this establishment and yet these persons are going to be appointed by the Public Service Commission. I think that without going into any great detail the Minister can recognise the difficulty which I am envisaging unless it is not intended that there will be any senior traffic wardens and junior traffic wardens.

The question I am asking more specifically is this. We are going to be having about 60 persons. Those 60 persons are going to have somebody or somebodies who are going to have to be administratively responsible for them at the lower level. Will this be a Police Officer in charge of them or will they have a senior person as their administrative head reporting to the Commissioner. If so, we are having a division of the Police Force being administered by the Public Service Commission while the rest of the Force will be administered by the Police Service Commission. Perhaps there was some specific reason for this arrangement but it seems to me that it has the seize of some difficulty. I wonder if the Minister can give us an explanation, Sir.

Hon. H. deB. FORDE: Sir, the position is no different to what has existed for some time now. In the Police Force there are certain duties that are carried out by the civilian arm of the Public Service and those persons who carry out those duties are appointed by the Public Service Commission and are subjected to the Public Service Regulations.

Prior, for instance, of the transfer of Immigration from under the Police to its own distinct and separate arm and control, most of the Immigration Officers and the Clerical Officers there were appointed in the normal Public Service and their career structure was a Public Service career structure and they were subjected to the Public Service Commission.

Indeed, we still have working under the Police although under our day to day administrative direction some people like accountants and clerical officers who are public servants but are not Police Officers as such and we intend that the Traffic Warden Division will be a civilian Division and although we have financial accountability for it, the appointments to that office will be with the Public Service Commission. The Commissioner of Police will obviously be consulted on the appointments and will make recommendations and there will be overall responsibility under the Police Officer in charge of traffic but there will not be Policemen in that sense.

Mr. TAITT: Mr. Chairman, I just want to draw to the attention of the Minister because I took the point

which he has made that there are already civilians who function in the Police Department. I would like to submit, however, that this Division which is being appointed now, differs, not perhaps a great deal but we are giving them some Police power which the accountants and clerical officers in the other aspects of work would not have. It means, therefore, that there will have to be some disciplinary action available to the Commissioner of Police in his role as the para-military head.

Since we are giving these traffic wardens certain powers which extend beyond the powers of the ordinary Civil Servants, perhaps what I am seeking to find out is the place which the traffic wardens would take within the total scheme of things as regards the implementation of the Traffic Laws.

They are going to be made Island Constables as I understand it. It means again that although they do not have powers of police arrests they are still going to have some powers of arrest and in those circumstances while I would not insist that the matter be dealt with instantly, and now, I think the Minister ought to take cognizance of the potential difficulty.

4.40 p.m.

Draw it to the attention of the Establishments people and the police and perhaps have a better working arrangement by the time we are ready to implement the total scheme because as I envisage it, the training which they will get ought to include a substantial amount of police training the methodology which they would use ought to involve a lot of police methods and in those circumstances, I think police discipline would probably be better exercised if there is total control over their entire career rather than partial control which the dual arrangement now obviously would give.

Mr. CHAIRMAN: Does any other Honourable Member wish to speak under this Clause?

Mr. SANDIFORD: Just a brief question Mr. Chairman. I wonder if the Honourable Minister could just briefly tell us how he envisages this corp of traffic wardens to function in terms of their control organisation? Would they be some command structure within this civilian operation, Senior Traffic Warden and Deputy Traffic Warden and that type of operation. We are asking these questions because we are very much interested in this, we would like to know what are the thoughts. It is well-known that we will have to administer this particular piece of legislation from over here with the change of Government with the upcoming elections, so we would like to know exactly what is going through the mind of the Honourable Minister (ASIDES)

Mr. CHAIRMAN: Order, please. Does any other Honourable Member wish to make a contribution?

(PAUSE) The Honourable Minister may reply to this Clause.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I appreciate the Honourable Member's pious hopes that at some time in the future, he may have the privilege, or his Party may have the privilege to look after the enforcement of this particular bit of legislation. It would probably last for longer than 100 years and therefore hope springs eternal in his breath, Sir. It is certainly not going to be in the next five years.

Insofar as the structure is concerned Sir, I do not seem to have the detailed structure proposed, but it is envisaged that there will be traffic wardens and senior traffic wardens and it is envisaged that there will be an overall senior policeman under whom the structure will come. I see here that the provision for these two levels, traffic wardens and senior traffic warden at that level, Sir. I also see that arrangements are being made for training to be done by the police, as well as through the Training Office because some of their functions will relate to accounting and various other matters for which the Chief Training Officer well make provision, so that is the Scheme proposed Sir.

Insofar as the Honourable Member for St. Michael South West's other comments are concerned, the Commissioner of Police himself had developed the present structure recommended structure in this Bill and he felt satisfied that he could have enough control with a civilian arm. Had they been made police officers proper, he would be having to pay them perhaps at the same level and at the same training and transferability and he was trying to avoid that, but he is conscious of the fact that if he needs to have additional regulations with which to enforce his control, we may have to make those regulations under the Public Service Commission Act with the consent of the Public Service Commission, but in marrying them, or placing them in a similar drafting structure as is done with the Police Regulations at the moment.

The question that Clause three stands part was put and resolved in the affirmative without division.

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

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

BARBADOS CONSTITUTION (AMENDMENT) ACT, 1981

Item No 2 was called – To move the Second Reading of a Bill to amend the Constitution of Barbados.

Hon. H. deB. FORDE: Mr. Speaker, Sir, the purpose of this Bill is very simple, it does not take any long introduction. Its purpose is to establish on a permanent basis an Electoral and Boundaries Commission with full constitutional protection therein to preserve free elections.

Mr. Speaker, this Bill was forechannelled in the election Manifesto of the Government in 1976 in which we promised specifically to do everything to maintain democratic institutions in this country and to ensure that multi-party parliamentary democracy was given additional constitutional protection, so as to prevent its destruction. One of the surest ways of doing this is to provide a system of free, periodic elections for representative Government. Now, towards this end, Mr. Speaker, we set up a Constitutional Review Commission which reported to the Government.
4.50 p.m.

The Report of that Commission was laid in the House, and that Commission likewise recommended that an Electoral and Boundaries Commission should be set up. I refer specifically to the Report of the Commission as contained at paragraphs 69 to 72, where it is recommended likewise that an Independent Boundaries and Electoral Commission should be appointed, and in Appendix III to that Report it set out in a rather detailed form the proposed text of the amendments which were necessary if we were to accept the recommendation of that Commission. The proposed text is set out from pages 158 to 169 of the Report.

You will see, therefore, that this Bill by and large follows the main recommendations made in the Report, but I think it is necessary for me perhaps before I go through the detailed provisions of the Bill and of the Commission's Report, to take hon. members' minds back to 1965–66 at the time of the debate on the Independence Constitution, the Constitution which we are now seeking to amend, and to say that as early as 1965 the present Government, which was then the junior party in Opposition, recommended very strongly as part of its proposals for an Independence Constitution that an Electoral and Boundaries Commission should be in the Constitution of Barbados, and should be one of the entrenched clauses.

I believe every hon. member knows that an entrenched clause is a special clause in the Constitution protected from arbitrary or easy change, and demanding for altering such a clause at least a two-thirds vote of all the members of both Houses of Parliament, both the House of Assembly and the Senate.

It is proposed in this Bill that the Electoral and Boundaries Commission and all of the provisions dealing with such a Commission will be entrenched under the Constitution and can only be removed by the special pro-

vision provided in the Constitution for the changes to the entrenched clauses. It can only be altered, or amended, or removed in this special manner.

But as early as 1965-66 this party was convinced that people would have perhaps more belief and give more creditability to the maintenance of the electoral machinery and the functioning of the electoral organisation of this country if the Electoral and Boundaries Commission had been established. I regret to say that the view which was then put forward by both of the political parties in Opposition — the now defunct Barbados National Party and the Barbados Labour Party — that these views were rejected by the Democratic Labour Party which then constituted the Government of the country, and it was then part of the political preachings and views of the present Leader of the Opposition, the right honourable member, that there was no necessity for any Electoral and Boundaries Commission at all in Barbados.

I believe the debate on the Constitution Bill, as it then was, in this House shows quite clearly his statement that he was satisfied that the existing laws of Barbados, the Representation of the People Act and the various other Laws governing elections, and the machinery which was then set up, including the Chief Electoral Office, was of such a nature that there was no need at all in his experience at any time for such a Commission, and his view then was, and his party's view — it was not a personal view — that such a Commission was unnecessary, it would be an appendage, it would cost the country money, it was a waste of time, and it gave no greater safeguards at all to democracy or to the free independent functioning of elections.

I believe, Sir, and I put it no higher than that, I surmise that a period in Opposition has probably convinced the Democratic Labour Party that its views are not in keeping with the views of the majority of Barbadians on this matter. Quite recently I have heard some views from some members of the Democratic Labour Party, not all, that an Electoral and Boundaries Commission is called for and is welcome. Some of the members, it is true, have only come into the House of Assembly since the 1965-66 election, but many of those who have spoken, including the hon. member for St. Michael South Central who is not here, were members of the party in 1966 and I would expect that the views of the party then were views to which they subscribed, but whatever has happened, and it is open to people to be properly convinced and to change their minds, let me say that the Government welcomes their change of mind on such a crucial issue as ensuring the holding of fair elections, free elections at periodic intervals, and therefore we would welcome on this Bill the Opposition demonstrating not only by voice in their contributions to the debate on this Bill, but by their actual vote, their reiteration of their commit-

ment to free and fair elections, and their welcoming an Electoral and Boundaries Commission such as the one which we proposed as long ago as 1965, repeated in our Manifesto of 1966, and now with the consent and concurrence of the electorate have the privilege, the honour and the responsibility to implement for this country, and I hope that this provision will remain for a long time as part and parcel of the fundamental rights of the people of this country sufficiently guaranteed not only by the supreme law of Barbados, but by a consensus among the major political parties in this country that this type of provision is necessary and must be upheld not only in law but also in fact.

Now, to achieve a measure of consensus, we have introduced in the Bill a provision whereby the persons appointed to the office, Mr. Speaker, will be appointed in the case of two members by the Governor General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, and in the case of two other members by the Governor General on the recommendation of the Leader of the Opposition after he has consulted with the Prime Minister, and the Chairman will be appointed in the manner in which the first two persons will have been appointed as well.

5.00 p.m.

In other words, we are seeking to achieve here the maximum of consultation and agreement between the Leader of the Opposition and the Prime Minister to ensure that any persons appointed to the Commission will maintain acceptability by both political parties. We have also in the Bill, Mr. Speaker, provided that the persons who hold these offices should not be Ministers, Parliamentary Secretaries, members of or candidates for election to the House of Assembly, a Senator or a Public Officer. The reason for this particularly in the case of those persons with obvious political designations is to avoid people with an obvious interest sitting on the Commission and not being able to form independent judgments.

We have further provided for security of tenure for at least the five years of each member of the Commission in an effort to strengthen their independence and we have provided that they can only be removed by a special procedure, a procedure established under section 105 of the Constitution by which a special tribunal is set up by the Governor-General, and the members of the tribunal are appointed on the recommendation from a list of persons recommended by the Chief Justice, and this is an effort, although it is the Prime Minister who eventually recommends to the Governor-General after consultation with the Leader of the Opposition, to ensure that persons will not be removed arbitrarily and that there is some independence in looking at any allegations made against such persons.

Mr. Speaker, we are providing in the Bill for the Commission to have its own independent staff which will be paid for from monies voted by Parliament and charged on the Consolidated Fund, although we have had to include a provision which would allow the Governor-General to direct public officers to carry out certain of the duties which may be necessary in relation to the functioning of the Commission.

The Commission's functions will be to look after the registration of voters and the conduct of elections in every constituency and to do all things that are necessary to ensure free elections. The Commission is not only an Electoral Commission, it has duties in relation to boundaries as well, and the Commission will in future be under obligation to report to this House from time to time on its recommendations for any changes which can be made in the boundaries of Barbados, and the only guidelines set out for them will be set out in the Schedule in which we are asking them to ensure that boundaries are as nearly as possible equal in all constituencies and that no boundary should exceed the other by more than approximately 10% one way. They should not be higher than 110% or lower than 90%, so there may be no more than one-fifth difference in the total electorate. This is to ensure a regular rather than a haphazard review of the shift in population in the country, to reflect as closely as possible any shift in population movement and to equalise as much as possible the votes of people who vote to return members to the House of Assembly.

There is another function too, Mr. Speaker, which the Commission will have and its function will be to allocate broadcasting time to the various political parties or persons vying for political office during the election or by-election. This is a novel provision. Up to now in Barbados it has been done to a limited extent as a matter at the grace of the Caribbean Broadcasting Corporation as well as at the grace of Barbados Rediffusion, but there has been no legal requirement in any Act at all making it obligatory for any independent person to deal with the subject of political broadcasts. This is now for the first time becoming part of the law of Barbados, and the Government considers it such a fundamental matter that we are including it in the entrenched provisions of the Constitution and obligating the commission to ensure that it is properly carried out and honoured.

I do not believe, Mr. Speaker, that anybody can doubt the strong commitment which the Barbados Labour Party in general and this Government of Barbados Labour Party members in particular have in the maintenance of free and fair elections in this country as well as the maintenance of multi-party democracy for our Island of Barbados. I think that if there are certain hallmarks which mark Barbados out in the western hemisphere and indeed among the nations of the world I think it is the devotion which the country particularly since universal adult

suffrage in 1951 has shown to its love for periodically held fair and free elections. When therefore, Mr. Speaker, we put forward in the regional or in the international context and particularly in our own national context and in our own regional front-yard or backyard the view that it is part of the ethics of this country that free democratic elections should be held if we are to preserve true representative Government and real development, no one should query this, and certainly the Leader of this Government and the Leader of this party should not be subjected to rude insulting remarks because he is reflecting merely the point of view of the majority of people in this country about the holding of regular elections.

If there is one thing that I believe should become a non-partisan view in this country it is the commitment of both major political parties in Barbados to the holding of regular elections in as free and fair a system as can humanly be guaranteed from time to time not only in Barbados but in our sister countries of the Caribbean as well. I do not believe, Sir, that our forefathers who struggled first against the colonial yoke whether it be through the Charter of Barbados, the Treaty of Oistin, whether it be through the various attempts at electoral reform in the 19th Century, whether it be through the final struggle in 1937 going on to the 1950s and culminating in the Independence Constitution should have struggled in vain unless we the successors accept fully the implications of that struggle and dedicate ourselves to the duty of maintaining not only here in Barbados but particularly in the Caribbean a system such as that for which they have struggled, and it gives me much pleasure on behalf of the Government in indeed moving the Bill in the name of the Prime Minister who is suffering from a sore throat unfortunately, because it is within his Ministry that this subject comes. It is an important part of the Government's programme; it is in fulfillment of one of the pledges we gave when we were returned the Government of this country on the 2nd September, 1976, and it is against the background of the struggle which the Barbados Labour Party has had since its foundation 42 years ago to move towards full democracy in all phases of this country's life, the struggle which we carried on for full universal suffrage, achieved for the first time under our Government. I have to hammer this point very frequently. We have to fight the oligarchy in this country — people like Sir Grantley Adams, an outstanding leader of this country.

5.10 p.m.

There are a few others like Edwy Talma, Frank Walcott, to mention people who were with him then, M. E. Cox, Ambassador Mapp, Dr. Cummins, D. D. Garner, the whole lot of them, Mr. Speaker, fought in the 1950's; 1951 to ensure that the people had the right to vote without property qualification that that is why I can now appeal to Barbadians to exercise that right to vote sensibly. It is something for which there has been

a struggle. We respect it as the heirs to that tradition of our party and we believe that the people of Barbados as heirs to that achievement should respect it likewise.

I said, Sir, that I have introduced the Bill appealing for, requesting and expecting full approval and commendation of the Democratic Labour Party. I know that like Saul on the road to Damascus they have changed, they have been converted and I hope that they speak now with conviction, not only be convinced but have been moved by conviction on this issue.

I would have welcomed the Rt. Hon. member for St. John being here to give him the opportunity to say that his views in 1965 and 1966 are no longer his views, Sir, that he has seen the arguments, he accepts the rationale and that this is one policy of the Government with which he can be in full concurrence, although in 1965-1966 it did not suit him at that time politically to accept it. I trust now that it will suit him not only as a matter of political expediency but as a wise and sensible measure based on fundamental principles which should never be in dispute between the two parties which at present constitute the majority parties in Barbados.

Therefore, I move that this Bill be read a second time.

Mr. SIMMONS: I beg to second this Bill, Mr. Speaker, and reserve my right to speak.

Mr. SANDIFORD: Mr. Speaker, let me start by expressing our very profound regret to hear that the Prime Minister is suffering from sore throat, laryngitis or whatever else it might be. We are very sorry to hear that he is ailing at this particular time. I know that he would have liked to be here but he has been very silent since his return from overseas. Oh, here he comes.

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

We were certainly looking forward to his contribution on....

Mr. SPEAKER: Come to the Constitution.

Mr. SANDIFORD: I am coming to it. Let me speak in like terms as my friend and colleague for Christ Church West. He wants us to have some type of consensus on this matter and I can give him the consensus that he is asking for.

We are all agreed, both sides, Government and Opposition, on the principle that there should be free and fair elections in this country and that these elections

should be held periodically so we can give you that assurance. We held the Government between 1961 and 1976 and on each occasion that elections were due, they were held, the elections were fair.....

Mr. SIMMONS: On a point of order. He says that on every occasion that elections were due they were held? They promised elections within three years of 1961. They did not hold them, Sir.

Mr. SANDIFORD: Mr. Speaker, I was waiting for your ruling, whether it was a point of order or not.

Mr. SPEAKER: Continue to address the Chair.

Mr. SANDIFORD: Yes, Mr. Speaker. Elections were due by 1966 and they were held in 1966. They were due in 1971 and they were held in 1971. They were due in 1976 and they were held in 1976 so that is the commitment of the Democratic Labour Party to the principle of fair and free elections.

I may also state that in the first Barbados Labour Party Government between 1951 and 1961 elections were also held. There is no record of any of the great political parties — I am sorry. The Prime Minister can still speak. He said that they put off an election, but I think, generally speaking, in this country that principle is well established.

The first Barbados Labour Party Government had 10 years in power, 1951-1961. I will not go back to the years before that, going back to 1940. They had 10 years in that first Barbados Labour Party administration. They have now had 5 years, 1976-1981, fifteen years. The Democratic Labour Party had 15 years, 1961 — 1976. The Parties are even at this time. This is where we are starting. You have had 15 years and we have had 15 years so this argument about give us another chance, we only had five years and they had 15 years, nothing about that argument. I am sure that the electorate will understand that particular point and know where we are starting from so all of this talk means nothing.

What is the background of all of this talk about free and fair elections and guaranteeing all of those things because in this country both Parties have demonstrated by their practice committed themselves to the principle of free and fair elections so there is nothing on our part to give that assurance.

Now, I want to look at that Barbados Labour Party Manifesto and if I could get a copy if it is to hand because I would like to be accurate on it in respect of what it has said for this Electoral and Boundaries Commission. That Manifesto did make provisions or did invite the people of this country to endorse their

programme and to establish an Electoral and Boundaries Commission. That is what that Party promised the country.

Now, the member for Christ Church West, the learned Attorney General, took us back into history and told us that the Barbados Labour Party as far back as 1965 was calling for such a body in this country and I would have thought that with all of the history behind us, that when the Party got into power, 10 years they were asking for it, at the time of Independence, the 1966 Elections, the 1971 Elections and up to the 1976 Elections, that with that type of background they would have been in a position when they came into power to implement this particular proposal for an Electoral and Boundaries Commission immediately because they had it in their brains, they had it in their *Beacon*, they had it on their political platforms, they had it when they went to Antigua or whoever went to that part of the Caribbean and they had it when they went to St. Lucia, whoever went down there in those days. I believe that the member for St. Thomas went to one of those neighbouring Islands and the member for Christ Church South Central went a little further afield.

5.20 p.m.

The two of them went travelling at that time, talking about an Electoral and Boundaries Commission. Why is it then that it has taken five years into this Session for that Party to bring before this Honourable House an Electoral and Boundaries Commission? (*Asides*) I have just been given a copy of this document here called "Manifesto of the Barbados Labour Party" and this is what it says:

"In particular, the Party will seek to establish a permanent Electoral and Boundaries Commission with full Constitutional protection to preserve free Elections and put an end to the sorry system under which the machinery of Elections in the constituencies is largely in the hands of persons known to be supporters of the Government."

I am making a major point here, Mr. Speaker and it is this, that this Government contrary to what Barbadians were expecting that this Government proclaimed to alter the constituencies, to increase the constituencies... (*Asides*: To help you with your seat.) To help us, I am not going into who you are helping, I know the changes are certainly not to help the Democratic Labour Party, certainly not to help the Democratic Labour Party. (*Asides*) I do not know who they are helping in St. Peter. The people in this country were expecting having made such a strong commitment in your Manifesto and with the full knowledge that you were talking about this Boundaries Commission from 1966, the people were expecting that this is one of the first actions you would have taken as a Government to put this particular

machinery on the Statute Book and in your terms, "put an end to the sorry system under which the machinery of elections was largely in the hands of persons known to be supporters of the Government."

But, instead of doing that, what have you done as a Government? You have altered those constituencies, you have increased the constituencies, now at the end of the day eleven and a half hours, or eleven and three quarter, I am not certain exactly which one, at the end of the day now having changed the boundaries and increased the constituencies by machinery, or through machinery in your own hands, you now come at the end of the day to bring this measure before us to amend the Constitution to set up an Electoral and Boundaries Commission.

Mr. SPEAKER: I do not want to stop you, but you know the Honourable House has already come to a decision on that matter.

Mr. SANDIFORD: Mr. Speaker, thanks for drawing that to my attention. I am well aware of that. (*Aside*). Mr. Speaker, I believe that this is a matter which all of those who are concerned about political morality in this country, all of those who are concerned about the good name of this country, all of those who are concerned that the people of this country and the ruling Parties in this country may be taken at their words are very concerned about this whole matter and I wish to draw this to the attention of the whole public of Barbados that the Democratic Labour Party and those persons, that vast body of persons for whom we speak, I wish to state that we are very critical of the particular manner in which this measure has been brought before us because it is putting the cart before the horse, that is exactly what has happened. That is exactly.... (*Asides*).... or putting the horse after the cart, however you want it and that is a matter which I am challenging the Government to explain to the people of this country. Why is it that instead of setting up an Electoral and Boundaries Commission to examine the constituencies to propose what alterations in its good judgement it felt like proposing and then proceeding on that basis instead of doing that, what the Government has done is to cut up the boundaries and increase the constituencies after its own fashion and now they are setting up....

Mr. SPEAKER: The Honourable Member apparently is inviting the Chair to ask you to discontinue, I do not want to do this, but I cannot have him reflecting on a vote of this Honourable House. The Honourable House has already come to a decision on this matter. Read Standing Order 28(4), before you proceed further.

Mr. SANDIFORD: Mr. Speaker, I am not saying that the Honourable House was wrong for coming to this conclusion, or taking the decision it did. I am not

reflecting on that at all, I am talking about the actions of the Government, the priorities that the Government has been using. I do not consider that as any reflection on any decision taken by the Honourable House at all. I have never called it into question and I would not. (ASIDES).

Mr. Speaker, so long as representation and so long as an Honourable Member of Parliament is tied to a particular geographical area how those geographical areas are determined and demarcated will be more important for the impartiality of the electoral system in this country. We do not have any system of proportional representation, where such matters depended on the type of proportional representation system that we have. We do not have any such system. In our system, where the Honourable Member of Parliament is tied to a particular geographical area called a constituency, it become vitally important what machinery is used in order to draw, or determine, or demarcate those constituencies. 5.30 p.m.

There should be a considerable measure of confidence in these matters, because if those boundaries are not drawn to the satisfaction of everyone or impartially, then the whole system may be called into question. If a Government that is in power demarcates those constituencies in its own interest, that is known as gerrymandering.

Mr. SPEAKER: The hon. member is reflecting on a specific measure decided on by this Hon. House. No other interpretation can be applied to this.

Mr. SANDIFORD: Mr. Speaker, with all due respects, I am not referring.....

Mr. SPEAKER: Do not mind the respects, just obey the Standing Order.

Mr. SANDIFORD: I obey the Standing Order and I give you respect. Do not tell me not to mind the respect. I am saying that if boundaries are drawn in a matter to suit a Government, then that is called gerrymandering. How is that reflecting on anything over there? It could apply to Trinidad, Jamaica, anywhere else. It is a general point I am making. I do not understand this interruption coming from over there, and the Chair is trying to interrupt me and put me off my.....

Mr. SPEAKER: Please, do not accuse the Chair of trying to interrupt you and put you off. The Chair has a duty which it has not yet exercised where you are concerned, and I do not want to exercise it. Please continue to address the Chair.

Mr. SANDIFORD: I will continue to address the Chair. Mr. Speaker, we have been looking at the question and we have been talking about how electoral boundaries are drawn and the machinery that is used for the drawing of such boundaries.

In Britain there are four Boundaries Commissions, not Electoral and Boundaries Commissions established and if those persons who know about these matters would think about them carefully, they would realise perhaps when slights are thrown at them. In Britain there are four Boundaries Commissions. Each of those Boundaries Commissions, one for England, one for Scotland, one for Wales and I believe one for Northern Ireland, each one is headed by the Speaker of the House of Commons. Sometimes we follow precedents, sometimes we do not. I would like to hear some explanation as to why in these present circumstances, why this Electoral and Boundaries Commission that is being established for Barbados is not headed by the Speaker of the House of Assembly. (ASIDES). I asked for an explanation.

In Britain also the Commissions are established, they examine the constituencies and then they publish the proposed boundaries for the constituencies, and the members of the public are then given an opportunity to register any objections or any differences with the boundaries as proposed by the Boundaries Commissions. In this Bill that is before us there is no provision for that type of public intervention at that stage before the Commission has finalised its work, and I believe that this is a serious defect in this measure that is before us. You see, it is one thing to follow the forms, but it is another thing to follow the spirit of those arrangements.

The Boundaries Commission studies a constituency, comes up with proposals for changes, and the proposed changes are published. The public is given an opportunity to indicate its views, objections, comments, reservations, whatever on the proposed changes, and then the Boundaries Commission comes to its final recommendations which it then sends on, I believe it is to the Home Secretary or whoever looks after the machinery in Britain. In this particular instance we have here before us a measure which in some instances follows the forms, does not fully follow the forms, and certainly the spirit seems to be lacking.

There is another area to which I wish to draw attention, and it relates to the staff of the Commission. I listened very attentively to the member for Christ Church West, and he said that the staff would be paid from the Consolidated Fund, monies voted from the Consolidated Fund, but I did not hear him say whether the staff would be appointed by the Public Service Commission, and whether the staff of this Electoral and Boundaries Commission would be public officers. 5.40 p.m.

We would like some statement on this and indeed we would wish to know and would like it clearly set out in this piece of legislation that the staff of this Commission would be public officers. It has not been said so far. We had a form of words and I listened very carefully, and we want an assurance not only in words but in terms of appropriate provisions in this measure that the staff of the Commission would be public officers appointed by the Public Service Commission. I do not believe that the intention would be otherwise. I would hate to think that this Commission would be set up and that it would then come and appoint persons who are not public officers, I put it no higher or lower than that, to service the Commission, and I think that those who speak on this measure should give this House the assurance that the staff would be impartially appointed in that particular way.

Now other members on this side will speak on various aspects of this measure. We note that the problem has been that this Commission has been given authority or this House is being asked to give the Commission authority to deal not only with the matter of boundaries, but also the matter of elections. This measure gives the Commission authority to deal with broadcasting and it appears at first blush that there is or that there will be some form of, I would not like to call it, censorship, but persons making political broadcasts apparently have to submit their scripts, but the Broadcasting Stations even though the scripts have to be submitted, I believe that they are exempt from any liability in respect of what may be said on the broadcast. This is a matter which also will be examined in some depth because we are in for a very long debate on this particular matter.

Mr. Speaker, the highways and the rivers are supposed to set out the boundaries as far as practicable. We would certainly hope that the maps setting out the various constituencies would be before us for this particular measure. We are dealing with an Electoral Boundaries Commission and we are requesting that the maps relating to the boundaries that we are talking about be made available so that we can all see what we are talking about. There are therefore then, Mr. Speaker, at least three main points that we have been making. One is that we are utterly opposed to the procedures that have been adopted in respect of this matter. We believe that in all the circumstances inasmuch as this was a promise made to the electorate that this is a matter which should have been before this House long ago, and therefore we will find it impossible to support this measure that is before us because of all the appearances of being a sleight-of-hand and we are.....

Hon. H. deB. FORDE: The hon. member is such a seasoned parliamentarian by now that he would not wish me to object to sleight-of-hand.

Mr. SANDIFORD: I withdraw. Even senior campaigners withdraw remarks. I withdraw the remarks; there is nothing wrong with that. The fact is though that we are not going to support this measure because we are registering our protest against the manner in which these things have been done.

Mr. TAITT: Mr. Speaker, at first blush it might appear that if one looks at this measure in a plus or minus way and one takes a position that one cannot support this Bill, it might appear as if one were arguing against the concept of an independent Electoral and Boundaries Commission. I wish to submit, Sir, that this issue is not whether one agrees with the establishment of an independent Electoral and Boundaries Commission or not. The issue here, Sir, is much more fundamental and deals with a matter that is of more importance in the long term for the people of Barbados both the present generation and the generations to come than whether one agrees or not with the establishment of an independent Electoral and Boundaries Commission.

5.50 p.m.

I doubt that anyone who is asked this question in Barbados would be prepared to say that he or she would not like to see the question of elections moved into the area of independent activity and hence we find it acceptable that the elections ought to be independent, that they ought to be free and that they ought to be fair.

Mr. Speaker, it is remarkable that we are in this Honourable House today seeking to amend a fundamental Law of Barbados and there are thousands of people outside of Barbados who are unaware, totally unaware that we are about to change the fundamental Law of this country. It is fundamental, Sir, that we are amending the Constitution of this country and that unlike 1974 when there was a call for amendments of the Constitution to be canvassed wide and far among the population, nowadays it seems as if we will amend our Constitution in much the same way as they do in the United Kingdom where they have no written Constitution and hence may pass their laws with simple majorities.

We, Sir, when we wrote the Constitution and agreed to it, we indicated thereby that any changes to be made to the Constitution would be considered so that we would wish all sectors of our community to be involved in such changes. I recall, Sir, that in this session of Parliament we have had two similar Bills come to this Honourable House. One of them was considered inconsequential and the other one was sufficiently important and today we are getting to the heart of the root of Law because in the question of the Elections resides the concept of the rule of Law in a society such as this and interference perceived or real of the electoral system is sufficiently important, it seems to me, that wider sections of the com-

munity ought to benefit from an explanation of the government, ought to benefit from debate among themselves and be in a position to reflect their views when we are seeking to change the fundamental Law of the land.

It seems to me, Sir, that the manner in which this has been brought to this Honourable House and when we come to look at the details I will explain some of my own reservations about the details, but the manner in which this Constitutional amendment comes to this Honourable House, notwithstanding the statements which I am hearing not so *sotto voce* that went around the country. The Commission went around the country. The Commission spoke to some people. The Commission put out a Report. The Report, as far as I know has never been debated, but that is a different matter. The point is that in this Honourable House, whether there has been a Commission or not, when we are about to change our fundamental Law, it ought not come, as it were, by the way.

Hon. H. B. St. JOHN: On a point of order. The hon. member has unwittingly misinterpreted the Law. The Law at the present moment is that there is no fundamental or entrenched provisions relating to Elections. This Constitutional amendment is to entrench the provisions relating to elections so as to ensure that it becomes fundamental in the future. At the present, moment any ordinary Act to the legislation can change the Law. This provision is to entrench it so he cannot say we are changing a fundamental Law.

Mr. TAITT: Mr. Speaker, Sir, the hon. member has not been reading his Law books recently and I will give him the benefit of the doubt. Is he suggesting that the Constitution is not the fundamental Law of Barbados?

Hon. H. B. St. JOHN: On a point of order. The Constitution does not deal with this matter at all. The point is that the difference between us is that we always felt that there should be a special provision in the Constitution to deal with this. In 1976 the DLP opposed it. That is why we are bringing it in. We are bringing in a Law to add to the Constitution, not to detract from the Constitution.

Mr. TAITT: Mr. Speaker, with the greatest respect. For a number of years I have heard it said that they are people in this community who have had reputations in the field of Law. I would like to continue to believe that. It is axiomatic that a written Constitution is the fundamental Law of any country. I am discussing a change to that fundamental Law and he gets up and talks about entrenchment. I am disappointed. That is as far as I will go.

Hon. H. B. St. JOHN: On a point of order, Sir. Will the hon. member point to the Section in the Constitution

which deals with the amendment of the Law relating to Elections by a constitutional procedure. Let him point to that section.

Mr. TAITT: Mr. Speaker, I advise the hon. member not to laugh and jump up because the hon. member himself – (ASIDES) – the Law is like that. A lot of people have masqueraded as knowing about the Law. No one can tell me, Mr. Speaker, no matter how much they jump up that when they come in here and say in the Objects and Reasons “this Bill seeks to amend the Constitution of Barbados in order to implement.....” “To amend the Constitution of Barbados.” The Constitution of Barbados is the fundamental Law of Barbados and therefore for someone to get up and tell me that when I am talking about the fundamental Law that I am talking about entrenchment, I pity and I feel sorry for any hon. member who finds himself in that situation.

I go further. The hon. member asks me to point to any section that would be amended. In this Bill, itself, it will amend Section 42. It will amend Section 44. It will amend Section 49. It will amend Section 105. Those are Sections of the Constitution.

Mr. SPEAKER: Please, we must have some order. I think it is Pope who told me like he told the world, I think it is Pope, that a little learning is a dangerous thing. I think it is Pope. He tells me. Please. The hon. member may address the Chair.
6.00 p.m.

Hon. L. S. CRAIG: On a point of order, Sir. I just want to assure the Honourable Member that I will give him all the support when it comes on to Law, tell them all about it, you know about it, I am you, you are I.

Mr. SPEAKER: Please, let the Honourable Member address the Chair.

Mr. TAITT: Mr. Speaker, Pope spoke and Jesus spoke and Jesus said in the Scriptures.

Mr. SPEAKER: Please address the Chair.

Mr. TAITT: Yes, Sir. One of the greatest lawyers that ever lived, Sir and he said:

“You have turned my house into a den of thieves.”

Mr. SPEAKER: He did.

Mr. TAITT: Mr. Speaker, when it comes to certain matters, they might be able to lead me. When it comes to a knowledge of certain aspects of the Law, I am not prepared to be led by any of them on that Side, who have got up here this evening and attempted to question a fundamental, simple axiomatic statement about Con-

stitutional Law. No wonder the people out there have been led to believe that whenever somebody who says he is a lawyer speaks that God has spoken. But, we who know something about the Law know that they are bigger idiots who are lawyers walking around sometimes, than there are others. I will not spend any time getting involved in trying to establish my credentials. They have been established in a manner that cannot be questioned. (ASIDES: You have never won a case yet.) I would not take yours. "Suffer the little children and forbid them not."

Mr. Speaker, I am convinced that the manner in which this change of our Constitution and for the benefit of the distinguished and learned Rt. Hon. Prime Minister, the Rt. Hon. Member for St. Thomas, you can change by adding to. The dictionary will indicate that change includes adding to or subtracting from, so you can amend the Constitution by adding to it, as you seek to do. Mr. Speaker the manner in which this Constitutional amendment has been brought here to the people of Barbados, the manner in which the people of Barbados have not been given the opportunity to be aware of what precisely will be happening here is a matter of concern.

Even the newspaper Sir, so mistaken in understanding what is going on, there was a CANA report which went not only here, but outside of Barbados which said that what we would be discussing here is the 27 seats. Mr. Speaker, Sir, your rulings have already indicated that there is nothing that we will be discussing farther from the 27 seats than this amendment, but so vast is the confusion, misunderstanding and mistaken capacity of our population that they are not even made aware, by those who ought to make them aware, the press what we are going to be discussing here. They said we would be discussing the 27 seats.

The gravamen of my argument, Sir is that when you are going to have a Constitutional amendment of this nature, where you are going to be entrenching a provision in a Constitution to help the Honourable Member... (Asides)... This is a little too high for you, this is not Divorce Law this is serious. We are saying Sir that the matter ought not to have been brought in the manner it has been brought, where nobody understands what is going on, except the 24 of us in here. I am saying that a Constitutional amendment ought to have the opportunity of being aired, canvassed and finally decided.

Mr. Speaker, the Honourable Members on that Side may say that they have a Mandate. They may say that having gone to the population and having placed in their Manifesto that they will have a Boundaries Commission that this is what they seek to do, to that end, they may be technically correct. The Mandate concept goes farther. It envisages that the issue which forms the basis of the Mandate is an issue that would be aired,

discussed and dealt with finally in a manner commensurate with how the people envisaged the Mandate.

The Mandate concept in the United Kingdom has had a fair expression and I have to draw to the attention of the Honourable Members that on occasions when Prime Ministers in the United Kingdom have had elections and have placed things in their Manifestoes and have got majorities that the shifting situation in the community has led them to decide that they do not have a Mandate in the particular manner and in the particular way they intended. Lord Badford's Government is an example of that, Sir. Time does not permit me to go into great detail about this. But, what the Mandate which would have been given in the words in the Manifesto would have suggested is that an independent Electoral and Boundaries Commission would have been appointed in sufficient time as to have allowed it to have an influence on the Bill which was passed earlier in this Honourable House that it would have allowed the Electoral and Boundaries Commission to have a possibility of going out into the constituencies and being an independent Commission appointed in the manner proposed here for example, it would have unlike the Government the support of a large majority of the population in its suggestions for change.

Mr. Speaker, if indeed, this part of the Constitution which when we have amended it, as amended it shall be, because they have the numbers, when this is amended, we are going to commit an even greater wrong. It is not a criminal wrong, Sir, it is a wrong which is going to be visited on generations to come. In this legislation, we have sought to put into the Constitution a concept of Law which is being argued against by all of the learned professors of Administrative Law with the possible exception of Professor Jennings, certainly argued against by the eminent Professor whom the Honourable Attorney General reveres from what he has said in here, who argued that the concept of not going to the courts, the concept of a Legislature attempting to deny Judicial Review is not acceptable in a modern day democratic society. (ASIDES) It has to do with after this amendment is passed.

There are certain areas of activity according to this legislation, which will permit the Governor General to make certain regulations and after that, this legislature will purport to say that nothing concerning that particular area can be questioned in a court of law. That is contrary to the modern trend in Administrative Law. It is contrary to what we ought to be doing. We ought to feel sufficiently strong in our convictions in this Honourable House that if we pass a measure that we can allow that measure, whether it is the exercise of the direct measure, or whether it is the exercise of delegated powers to a functionary, we ought to allow ourselves to feel competent that judges sitting in Chambers, or judges sitting on the Bench

Mr. SPEAKER: I think that the Honourable Member is straying a little.

Mr. TAITT: Mr. Speaker, with the greatest respect Sir.....

Mr. SPEAKER: Do not mind the respect. I might not have.....alright.

Mr. TAITT: Mr. Speaker, the Judicial Review has to do with the parliamentary tug of war, Sir, where Parliament in the United Kingdom.....

Mr. SPEAKER: Alright. You might address us and leave out that part of it.

Mr. TAITT: Judicial Review, Sir?

Mr. SPEAKER: Leave out that part.....

Mr. TAITT: Mr. Speaker, with the greatest respect, Judicial Review forms part of the amendment, Sir. I am unable to address any further if you indicate that I cannot speak of Judicial Review, Sir.
6.10 p.m.

I am unable to address any further if you indicate that I cannot speak of judicial review, Sir, because judicial review is being denied in the very amendment. The amendment seeks to deny judicial review. If Your Honour says that I am unable to speak on the question of judicial review, then it would be useless for me to continue. Thank you.

The fact is that constantly, and if I may quote, Sir, so that it will be seen, I am quoting from the 4th Edition of H.W.R. Wade's Administrative Law at page 340:

"The common theme of all the passages quoted, above that is, is that the notion of absolute or unfettered discretion is rejected. Statutory power conferred for public purposes is conferred, as it were, upon trust, not absolutely. That is to say, it can validly be used only in the right and proper way."

And it continues, Sir. Now the passages quoted, and I will quote one of them, Lord Sumner.....

Mr. SPEAKER: I think you are dealing with the principle of the Bill before us.

Mr. TAITT: Yes, Sir. Lord Sumner said:

"There are many matters which the courts are indisposed to question. Though they are the ultimate judges of what is lawful, and what is unlawful....."

and he goes on:

"This, however, is not a recognition of the absolute character of the Local Authority's discretion."

Mr. Speaker, attempts will be made to suggest that reading from this is, as I heard one person say, school boyish. It is in here that these questions have been raised, examined and put to the kind of scrutiny which I am recommending that the Constitution amendment ought to be put to. In a case with the National Union of Government Employees in Trinidad and Tobago, when Governor General Hochoy purporting to exercise absolute authority as Governor General of Trinidad and Tobago, the late great Chief Justice of Trinidad and Tobago indicated that judicial review is a fundamental part of the rule of law in these Caribbean parts, and no attempts ought to be made by Parliament to remove it, and in any event, the courts would not allow Parliament to remove it. In a case, Collymore, where judicial review was claimed for the Caribbean region by the same Chief Justice, who used words that had been used by Chief Justice Marshall in *Margary vs. Madison* when he sought to establish for himself and the courts the right of the courts to question what Legislatures say, if those Legislatures go outside the pale of the Constitution, the Chief Justice of Trinidad and Tobago indicated that judicial review of legislation....

Hon. H. deB. FORDE: On a point of order. If the hon. member will give way, Sir, I will explain two matters for the hon. member's consideration. Within the existing Constitution, as passed by the right hon. member's Government in 1965, there are provisions which have taken away from the court the right to review the action of certain authorities. One is His Honour the Speaker and the other is the Public Service Commission and the Privy Council as it is constituted under the Act. Is the hon. member therefore saying, as I understand it, that there are not certain circumstances within the very fundamental law, as indeed referred to by Wade in the thesis, in which constitutional review is denied? And isn't the hon. member aware that within the existing Constitution it provides for a review of the Constitution and certain fundamental provisions, and that is the only part of the existing fundamental law, and no change is being made to that, Sir?

Mr. TAITT: The submission by the hon. member, Sir, is the first that I have heard today that I would say merits response. It has substance, Sir. I would draw to his attention, however, that the measures which he has alluded to do not fall on all fours with the particular

measure with which we are dealing, and the same Wade has indicated that especially with regard to the legislative power — and this is the point that is being made — and I think the hon. member has taken the point irrespective of what he said and what has been said. Now we are moving into the Constitution a new provision, we ought not to be extending, and that is the gravamen of my argument, we ought not to be extending the concept of absolute discretionary power. The difference between a piece of legislation that says that and what we are about to do is that we are entrenching it in the Constitution. After we have entrenched it in the Constitution no other Parliament will be able to change it unless they have a two-thirds majority. That is the difference between what has happened and what is about to happen. The entrenchment into the entrenched clauses will mean that a two-thirds majority will be needed to interfere with, to change these provisions which we are now putting into the law.

Mr. Speaker, I submit that that is not a desirable thing for Barbados. I submit that the question of excluding the courts is one which we ought to have looked at in some more detail, and it strengthens my view that this particular Bill ought to have been subject to some canvass outside of this Hon. House before it had been brought here. Out of an abundance of caution, if nothing else, Sir, it would be difficult to agree to vote in favour of this Bill, and hence even if all the hon. members in this Hon. Chamber had found it convenient to vote for this amendment to the Constitution, I say, Sir, that I find it impossible in the circumstances to subscribe to what is about to be done. I will not vote for this Bill, Sir, I will not support it. It has nothing to do with supporting the principle of an Electoral and Boundaries Commission that is free of political interference, it has to do with a manner of doing things and a system which has been accepted as the way to do things in our society. I do not accuse anybody of chicanery, I do not accuse anybody of attempting to stay in power — I could not do it here — but I say that the way it is being approached is wrong, and for those reasons, Mr. Speaker, I find myself unable to support this Bill.

Hon. H. B. St. JOHN: Mr. Speaker, it is very important at the very outset that the hon. member's speech should be dissected. The hon. member makes the point that we are seeking to amend a fundamental law of the Constitution by this amendment. The history of the Constitution of Barbados ought to be known, certainly to a large number.....

Mr. TAITT: On a point of elucidation, Sir. The hon. member says that I said they were seeking to change a fundamental law of the Constitution. What I said is that they are seeking to change the fundamental law, which is the Constitution. That is what I said.

Hon. H. B. St. JOHN: Mr. Speaker, the history of our Constitution ought to be well known by all hon. members who take an intelligent interest in parliamentary affairs in this country. At the Constitutional Conference in 1966 there were a number of issues which divided the Barbados Labour Party from the Democratic Labour Party.

6.20 p.m.

We always argued that once it was agreed that there was to be a written Constitution for Barbados that all of the provisions relating to the elections should be set out in the Constitution and that those provisions should not be alterable except in accordance with a special procedure requiring a vote of more than a normal majority. This was vigorously opposed by the Democratic Labour Party. I well recall the hon. member for St. John saying that it is an essential part of the power of a Prime Minister to fix the boundaries when he likes and how he likes. As a matter of fact, Sir, in 1971, in pursuance of that conception of power the Prime Minister then and the Democratic Labour Party then in power came into this House of Assembly and altered the boundaries six weeks before the election. We knew that the provisions as passed and in effect of law was defective in that respect.

We have always said that given the opportunity we would make sure that the law relating to elections and the creation of a Boundaries Commission would be elevated from being a law which could be altered by a simple majority into that category of law which required a special majority. We are not altering any entrenched provisions of the existing Constitution to create or to detract from any provision which relates to the maintenance of democracy. We are adding to it, and this is what the Democratic Labour Party really are opposed to. They are opposed to the fact that the Government has the courage to set out in the law of Barbados by way of amendment to the Constitution that in future you cannot alter this aspect of the law relating to elections without going through a special procedure. They say that this is such a matter of importance that publicity should have been given to it. They have accused the press of ignorance.

Mr. Speaker, the Democratic Labour Party was invited from the very beginning to nominate people on the Constitutional Review Commission. They rejected it. After the Constitutional Review Committee was appointed, they invited submissions from everybody; the Democratic Labour Party put in no submissions. The Report was published; the Democratic Labour Party had no position on it. The Review Commission had eminent members of the public on it, it was advised by Professor Carnegie as special consultant; the Report was published. How then, Mr. Speaker, can the hon. member get up here and say that he is opposed to it because he

disliked the manner and form of how we went about it. Mr. Speaker, I do not think that anyone can take the hon. member's position seriously. When they look at the whole history of this exercise, how can they take it seriously? The Democratic Labour Party refused to co-operate from the very outset with the Government. Notwithstanding that we appointed an eminent Commission, we got one of the best constitutional lawyers as far as we are aware in the Caribbean, Professor Carnegie, who was appointed consultant, the Report was published, and it was open to all kinds of comments. The Democratic Labour Party said nothing; they only come in here today and oppose.

The draft wording of the Constitution Commission Report we are following. The whole effect of this is to ensure that in future the manner of appointment of the Boundaries Commission cannot be changed at any whim or fancy of any particular Prime Minister with a simple majority. Far from detracting from the Constitution, we are adding to it in order to strengthen it to ensure that this matter of a Boundaries Commission is taken out of the realm of an ordinary majority.

On the question of enquiring into any law, as the Hon. Attorney General has pointed out, Section 106 of the existing Constitution sets out very clearly in respect of any Commission established by this Chapter has validly performed any function vested in it by or under this Chapter; any person has validly performed any function delegated to him in pursuance of the provisions of section 95 or 97 as the case may be; or any member of such a Commission or any other person shall not be enquired into in any court. That is the Constitution and I have challenged that already in *Yeo vs the Attorney General*.

Mr. TAITT: On a point of elucidation, the hon. member has just quoted a section of the Constitution which says "any person who has validly"; "validly" is the important word. The particular Bill which is before us, Sir, is not worded in the identical way, and I believe when we get into Committee we will go into a little more detail, but there is a difference between the qualifying word which appears in the Constitution as he has just quoted it and the Bill which is before this Honourable House. The wording is different, Sir.
6.30 p.m.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, drafting is not a science that uses words forever. Drafting is a science that methods of expression of intent improves. Between 1966 and now modern draftsmen have different styles. The basic point is, Sir, that if the hon. member wishes to challenge notwithstanding those words and he looks at the interpretation of the cases throughout the Commonwealth, what he will find is, starting from

a Guyanese case that the Courts have held that notwithstanding those words they can still enquire into the manner and form for excessive power. That is what the Courts have found. That is exactly what the Courts have found. To quote an American case is different, completely different. We are all part of the Common Law tradition.

We know that written Constitutions in the Commonwealth are only relatively new creatures and a whole body of Judicial opinion and Judicial approach is only now being devised so that I want to get it quite clear, Sir is the Democratic Labour Party opposing the concept of a Boundaries Commission, enshrined in the Constitution which cannot be altered?

I heard the hon. member, the leading spokesman in the absence of the Leader of the Opposition because the Leader of the Opposition sees so little of the importance of this legislation that he does not grace this House with his presence. The hon. member for St. Philip South, neither does he grace this House with his presence on the Bill (ASIDES) Oh, he is outside? I am sorry. The hon. member for St. Michael North Central — they are not united on this. They are not united on this at all. If there was this great threat, the hon. Leader of the Opposition would be here but he disagrees with it because he believes that the Lord giveth and the Lord taketh away. He believes in the Omnipotence of a Prime Minister. He believes that a Prime Minister has the power to come in here and change the Law three or four weeks before an Election and talk about political prerogative. That is what he believes. I heard him with my own two ears say that in 1970. He said, we have the power and we can change the Law. We will change it when it suits us, by Ministerial Order or otherwise.

We do not believe all of those things because we believe that there are certain fundamental areas which should be set out very clearly to preserve the concept of democracy and an independent Boundaries Commission we have always believed in.

Now, Sir, the electorate. We have not sprung this on anybody. We put it in the Manifesto of the Barbados Labour Party. The electorate endorsed it. They are now blaming us for implementing our Manifesto. It is the first time that I have heard an Opposition criticize a Government for following its Manifesto. What are they going to go outside now and say. We are criticizing them because they followed their Manifesto. We are trying faithfully to implement the promises in our Manifesto and the Opposition is saying that they are criticizing us for implementing our Manifesto. Well, the electorate in due course will decide on that.

Mr. Speaker, Sir, I only intervened in this debate so as to correct the impression that would be given from the hon. member's speech that we are detracting and derogating from the existing Law in relation to this. I want to make it abundantly clear that at the present moment the Law is very clear that Parliament can pass an Act by a simple majority, set out the terms and conditions of a Boundaries Commission, change it the next week and it becomes Law.

After we have passed this Act, a special procedure would have to be undergone and a special majority would have to be required in order to change the Law in this respect. It is intended and it will go to enhance the protective provisions of the Constitution in relation to the maintenance of the fundamentals of democracy and it will not detract from it.

Dr. HAYNES: Mr. Speaker, my contribution on this matter shall be extremely brief because I do not wish to embellish it in such a manner that the fundamental and important thrust of my argument will be lost in any way. It is an amendment to the Constitution of Barbados. It is an amendment which has been brought in by an administration which not so many years ago campaigned vigorously against various minor amendments to the Constitution of this country which they have never seemed fit to change since they came into power.

However, listening to the hon. member for Christ Church South Central, any reasonable person would come to the conclusion that the Democratic Labour Party is opposed to an Electoral and Boundaries Commission in principle. That is not the case. What we are against is as follows. We believe that as individuals, as human beings, whether in a single or as in an individual capacity or in a collective capacity, whether that collective capacity be an extra Parliamentary Organization or a Parliamentary Party, we believe that there is a certain moral and ethical framework in which individuals and groups of individuals must function.

There is a certain framework in which you must function. We believe that violence has been done to those basic principles which we observe to be consistent with the proper development and the proper development and the proper order of any society. The violence, Sir, resides in an election promise.....

Mr. SPEAKER: Change to another speaker.

Dr. HAYNES: The violence resides, Mr. Speaker, in what must be considered a very serious breach of an election promise. Wherein lies that breach? There has been a promise to establish an Electoral and Boundaries Commission. The purpose of this exercise today is purportedly to

honour that promise but yet, Sir, this is the same administration which in violation of that sacred promise proceeded to make major changes in the boundaries of this country when they have been in power for a long enough time, Mr. Speaker.

Mr. SPEAKER: Please, please. I beg you to withdraw those remarks. The House of Assembly has already sanctioned. The House of Assembly has already sanctioned in this session.

Dr. HAYNES: Mr. Speaker, I will withdraw the remarks but I believe that I can refer to this document which is the Manifesto of the Barbados Labour Party which promised to put an end to the sorry system under which the machinery of elections in the constituency is largely in the hands of persons known to be supporters of the Government.

We have seen, Sir, that particular promise violated in many, many forms so that the fundamental part which nauseates me, what upsets me, what does violence to me as a human being when I am asked to come in here and knowingly give support to a measure which I know that if there was a clear intention to fulfil that promise in spirit, that it could have been done a long time ago and not after excessive gerrymandering processes had taken place. 6.40 p.m.

Now, Mr. Speaker, that is the basis of our objection. The basis of our objection is that we are not and I want this to be clear, we are not questioning in any way an independent Body to supervise Elections in Barbados in any way. What we are questioning and I think that anyone with a conscience must recognise the basis of our argument. You cannot wait until certain things have been done and then bring this kind of thing before the Honourable House and say that you are fulfilling a promise. It all depends, Sir on what any individual considers to be moral, ethical and just in a political sense, or otherwise and it is clear to me that there is a wide departure between the speaker that I have heard on that Side and the speaker that I have heard on this Side. We regard it as a moral question and we take it seriously because it involves a Constitutional change. It cannot be a matter of political gamesmanship and we cannot regard it in that light. It is a serious matter, a matter that can affect the whole democratic processes in Barbados for evermore.

It should never be treated in that manner and those of us who believe in the principle of fair, free and periodic elections in the context of a parliamentary democracy cannot stifle our consciences and raise the question whether or not the way in which these things are done can truly be said to be the fulfilment of a promise, or whether in fact it is not a violation of a

fundamental promise made to the people of Barbados. It all depends on your moral perspectives. My position has to be made clear on the matter because you cannot do violence to a principle and then thereafter try to enshrine that same principle. It is a kind of schizophrenic approach to the same problem. One must question the motivation behind one, or other action because the two actions are so inconsistent, Mr. Speaker that either there is a dominance of schizophrenia prevailing in the political processes of the Barbados Labour Party, or alternatively.....

Mr. SPEAKER: Please, you are bringing to bear on a situation I am not going to allow you to stand up before the Chair.

Dr. HAYNES: Schizophrenia is a difference of thinking, Sir.

Mr. SPEAKER: I believe so it is.

Dr. HAYNES: That is all it is. Mr. Speaker, I will do like my colleague and sit down. The word schizophrenia simply means schism of thought. Thank you very much.

Mr. SIMMONS: Mr. Speaker, I do not want to talk on this very long, because I think there has been much ado about nothing. It seems that every time the Constitution is to be amended, you get on as if the whole of Barbados is going to collapse and perhaps this phobia about Constitutional amendments may be understandable, when one considers what happened in 1974 and the manner in which the Constitution was amended in 1974.

I do not believe that this Government has given the general public any reason to believe that it will behave in the same disgusting manner as the Democratic Labour Party behaved in 1974, cursing the church. Asking people for comments, then when they make the comments, they get abused, judges, churches, institutions, interest groups and I believe that out of that experience in 1974, there has grown up as I say a kind of fear whenever an amendment to the Constitution is mentioned.

The Honourable Member for St. Michael South West, I was hearing him from outside Sir and it sounded to me as though he was saying that because this Act seems to, I am not going to use the big words at this stage, write into the Constitution something that is not presently in the Constitution, it is wrong and misleading to say that it is an amendment, when in fact Section 41 and Section 105 of the Constitution are specifically up for amendment by this very same Bill.

Mr. TAITT: On a point of elucidation, Sir. The Honourable Member obviously missed the gravamen of my speech, I thank him for his support, that is the point I made to the Honourable Member for Christ

Church South Central, that is precisely the point I made.

Mr. SIMMONS: So, it is an amending Bill in truth and in fact, Sir because those are the two Sections which are being amended by the inclusion of words and deletion and substitution of others.

Now, what I understand this Bill to be doing Sir, I mean I am not in any way bright, I am very slow and ignorant and foolish, Sir. What I understand this Bill to be doing, Mr. Speaker, apart from the political promise that it seeks to fulfill, it is creating first of all a Commission to deal with electoral and boundaries matters. You have the Police Service Commission, Public Services Commission and other commissions provided for in the Constitution, Judicial and Legal Service Commission, another Commission now to deal with elections and boundaries is going to have certain responsibilities constitutionally. But, in order to write the functions of this Commission and what it is about in what is called the fundamental Law of Barbados, namely the Constitution, a special majority has to sanction the passage of this Bill. You have to get 16 votes.

The Bill does not seek to curtail the fundamental freedom of any individual under Chapter Three of the Constitution. I do not understand the Opposition's point that they agree with it in principle, but they cannot support it. What can they not support? What they are saying is they cannot support the fact that a Bill has come down to the Honourable House which was not published and broadcast on the streets for ten weeks before with a cut off date for receipt of comments. If that is what they are saying, come out and say so, but that has been effectively answered by the Deputy Prime Minister.

6.50 p.m.

What we have before us is the draftsman's words of what the people of Barbados told the Cox Commission when they went all about the country, when they said how they love the Queen and they want to remain part of a monarchy and all that kind of stuff. That is what they told the Cox Commission, they like being tied up with part of Britain and a Queen and all that. That is one of the things they told the Cox Commission. They like the monarchical system. One of the things they told them was that they want to see a Boundaries Commission too, and they made the recommendation.

Mr. WEEKES: Mr. Speaker, on a point of order. I think what the Opposition is worried about is that the Cox Commission was founded and functioned before this Commission.

Mr. SIMMONS: I will not worry to answer that, Sir, let me go ahead. The Cox Commission had to consider certain amendments that may have become necessary to the Constitution with the passage of time from 1966 to whenever they met — I believe it was 1978 — because the Constitution is not meant to be a permanent, immutable set of rules, it will have to be adapted from time to time as circumstances warrant. The point is that when it is necessary to adapt the Constitution, then all effort must be taken, because one must not trifle with the Constitution, to see that no violence — to use the language of the other side — is done to the propriety of the Constitution and its fundamental issues. That is all.

Now, the hon. member for St. Michael South West is the one who prompted me to speak in this debate, because I thought the point was very simple, and I am grateful that the Hon. Deputy Prime Minister explained it so succinctly and lucidly for the whole Chamber to understand, and I will not travel that ground again.

The hon. member for St. Michael South West sees on page 10 of the Bill the words that the question whether the Commission has validly performed any function vested in it by or under this Constitution, and so on, "shall not be enquired into in any court." The hon. member for St. Michael South West assumed that that in some way once and for all ousts the jurisdiction of the court from questioning an Act of the Constitution, because it says it shall not be enquired into in any court. You see, the hon. member, as I was saying behind here when he was speaking, had forgotten the *Anisminic* case in 1968, and the quotation he used from Lord Sumner, and quoting from Professor Wade's book, page 340, that was dealing with this matter of abuse of discretion and the abuse of discretionary powers. Clause 10 does not have anything to do with abuse of discretionary powers, Sir.

Mr. TAITT: On a point of order, Sir. The hon. member is quoting the wrong section as it applies. I wish the hon. member would see that there is at least another section that also refers to a question in any court, and the *Anisminic* case which he cites does not deal with the question of this particular Bill having been entrenched in the Constitution.

Mr. SPEAKER: All right, the hon. member has made his point.....

Mr. TAITT: But I have not made it yet, Sir.

Mr. SPEAKER: that he is citing the wrong section.

Mr. TAITT: I have not made the point, Sir.

Mr. SIMMONS: The hon. member is talking bare shaving cream, Sir, because he has confused the abuse of

discretionary powers in 41(e) as it is before us now, Sir, and on the previous page, page 9, clause 7, the question of the validity of any order by the Governor General purporting to be made under this section.....has been approved by Resolution of the House shall not be enquired into in any court of law. Those are the two instances where the phrase applies, and in my submission — I do not want to get into any legal argument with him, because nobody is paying me to argue any law.

Mr. TAITT: On a point of order, Sir. I believe the hon. member misunderstood or did not get the point made about the validity.

Mr. SPEAKER: If the hon. member misunderstands a point made by the hon. member for St. Michael South West, the hon. member for St. Michael South West must then elucidate.

Mr. TAITT: Yes, Sir.

Mr. SPEAKER: But you have not risen to elucidate, you have risen on a point of order.

Mr. TAITT: Mr. Speaker, I really thought I had said a point of elucidation.

Mr. SPEAKER: No, you did not say so.

Mr. TAITT: Well, are you going to allow me to? It is a matter entirely for Your Honour, Sir.

Mr. SPEAKER: I do not want this debate to go on to all these legal citations and this legal exchange. We are not really here for this.

Mr. TAITT: We are changing the law, Sir. We are changing the fundamental law, Sir, and with the greatest respect, if you change the fundamental law.....

Mr. SPEAKER: I think our problem is that some of us did not drink sufficiently deeply. That is our problem, that is how we are getting into this, and we need not, we can get on with the debate.

Mr. TAITT: May I make the point of elucidation, Sir?

Mr. SPEAKER: Yes.

Mr. TAITT: Thank you, Sir. The discretionary power referred to is the power exercisable by the Governor General under section 7. That was the main point referred to. It is discretionary in the sense that it is delegated legislation because the Governor General will have discretion. If he will look at the Order, it says an Order made by the Governor General, and Orders made by the Governor General are considered to be powers

delegated, discretionary power delegated, as had been delegated for example in Padfield and in the same *Anisminic*

Mr. SIMMONS: Mr. Speaker, I am not getting paid.....

Mr. SPEAKER: No, do not let the hon. member take the Committee stage at this point in time.

Mr. SIMMONS: When we get to Committee stage we can argue it. All I want to assure the hon. member and the House is that as I understood the hon. member, and from the passage quoted in Wade's book, he was on a different point and he was not really on the question of ouster clauses, which this is, an ouster clause, and the law has been settled, and the law has even been reinforced in 1978 with a case called *Pearlman and Harrow School*, where the House of Lords has held that the courts, despite those words, will refuse to have their jurisdiction to review abrogated by Parliament if there is an abuse going to excess of jurisdiction. That is my legal opinion on it and I finish with that, Sir.
7.00 p.m.

Now on the moral question and all that, I can tell the hon. member about this because I know it good.

Mr. SPEAKER: That is for the law courts.

Mr. SIMMONS: Yes, Sir. I am talking about the moral question now. Some argument was being advanced by the last member who spoke and then walked out about their taking a position on moral grounds. Now what kind of moral grounds can they have? Let me tell you. I was in England in 1966 during the Constitutional talks covering the Constitutional Conference for Rediffusion and the Daily News and I was close to all this argument and all this action. I remember going to the now Hon. Leader of the Opposition one evening coming from Marlborough House and asking him about the Boundaries Commission because the representatives of the Barbados Labour Party in London were pressing for inclusion of a Boundaries Commission in 1966, and the hon. member brushed me aside and said "what Boundaries Commission? I have nothing to say about a Boundaries Commission. You would not get it, that is all I can tell you. We are in control; we do not want any Boundaries Commission; the other side can say what they like." He said that. This is nothing new. We did not get it because we were not in a position of strength then.

We believe that it will ensure to the advancement of free and fair democratic elections; it will take the question of boundary adjustments and cutting off districts and adding on districts out of political contention and place it in an independent tribunal's hands. It has not come before. It is up to the Government to time its

legislation when it feels that it is necessary to do so. We got the bat, the ball, the stumps and the wicket belongs to us too; so we have to call the tune now. When they were in power they used to do it. It is just that they did not get seventeen last time. The people did not want them; they do not even want them now.

On the question of boundary changes, the Opposition cannot go to the public with any credible argument as the Hon. Deputy Prime Minister has said. It was in 1971, six weeks before the election that by Order they changed up boundaries to put Orange Hill on to St. Andrew and to put one side of Foursquare Valley on to St. Philip North, allowed people living in St. Philip South in Apple Hall, Merricks, Content Cot to go and vote in St. Philip North at Bayleys School; and I will call names too. I want you to come up in St. Philip and talk about Brereton and Ebenezer. I have a rinsing out for you. It was they who allowed Banfield from St. Joseph but working at Carrington Factory to vote at Brereton in the last election. It is they who at 5 o'clock 252 people had voted in Brereton and by the close of the poll 424 had voted, and all the people who had gone away, died and all that had their names crossed off as having voted. Do you know why? It was because they were allowed to go into the polling stations without identification cards, say they were so and so and the Presiding Officer said "I know you, go and cross off your name and vote. They nearly killed me with votes down in there; they nearly murdered me with votes. It cannot happen this time. I have a thousand vote licking for you this time.

Mr. Speaker, they have no moral position when it comes to these boundaries. Imagine putting on as St. Philip North an area where you had to go past the south of St. Philip and all of a sudden you came to where one side of the road was the north and the other side was the south in Foursquare Valley. All of that they did. Well it is to correct that, that we are willing to place the question of boundary adjustments in the hands of an independent body. I am going to support this Bill, Mr. Speaker, with the one vote that I have - I am sorry I do not have ten - to the best of my ability. (*Asides*) The Prime Minister like he believes that I only beat Franklin by seven votes in truth. He is not adding in the five that I caught Franklin and his brother with. (*Asides*)

Mr. SPEAKER: Let us have some order please!

Mr. SIMMONS: Do you want to hear it, Sir? At twenty minutes to one with Mr. Gollop of Yearwood and Boyce as my lawyer we turned up at Trinity Boys' School and found the Franklin brothers and five men around a cart in Trinity yard with the Presiding Officer Carl Lord marking ballot papers. They were putting bare Xs for Franklin, and he went up the steps and put them in the ballot Box. (*Asides*) That was only one? It had been going on for about an hour and a half, and my

hundred yards man Victor Nurse better known as Rector was trying to get me and they refused to let him use the phone. When I got there Christ knows how many had gone in. They nearly killed me, but I got home by a short head.

Now, Sir, I introduced a little levity but to illustrate the seriousness of what can happen in an election. I really do not find anything offensive about the legislation. As I say, the country has by virtue of its representation to the Cox Commission indicated that it wanted a Boundaries Commission. The party had been committed to it, it is something in the manifesto and they cannot now say we do not have a mandate to do it. How it is drafted is a question for the experts, the Parliamentary Counsels who have to draft it. What we are doing is fulfilling a promise just as we did with the Tenancies Freehold Purchase Act and trying to improve the constitutional framework of Barbados.

Mr. Speaker, I cannot find anything to speak against this particular matter. The hon. member for St. Michael South mentioned about the operations of the Commission. It says clearly that the Commission may regulate its own procedure and that in itself is a wide enough statement to allow the Commission to act as a kind of quasi-judicial body, and their procedure, whom they want to work for them and whom they consult is a matter for them as the exigencies of the moment demand. There is nothing wrong with the legislation, and having seconded this Bill I wish to lend it my wholehearted support.

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that this sitting be suspended until 8.00 p.m.

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

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

7.10 p.m.

On Resumption -

Mr. SPEAKER: This Sitting is now resumed.

Hon. H. deB. FORDE: Mr. Speaker, if there are no other speakers I would like to wind up this debate on behalf of the Government.

Mr. SPEAKER: The Hon. Attorney General is making his final reply.

Hon. H. deB. FORDE: Sir, as I understand it the Opposition has stated that it does not intend to support

this measure and the only reason advanced on behalf of the Opposition has been the manner in which the measure has been brought to the House and I am quoting here directly from the speech of the hon. member for St. Michael South.

The hon. member for St. Michael South West in his summary has stated that he will vote for the Bill because of one, the manner of doing things and because of the way in which it has been approached and the other hon. member who has spoken for the Opposition, the hon. member for St. Michael South Central says that he will not be voting because the matter should never have been treated in the manner that it has been that it is a violation of major promises and that changes were made when the Government has been in power for a long time and that is the basis of the objection of the Democratic Labour Party.

Therefore, nothing that we have heard in this House this evening has been as to the basic principle of this Bill or to the detailed provisions of the Bill subjected, of course, to the limited comment by the hon. member for St. Michael South West on the point of judicial review plus too a few minor queries raised by the hon. member for St. Michael South as to details, I believe, on the issue, if I may quote him correctly, how the staff is appointed, whether or not there are maps setting out the Constituency boundaries and whether or not prints submitted to the Electoral Boundaries Commission would be subjected to reply.

I wish to deal, therefore, with the only point of depth advanced by the Opposition. Mr. Speaker, Sir, in the first place the Manifesto of the Barbados Labour Party promised on page 2 two things:-

1. "A Commission for the Protection of the Constitution will be appointed on which all political parties represented in Parliament will be offered places."

The function of that Commission would be:-

2. "Its function will be to examine the Constitution with a view to ensuring that multi-party democracy is given institutional protection that can effectively prevent its destruction in our country."

I read here because it is important to read these things. "In particular" and these are very important words, "The party will seek to establish a permanent Electoral and Boundaries Commission with full constitutional protection to preserve free elections, etc."

Mr. Speaker, it is obvious that the establishment of the Commission for the protection of the Constitution was clearly envisaged to proceed and precede ahead of

recommended changes for multi-party democracy. Now, for the Opposition to pretend to interpret the Constitution as saying that there is set out in this Manifesto a priority or dateline by which the Electoral and Boundaries Commission will be established is really, in my view, not only being dotish but really splitting hairs, really splitting hairs.

I am sure no member of the Opposition other than for the reason of finding some flimsy excuse for abstaining on this debate, abstaining on this vote or voting against the measure. Nowhere can one with any literally reading of this document, any obvious or sensible reading of this document, can interpret the Government as saying that the Government within a day, within a year of its being returned, within 18 months or within 24 months bring legislation immediately before the House dealing with the Electoral and Boundaries Commission.

The Government has lived up to its general promise as well as to its particular promise arising out of that general promise. The Government early established a Commission on the Constitution. That Commission was established and as the hon. member for Christ Church South Central has said, all the political parties were asked to be represented on the Commission.

The Commission was established within a year of the appointment of the Government being returned, on the 30th December, 1977 so as early as the 30th December, 1977 the Commission which was promised in the Manifesto was established. The Commission was asked to report within a year, by the 31st December, 1978 and one of the terms of reference, Mr. Speaker, of the Commission was to advise the Government after due examination and due consultation with the public of means of ensuring a system of free periodical elections for representative Governments; also of encouraging a wider participation by the citizens of Barbados in the democratic process of Government. That is the situation.

My friend the hon. member for St. Michael South, Sir, in his most skilled debating days, if he were sitting on this side, would he scorn on the arguments of his colleague, not only by citing this, not only by adverting to the document but by pointing out quite clearly that it is a non-argument that they are advancing. Here is the position that the Government within a year has set about the fulfilment of one of its serious promises and what has happened? The Commission reported. The Commission did not report until the 29th March, 1979 to His Excellency the Governor General. The Government laid that Report in Parliament.

The public in the meantime had the right to comment so it is not only the Government's Manifesto that contained the Government's intention. There has

been an examination of this matter and a hearing on this matter in the public domain. If the Democratic Labour Party chooses not to participate, there is nothing we can do. Then it was followed through by an opportunity by all of the political parties to discuss at any level they wanted the Report of the Commission and finally to debate this Report.

Now, Sir, I want to draw the attention of the House to one point. It is on record by a member of the Democratic Labour Party and by a Senator of the Democratic Labour Party that that Party had no position on the Report of the Constitutional Review Commission. Senator John Connell, as he then was, up to early this year, pointed out as a fact that the members of the Democratic Labour Party was not in a position to give a considered view on their stand on any of the issues of which the Constitutional Review Commission reported. No policy, so that the lame duck excuse that one has heard here is a convenient excuse. It is a lame duck excuse. It is not worth anything.

I know that my friend had great difficulty in putting it forward. I have been to school with him, Sir, I have debated with him, I have debated against him and I know when he has the conviction with which he puts his arguments and the moral force behind his arguments but today he is leading troops with no faith in the battle. The strength of his argument was weak and he put it forward for what it was worth a lame duck excuse in his faintest of voices, Mr. Speaker. No conviction behind the matter because the hon. member well knows that they have no case at all on this issue.
8.15 p.m.

I began by giving them an opportunity to rise to the occasion, Mr. Speaker, by asking them to rise to that high consensus that should be the hallmark of political life in this country on issues such as this, by giving them the opportunity to find a saving face for their untenable position on this fundamental matter, Sir, to repeat the words of the hon. member for St. Michael South Central, the phrase that he uses more than any other phrase, to have given even an opportunity to have a bowl fast without appearing to be leaping from one stool to another. But, they are so hung up on political expediency, so hung up on trying to find at least one little limb on which to climb in the face of staring electoral defeat. What are they going to do, Sir? Retreat by saying, really we do not know but the manner, manner of what, Sir?

Sir, I want to examine the argument of the hon. member for St. Michael South Central because when he speaks, he speaks with what he considers a burning fire, a flame he says that is lighting this land anew, as though with the strength with which he stands, it gives it moral fibre, but you have to examine it. When you

take it to pieces, it is nothing. Unfortunately, the hon. member believes what he says, but I ask him for once to look at the logic of his position, Sir. His position is that why he cannot vote for this is because changes to the boundaries were made in such a way that do violence, that is what he says. They do violence to the moral and ethical standards in which men who associate in a free democratic country and who are in power should hold to fast, beautiful and lofty words. When you puncture them, Sir, like a paper bag, the air comes out and nothing is left.

Where were the high, moral and ethical standards of the hon. member in 1971, when his Party using the existing provisions which were used in 1980, when his Party proceeded to amend the Representation of the People Act and Mr. Speaker, by way of order not by way of an Act. In my view, if you are going to make a slight alteration, you can use an Order, but when you are making fundamental changes as were being made in 1971, they should have come by way of substantive legislation by way of an Act. That is the legal opinion that I have from the Solicitor General and the Deputy Chief Parliamentary Counsel, that is why you see I am advised and it is brought in here in Acts all the time.

But the changes in which the highest gerrymandering against the hon. member for Christ Church South Central constituency, the Deputy Prime Minister and in St. James took place, that was done by an Order six weeks before an election. There was no violence there. The hon. member was a member of the Democratic Labour Party. He always boasts that he was a member when he was at Harrison College that he was a member from his school days. He is a foundation member, he was back in the island. Was he so moved by the flame of moral and ethical consideration that his voice was not heard in protest? That again is an excuse, Sir, because if it is an argument now, it was an argument then. So the Democratic Labour Party then, is he accusing them of doing moral and unethical things in 1971. One must be logical.

The Honourable Member would then not take the stand taken by his colleague, the Acting Leader of the Opposition, who said that the facts revealed that both great political Parties have been wedded to the principle of free and fair elections. Even if we accept that argument, then the Honourable Member cannot come in here and claim, as he is claiming that by changing boundaries, the head of the Electoral Boundaries Commission that one was doing something immoral and unethical. Again, the Opposition is at sixes and sevens. It is not only the difficulty with Senator Connell as he then was Sir, but it is this sixes and sevens that cause logical men like John Connell to disagree vehemently with their stand on issues such as these and the Opposition must make up its mind, either it is going to stick to principle consistently, or

when it has to depart from a position that it untenable, it must find some logical and reasonable reason to introduce.

There is nothing that they have said in this debate that can take any credibility from anyone who looks at this matter reasonably. That is their case in a nutshell. In my submission, it has been exposed on two reasonable grounds for being empty of argument of any convincing argument. Government has no difficulty therefore in proceeding to vote on this legislation. Let us record for historical reasons the view of the Opposition. Sir.

There are three subsidiary points raised. I will reply to them quickly Sir. I am always interested in the most recent learning which the Honourable Member for St. Michael South West brings to this Honourable House on legal questions. I believe he is genuinely interested Sir in Constitutional Law and I believe that he spends quite some time researching these matters before he comes into the Honourable House to give the Honourable House the benefit of his learning. But, with respect, I think that the point raised on Judicial Review is not in the context of this Bill tenable for some reasons. In the first place, Wade's tome on Administrative Law like S.A. deSmith's tome on Administrative Law, or like Rubenstein's tome on Administrative Law, or Griffith's tome on Administrative Law and I could go on *ad nauseam*, Sir. At some stage in my 22 years as a lawyer, I read various editions of his book including on Good Friday reading Jackson on Natural Justice and about 120 pages of S. A. deSmith's last book on Judicial Review, Sir. So, I am up-to-date, Sir.

All of the learned authors who have treated on this question have said that there is an area of action be it administrative, or ministerial action in which Judicial Review has never entered because there are other methods of countability for such action and particularly in matters which have a high political content dealing with matters of election, that is an outstanding example, where you will find the normal ouster clauses and therefore you will find, even within the unwritten Constitution of the United Kingdom, certain areas of conduct of public affairs where the courts are excluded from enquiring into Orders made in such areas, or the courts themselves have declined jurisdiction. The same applies in the Constitution of the United States. The Honourable Member knows that and an Order made in circumstances like this dealing with boundaries and election is a classical example for cases that there is no jurisdictional review.

The second point is the point made by the Honourable Member for St. Philip North. The ouster clauses have been so construed by the courts, as to say that they do now completely oust the jurisdiction of the courts because the courts have power to enquire as to whether a particular act done by the Minister, or the Governor-General is *ultra vires* and that is the basis of the *Anisminic* case to which my friend for St. Philip North

has replied. So, although the argument is interesting, in my view.....

Mr. TAITT: On a point of elucidation, Sir. I really hesitate to interrupt the Honourable Member, but the point that I sought to make was that in spite of the precedent which he is citing including *Anisminic*, the fact that when this particular Bill would have been passed, it would then have become an entrenched clause of the Constitution puts it out of the way. That is the point I was making.
8.25 p.m.

Hon. H. deB. FORDE: I will deal with that point, Sir. All of the provisions of the Constitution, be they entrenched or unentrenched, are in the context of existing jurisprudence normally considered outside of the range of judicial review, except under the fundamental provisions they are allowed judicial review. That is point one, Sir, but there is a school of thought, and I believe it is the better thought, that judicial review still extends to the balance of the Constitution even although they are not ouster clauses; and three, where they are ouster clauses there is still a jurisdiction of the court to enquire whether the particular act is *ultra vires* and whether there is not mere error on the face of the record of the particular order. Four, if the hon. member has read the Report of the Constitution Commission, one of the matters there is whether we should not include a general clause allowing judicial review willy nilly for the whole Constitution instead of only sections of the Constitution. That is the point to which the Government will be looking in due course.

I will tell the House that the Government has started to draft the provisions of a major Bill dealing with the Constitution and reflecting the recommendations of the Constitution Review Commission, and it will be for the Prime Minister to submit that Bill when it is drafted probably for further public study and scrutiny, because one of the major recommendations is that we should repatriate our Constitution so that the fundamental law of Barbados — and I think himself and myself are *ad idem* that this is the fundamental law of Barbados — is not contained in an Order in Council. Our Constitution is an Order in Council of Parliament of the United Kingdom, and we are unlike North America and Canada in that we can alter it, but the point is it is still a law of the Parliament of the United Kingdom passed by an Order in Council of Her Majesty in Council. One of the fundamental things we have to do either in the remaining time of this Session of Parliament or in the next Session of Parliament is to look at bringing our own Constitution here with existing provisions and such provisions as are recommended in this document that the House might agree on, and I would hope that that new document whenever it comes will receive the greatest, widest public

circulation beforehand and the maximum amount of consensus.

One of the matters to which the Government will give consideration is the recommendation of the Commission that there should be a general judicial review provision. I myself see great difficulties in a total comprehensive provision, because Governments' Constitutions must be so drafted that they are reasonable and that they work, because you still have to govern, and there may be certain limitations in the final document that we will be recommending to Parliament. I think that answers my friend's point, Sir. It is a point, Mr. Speaker, that sounds like lawyers' law, although it has some very wide implications for the fundamental rights of the subject, and I thought it right that I should reply to it, but it poses no difficulty to us within the context of this limited amendment to the Constitution, and I believe that it has done nothing as the Bill is drafted to undermine any fundamental provisions of the Constitution, and I think my friend on the reply I have given can rest assured that his fears have been answered and will further be answered when the final overall document is dealt with.

Now, the other point asked by the hon. member for St. Michael South about the scripts, broadcasts being subject to censorship. It is unfortunate that my friend used that phrase. (Mr. SANDIFORD: I asked a question). Scripts being subject to censorship, I think those were the words. He asked a question, Sir, because what the Bill provides is that for political broadcasts, the Electoral and Boundaries Commission have asked that you submit to them the script three days ahead of time, and they can ask you to amend it. That has been existing practice at general elections.

I well recall the Barbados Labour Party having to submit a script to CBC, and Mr. Dave Banfield, one of the best solicitors that this country has known, advising the Manager of CBC that this turn of phrase could be interpreted to found an action, and therefore we were advised to change it, and we suggested another form of words which proved highly acceptable to Mr. Banfield. Therefore, we found no difficulty with that, it was as much a safeguard for the Corporation as it was indeed for the political party and the speaker, as it was indeed maybe for the characters of other people outside. Furthermore, I well recall Mr. Banfield advising the Corporation that in political broadcasts people should not make statements that could not be justified, as distinct from drawing conclusions or opinions and that sort of thing. You cannot have a false impression, if I may put it that way, Sir, and I believe that those are proper standards and you will see that they are enforced in the United Kingdom, they are enforced in Canada, anywhere where you have political broadcasts, and particularly in the heat of elections people tend to go to the pejorative, they tend to put their case to the maximum.

In our local context it is not unknown for people to use denigrating and derogatory remarks, and therefore it would be a reckless Government, regardless of whether it is ourselves or the Opposition constituting the Government, which would not write in some safeguards for the reputation of the public people as well as for securing the position of the broadcasting media. They are subjected to the normal laws, and you will see therefore that protection is given to the operation of the media, the operators of the media who may be called upon to broadcast statements, whereas no final protection is given to the speakers who may be reading the script, and my friend could well be satisfied that this has nothing at all in it nearly political as he calls it — it was a question — political censorship.

In relation to staff, Sir, the provision in here is that the Commission will regulate its procedure and it will be provided with staff. Now, there is another section which obviously puts the position that you can have public officers specifically delegated to do duties, so that it is envisaged that the staff of the Electoral and Boundaries Commission will be appointed by the Commission and there will be no political interference in the appointment of the staff of the Commission itself. That is obvious, and you will find that in Trinidad and Tobago and in other countries it is done that way. That is obvious to anyone, Sir. My friend asked that they be made public officers, that they be appointed by the Public Service Commission. I would have thought, Sir, just as in the case of the Integrity Commission and what not, that they have appointed their own staff, that it should be left to them to look after their own staff appointments, but if my friend wants the officers to be subject to the Public Service Commission's regulations, then of course I am prepared to raise that with the substantive Minister and when the details, as there will be further legislation, subsidiary legislation dealing with this matter, we can at that stage make adequate provision on these matters.

The assurance I give my friend at this stage is that there is no intention that the staff should be appointed by the politicians, by the Leader of the Opposition or the Prime Minister for that matter, and that this Commission should function independently once it is appointed on the day to day control of the Government or any political authority, not only in how it sees its business but how it organises its staff outside of the general machinery.

8.35 p.m.

That is the intention; whichever party constitutes the Government that is what we would like to see; that is what we intend and we hope if the other party at any time constitutes the Government it will do likewise and ensure that it is properly appointed.

Mr. Speaker, those were the three major queries raised and I think that I have answered them. I regret

very much that the Opposition once again feels that it has a point by showing it must vote against this matter. In my view no one who likes democracy can argue against the establishment of this Commission. It is well recognised that the party has always stuck to this view. It is a proper change, it is an additional safeguard in our Constitution. In my view the public has had enough notification of the constitutional amendments and the proposal not only from 1976 but since the Commission has reported, the public itself gave evidence to the Commission on this point. The legislation that is now before the House follows almost verbatim the draft proposals drawn by the consultant, Professor Carnegie, the consultant to the Commission, and Professor Carnegie has used all of the up-to-date sources in the Constitutions of Commonwealth countries whose precedents we follow, those that follow constitutions properly, democratic countries, and it is that that we are following with all but minor textual changes made in drafting. I would think that in this document if there are 3,000 words 2,900 certainly follow Professor Carnegie's draft as set out in Appendix 3.

So I move with a conscience clear and with another of the promises of the Barbados Labour Party and the great combination fulfilled that this Bill be read a second time.

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. H. B. ST. JOHN; Hon. H. deB. FORDE; Hon. C. L. BOLDEN; Hon. L. B. BRATHWAITE; Hon. L. R. TULL; Hon. Miss B. A. MILLER; Mr. ALLEYNE; Mr. ODLE; Mr. WARD; Mr. JOHNSON; Mr. SIMMONS; Dr. CHELTENHAM; Mr. BRADSHAW and Mr. SISNETT — 16.

NOES: Mr. SANDIFORD; Dr. HAYNES; Mr. WEEKES; Mr. GREAVES and Mr. TAITT — 5.

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

Clause 1 was called and passed.

Clause 2 was called.

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. TAITT: Mr. Chairman, Clause 2 of this constitutional amendment proposes to replace the words "by any law in force in Barbados" appearing in the last line of subsection (2) by substituting therefor the words "by this Constitution".

I wish to draw to the attention of the Hon. Attorney General that this would be the only section that has those words to deal with the matter in the manner in which I believe they intend it to be dealt. In all the other sections of the Constitution dealing with matters similar to this they have used words similar to "by any law in force" or they have said "by virtue of section" whatever it is, or "any law enacted in pursuance of section" whatever it is, and an example of that can be seen in section 45 of the Constitution, or they have done as in Section 80(1) where they have said "by this Constitution or any other law". You pick up the line of the ball very quickly. *(Asides)*

Mr. CHAIRMAN: Order, please!

Mr. TAITT: Yes, Sir. I am sure that the Hon. Attorney General will take the point I am bringing to his attention that for the efficacy, since this is now going to become a section of the Constitution I am sure that he might wish to use the phraseology used in section 80(1), for example, "by this Constitution or any other law". I am sure that if we were required to, one could give an example of an interpretation which might create a problem arising out of the subsidiary legislation made under this particular section.
8.45 p.m.

If it said "by this Constitution" and stop there, while a liberal interpretation might satisfy the requirement which the Government is seeking, it seems to me that out of an abundance of caution the drafting of the original document included the phrase "or any other law".

I do not wish to hold up the hon. member for St. James by going into what constitutes the full law in Barbados for although the Constitution is the fundamental law, there are other laws in Barbados and there is a question of conviction to the extent that conviction forms part of the practice in Barbados and subsequently the question can be raised.

I am submitting to the hon. member that by adding to the phrase "or by any other law" might not do violence to his pursuit and may save a subsequent problem since we are dealing with a Constitutional amendment that is going to require a two-third majority once it is passed. I draw it to his attention for what it is worth.

Mr. CHAIRMAN: Does any hon. member wish to make a contribution with respect to Clause 2? The Hon. Attorney General will reply.

Hon. H. deB. FORDE: Mr. Chairman, I have taken the point which the hon. member has made. What he is saying is that you can use consistency with a phrase but as I said before we intend to eventually repatriate or patriate or whatever we like the Constitution properly and I think that we are following here some of the drafting used in the other proposed general Bill which the Attorney General's Office is working on.

Perhaps we are a little bit ahead of getting the total Bill before the House so that at that stage we will raise this matter with the draftsmen who are advising us on the Constitution finally and I will bear that comment in mind in order to maintain consistency of phrasing throughout the whole Constitution.

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

Clause 3 was called.

Dr. HAYNES: Mr. Chairman, there is just one point I would like to raise here. I wonder if the Hon. Attorney General can shed some light on the relationship between the Chief Electoral Officer and the Commission. How will the Chief Electoral Officer function in relation to the Commission? Will he function independently? Does he come under the aegis of the Commission, in what areas and so on? It is a bit unclear as to how this relationship is envisaged and how it is intended to work out.

Mr. CHAIRMAN: Before you reply, does any hon. member wish to speak.

Mr. SANDIFORD: Mr. Chairman, I have taken the words of the member for Christ Church West and he has indicated that it is the intention that the staff of this Commission will be appointed by the Public Service Commission. I myself still have some doubts about the tightness of the wording of this provision.

This Bill states that the Commission may regulate its own procedure and I think the hon. member for St. Philip North did draw this to the attention of the House and indeed to the Hon. Attorney General so it seems to me that two things can happen here.

The staff of the Commission may be appointed by the Public Service Commission if the procedure under 41(b)(3) is followed and also the Commission under Section 41(2) (10) the Commission may regulate its own procedure. It maybe that in that or whatever the ultimate provision maybe they can appoint their own staff.

Now we may very well have this dual situation in which you have public officers performing certain functions and then persons appointed by this Commission with their Government majority might be doing their own thing. We have a number of enumerators, they were called, doing their own thing in the enumeration and so this dual mechanism here seems to me to leave open an avenue or an opportunity for some type of activity that may not be as proper. I am trying to find a form of words for it, as may be expected in all of the circumstances.

I myself would have preferred the wordings usually making a requirement that the staff of the Commission should be provided through the machinery of the Public Service Commission. I think that would be satisfactory in all of the circumstances. I think the whole of Barbados has absolute confidence in the work done by the Chief Electoral Officer his integrity is questioned by no one and quite frankly, like my colleague, the member for St. Michael South Central, we would like to know what is the position in respect of the Chief Electoral Officer and his staff who in the circumstances have done an excellent job when they are not saddled by persons who might not be as competent as might be expected, some of them, so this Section has given us considerable concern, Mr. Chairman, and we are not at all happy about it. We believe that it should be more tightly bound in order to give the type of assurances that we are seeking from this Bill.

Mr. TAITT: Mr. Chairman, Sir, especially in the light of the queries raised by my colleagues, I would like to deal in a little more detail with the attempt on the part of this Bill to protect the Electoral and Boundaries Commission, the attempt to oust the jurisdiction of the Court in regard to this particular bit of legislation.
8.55 p.m.

The Honcurable Member has indicated the now well-known principle, no matter what language the particular statute is framed in that the courts provided they are willing to undertake review will find a way to undertake review. He quite correctly cited *anisminic* as the classic example of the courts finding jurisdiction where one might have said non existent.

I wish to draw to his attention however, that 41E, Subsection 7 of the Section we are doing now, Sir, page nine. I wish to go very slowly on this because I feel very strongly about it. It says:

"The question whether --

- (a) the Commission has validly performed any function vested in it by or under this Constitution;"

But, up to there Sir, we may not have any quarrel because the word "validly" opens the door for an *anisminic*

type approach, but when you come to the next Section, this is where, Sir we are running into some deep and in my view dangerous waters. It says:

"or

- (b) any member of the Commission or any other person or authority has performed any other function in relation to the work of the Commission,

shall not be enquired into in any court."

I submit, Sir, that the simple matter of persons having been left out of the electoral roll by an enumerator constitutes a matter performed, any other function in relation to the work of the Commission.

I submit, Sir that even if that is considered too simplistic, we can find areas relating to the work of the Commission which would affect the perceived rights of the citizen and I wonder if there will not be some conflict indeed with the Fundamental Rights provision of the Constitution those that are written and those that are unwritten and this particular provision. It is noteworthy that this provision is not worded in the same way as the one above it and what I have been trying to draw to the Attorney General's attention is this. When once this matter has been passed by this Honourable House and the Other Place, although judges were prepared in *anisminic* and I think all Honourable Members who are aware of it will indeed agree that a great amount of new ground was broken.

In the Badfield case, a particular judge was prepared to view ministerial responsibility in a particular light and thus set the stage for the new approach to review. I am submitting that in the Caribbean, there has been a great reluctance in spite of those decisions having been brought before some eminent judges to touch clauses which have had this ouster clause written into them, I am submitting that where the particular clause has been written into the Constitution itself, it is going to be extremely difficult to nudge a particular judge, not this year, not four years from now, but somewhere down the road because this question might arise to take the chance to use *anisminic* approach in dealing with a matter such as this.

The hon. member says that the new approach to drafting allows for this. My submission is if we are now aware of *anisminic*, if we are now aware of Badfield, if we go as a Parliament subsequently and enact this legislation, I submit that it can be held that if Parliament in the light of that knowledge passed this legislation in this way that its intention was very clear that there was to be no touching of anything connected to the Commission in a court of law. I submit for what it is worth that there is no need for us to do that and if there is no need for us to go into that trap, I do not

understand why we are going into it. I submit that the object as outlined here to protect the Boundaries Commission could be protective without this restrictive language which opens itself to interpretation far different from that interpretation which the present Honourable Attorney General and indeed those who advised him might see. For what it is worth, Mr. Chairman, I submit that.

Dr. HAYNES: Mr. Chairman, I rise to support my colleague on this matter because it would seem to me that if you examine very closely 41E(b):

"any member of the Commission or any other person has performed any other function in relation to the work of the Commission, shall not be inquired into in any court."

Now, this would seem to me, Sir, to be creating problems in respect of other legislation, I have no legal training, but suppose a member of the Commission, or the Commission itself was in breach say of some aspect of the Representation of the People Act in something that it might do, or a member might or the Commission might do, that cannot be inquired into in court. This would seem to me to be quite wrong because it would seem to me to be questioning the basic rights of the citizens of this country and then, when we look at 41(2) where on the other hand if a member is elected:

"Nothing in this section shall be construed as preventing the election of a member of the House of Assembly from being called in question on the ground that the conduct of that election was inconsistent with the law providing for the election of members of the House of Assembly."

So, if certain criteria are set out by the Commission and a member is wrongly so and a member is elected under those circumstances, the Commission, or the members of the Commission cannot be dealt with through the court, but the person elected can be dealt with through the courts and his election can be made invalid. There seems to me to be something wrong here in relation to this. It seems to me first of all to constitute a threat of the rights of the people of Barbados because there is no good reason why we should assume that the members who constitute the Commission will at all times be right and at all times be au fait with all aspects of the laws governing elections, all aspects of the Representation of the People Act and other related legislation dealing with the representation of the people of Barbados.

9.05 p.m.

It would seem to me that this entire section here should be looked at anew, because as a layman it seems to me certainly to go against those general principles

which we like to feel protect the citizens and even protect us as parliamentarians in respect of the law. I would hate to contest an election in the belief that I am following the advice of the Commission as set up here and then to discover that the advice given to me is wrong, but my election can be ruled invalid because of the wrong advice given to me and they cannot be questioned about it, but I can lose my seat through the courts. It would seem to me to be quite a bizarre situation, so I would think that this entire section needs to be looked at again, or alternatively I am completely misunderstanding what is going on.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I had not really intended to speak in this debate, because my voice would hardly permit it, Sir, but I think that hon. members on the other side in being led by someone who has all the advantages of being near in time to his legal studies and all the disadvantages of having no experience whatsoever of ever appearing in court or having to put into practice the doctrines which he has imbibed at student level may be misleading themselves.

It is very easy where you see an exclusion clause to assume that the exclusion is wider than it really is, especially if you are being guided in that direction by the citation of a whole host of cases that are largely inappropriate. The clause to look at is not clause 41E which, basically, gives to the Commission the protection that is given to a Minister in exercise of his executive responsibilities, but clause 42 which sets out the division of powers between the Commission and the law, if I can use that expression. Section 42, contained in clause 4, will state that the election of members to the House of Assembly shall be conducted under the direction and supervision of the Commission.

Now, at present the election of members to the House of Assembly is conducted under the direction and supervision of the Chief Electoral Officer, a public servant responsible to a political Minister. The present Act distributes responsibility for appointing enumerators, poll clerks, presiding officers, registration officers and returning officers. In some of those cases the Chief Electoral Officer can appoint in his own discretion, in others he advises the Minister, in others he acts as a civil servant, makes recommendations to the Minister who approves or disapproves the recommendations. At present none of those functions can be enquired into by the courts. You cannot take me to court for my view on a returning officer.

Now, the Commission is being put in the same position that the Minister now enjoys in respect of what might be called the instant conduct of elections. The choosing of polling stations, the division of the island into polling districts, the appointment of the actual officers who carry out the supervision of the elections,

to put it even more finely, the drawing of the Instrument of Dissolution, the issuing of the writs, the publication of the notice of election, all of these things will henceforth be done under the authority of the Commission and not under the authority of the Minister. No more than you can now enquire into the Minister's actions in doing these things, will you be able to enquire into the Commission's actions, but all the points raised by hon. members which relate to the registration of voters – the hon. member for St. Michael South Central spoke, I think, of the actual provisions of the electoral law – all of these points will continue to be governed by law, and indeed until new regulations are made they will be governed by the regulations at present in existence.

The division of Barbados into constituencies is a particular instance. The court cannot question the division of Barbados into constituencies at the present time. The House of Assembly alone has the power to decide one way or the other what the constituencies should be. Under the proposed section 42 the matter of qualifications to vote at an election will not be a matter for decision by the Commission, it will be a matter of regulation, that is to say, of subsidiary legislation effected by the Governor General and subject to all the interpretations by the courts of any other regulations made by the Governor General. Identification of electors, dealing with ID cards and so on, will all be a matter of law, not any decision by the Commission, and can be enquired into by the courts. Regulations relating indeed to broadcasting time, as I understand it, will be dealt with by laws published and justiciable by the courts. You may not question, no doubt, the advice given to the Governor General as to what shall be in the regulations, but you cannot now question the advice which I give the Governor General as to what is to be in the regulations. It cannot now be questioned as a matter of advice, what you do is take the regulations and administer them through the courts, so hon. members are misleading themselves, and I believe in this case through arrogance and over-estimation of their own abilities rather than through malice, or indeed innocence where this is concerned.

I certainly could not sit down and hear over and over again that the Commission may mislead a man who is running for the House of Assembly and the man can be punished but not the Commission. What punishment can you give to the Commission? If a man who is running for the House of Assembly reads the law and chooses to take the advice of the Commission, which is not going to give him advice anyhow, chooses to make a mistake, it is his seat which is at stake. The Commission does not have any seats for them to be at stake, there is no punishment you can mete out to them. The electoral law is there and will be there; the Representation of the People Act is there and will be there.

The question of corruption in elections. If Charlie Best insists in giving cabbages to the people of Christ

Church East in the hope that they will elect him, he will discover that he is a fool, that you can lose your seat for cabbages just as you can lose it for rum, and so on and so forth. It has nothing to do with an Electoral and Boundaries Commission or with a Minister or discretion or anything else. He will lose his standing to run as a candidate for the House of Assembly, he will lose his electoral rights. I should say if he gives cabbages and cabbages succeed, I really think that hon. members are mistaken in believing that these sections, which I am informed by the Attorney General appear in every Constitution that has been made accessible to the officers of his Department, dealing with an Electoral and Boundaries Commission, if they think that they mean any change in the law, I think hon. members will discover they are misled.

9.15 p.m.

If we read the final words of the proposed section 42, the reference to Minister in any such enactment shall be construed as reference to the Electoral and Boundaries Commission. What we are doing is putting the Electoral and Boundaries Commission in the place of a Minister for the conduct of elections. That is what basically we are doing. There are some other things where ministerial discretion is reserved. Obviously the Prime Minister alone will have the power to advise the dissolution of Parliament, something that cannot be enquired into in any court, I do assure hon. members, as long as you do it within the time. In fact it stands dissolved if it is not done within the time, but it cannot be enquired into by any court. Already there is a whole range of activity not justiciable by the courts, but the Electoral and Boundaries Commission not being a creature of common law – we have common law executive powers – has to have specific powers which make it clear that you cannot go to court over every little action of the Commission. That I take it to be the meaning of these sections which hon. members are questioning.

I really do not know what the Boundaries Commission could do that one would wish to go to court about. Suppose the Boundaries Commission does not make its recommendations on boundaries, do you want to go to court about that? Indeed it would have failed in its duties, but do you want to force it to go to court to say there should be thirty seats instead of 27 or whatever the case may be? In any case there is a discretion relating to the actual boundaries. Do you want to go to court because you say it has not got enough staff, because it should have more staff or less staff as the case should be? Hon. members must realise that the area of elections in any case is always very jealously guarded by the elected Chamber and the elected Chamber's own determinations of its procedures are not justiciable. Nobody can put the House of Assembly in court. You cannot put the Speaker in court for exercising the powers which are given to the

House of Assembly exercisable to its Presiding Officer. If a majority of the House chose wantonly and maliciously to expel a member for no good cause, he stays expelled. You cannot put the House of Assembly in court for expelling one of its members which I take it to be more or less the most serious thing that the House could do to frustrate the wishes of the electorate, but you cannot put the House of Assembly in court for doing it. You cannot put the House of Assembly in court for dividing Barbados into one seat with 50,000 electors and 26 seats with 2,000 no more than within the limits imposed by the Act arguable should the Electoral and Boundaries Commission go to court. I think that once hon. members understand that the rights of citizens to vote and the right to a free election is protected by law and not by the whim of the Commission, perhaps the difficulties of these two sections will be eliminated and the need for the protection given by the two sections will be more clearly recognised.

Mr. TAITT: Mr. Chairman, I am sorry that the Prime Minister's throat got sufficiently better for him to get up and speak because I believe that hon. members would perhaps have been better off if he had not uttered any words, and we would have gone home in the full belief that the Prime Minister was seized of the arguments and would have made a contribution but for his throat. Instead what we were subjected to is the hon. member's own arrogance as he discussed other people's arguments. We see the depth of his failure to come to grips with the new thinking in some areas and he uttered a number of things which I hope the other persons will not allow themselves to feel were the pearls of wisdom, because if they do they would have been misled terribly as he appears to have been misled.

He seems to believe from what he said that other persons over here are raising questions about ministerial power which cannot be raised. The fact is that that is a matter that has been laid to rest by the courts in the United Kingdom. He talked about quoting cases. It is necessary and I invite the hon. member to go if he has not done so and read the case of *Banfield vs the Minister of Health*.

Mr. Chairman, I see you hitting your microphone as though I am doing something wrong. I invite the Prime Minister to read the case and the commentaries that had been made on the case *Banfield vs the Minister of Health* and he will have discovered what ministerial powers he has or does not have. And I want to take this question of experience of practice in a court of law. There is not a single member over there least of all the Prime Minister.....

Mr. CHAIRMAN: Address yourself to the clause.

Mr. TAITT: I am addressing myself to the clause. I am dealing with the question of the power here in

this section. The hon. member said that there were submissions made and that the members on this side were being misled by persons who had no experience in a court of law. That is a fact. I have no experience in a court of law, but in these matters there is not a single one of them that has any experience in a court of law dealing with a constitutional amendment; so they could have been in the law courts for 47 years. Except possibly for the hon. member for St. Philip North, the question of experience in a constitutional case hardly arises in this matter, so that to get up and to try to give the impression that you had to have been called to the Bar 22 years ago in order to understand certain legal principles I think is a matter that has been going on in this country for too long, to try to suggest that persons are arrogant because they attempt in the words of the Attorney General to bring their learning and make it available and at the disposal of members of this court and to be subjected to that colossal ignorance which was portrayed by the Prime Minister.

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation, I am sorry if I have annoyed the hon. member, but he cites a lot of cases. He must go and look at the Vincentian cases relating to the Attorney General Rawle and the Vincentian elections of 1972. He must read how they sought to make amendments to the law in the middle of law suits. He must read how the question of the Constitution of the Associated State of St. Vincent, its basic electoral laws, ministerial discretions, the discretion of the Attorney General to enter *nolle prosequi* in favour of suppressing the prosecution of three Ministers for corrupt practices; he must read all of that case and he must then see who the two lawyers who appeared in the case were before he so confidently says that nobody on this side has any experience of dealing in constitutional cases relating to elections.

Mr. TAITT: Well if he is going to cite that.....

Rt. Hon. J. M. G. M. ADAMS: If I may end, cases which had so much impact in a small country that they were ended only by the murder of the Attorney General the very week that the law courts were prepared to file an affidavit saying that the *nolle prosequi* had been extracted from him by duress of Government Ministers and he was murdered on the Saturday in a well-known cause celebre.

Mr. TAITT: All of that is fine, Sir, except that when we come to discuss discretionary power and the ouster clauses we have not heard or seen anywhere in the places where it matters the cases which the hon. member is quoting. It may very well be that it had a lot of impact in St. Vincent, but I am sure it had no impact when we are dealing with the ouster clause

which is a matter we are dealing with here. (ASIDES) If the hon. member wishes to demonstrate that he has experience in these matters, he is free to do so. I am contending that the point I made is a valid point. I put it to the attention of the Attorney General for his information.

9.25 p.m.

I put it to the Attorney General for his consideration that I am saying that I am unable to support this Clause in this way. I contend that without reference to anything else that on the face of this record, if you look at what has been quoted in 41E (1)(a) and then look at 41E(b) we see the two things are almost diametrically opposed and when you consider, Mr. Chairman, that we are discussing contrary to what has happened in any other case anywhere in the World, the entrenchment of this provision in the Constitution.

This is not a mere Bill we are passing. This forms from the day it gets assent and it is plain, this forms part of the entrenched Clauses of the Constitution and I am saying that anything done by any member of the Commission or other person or a party has performed, cannot be inquired into in any Court, will create problems for the citizens of Barbados. I feel that for us as legislators, whatever may be the reason for us to sit in here and enact this legislation is an intolerable burden being imposed on generations to come quite unnecessarily.

Mr. CHAIRMAN: Any hon. member wishes to address himself on this Clause 3?

Mr. SANDIFORD: Yes, Mr. Chairman. This particular Section is causing me a lot of concern. I do not know much about all of those high legal matters. What I do know is that simply on the face of it it says, one Section here says, 41B(7) that is on page 9, I read there that something "shall not be inquired into in any Court." I turn to page 10, 41E (1)(b) and I see the phrase "shall not be inquired into in any Court."

There may be very good legal reasons for this type of drafting. I do not know but I am very suspicious as an ordinary legislator when I see these references to what shall not be inquired into in any Court but indeed the legal people talked about that. I am concerned about it.

The other attention which I would like to turn my mind to is in relation to the question of reports from the Electoral and Boundaries Commission. It is not quite clear to me from reading this piece of legislation that is before us that there is a specific requirement on the Minister to present the Report to the House of Assembly.

The wording here to me as a non-legal person is not as tight as I would expect. I read specifically in 41D(3), that is on page 8, "The Minister shall lay before the House of Assembly for its approval the draft of an order". I do not know what "shall" means. Sometimes when you see

the word "shall" it may mean "may" and "shall" may mean "must". I am not going into all of that but I see, putting it in my own terms, a specific wording "that the Minister shall lay before the House of Assembly for its approval the draft of an Order". I do not see any similar type of wording in respect of the Commission.

Now it may be implied. It seems to me that the wording is not as tight in respect of the Report. I may be wrong on this but I am throwing it out with all consideration and I will like some assurance on that because I believe this piece of legislation that the paternity of this maybe the Legislation in Britain where the Home Secretary is required to lay the exact Report as submitted by the Boundaries Commission. He is supposed to lay it with orders to give effect to it.

Well, we know there was some chicanery going on around 1970 or thereabouts when the Reports were laid but it was said that certain changes were taking place in Local Government and the Conservatives were saying something else. I know that the Prime Minister is very familiar with these particular things so I will not bother to go into them.

I am very concerned about this especially in view of the fact that if based on the U.K. Legislation, this does not give the same types of guarantees as the U.K. Legislation. There is an initial period and I repeat this point. There is an initial period where the proposals of the Boundaries Commission are made public for the opinions, views and comments of the public before they make their submission to the Minister but that is not in this and so I would like some observations on these points that I have raised.

Rt. Hon. J. M. G. M. ADAMS: The hon. member is correct in saying that it not quite so tight in laying of the Report as it is in the laying of the draft but there is still such a thing in this country as Ministerial Government and trust in the people's elected representatives.

The Act says quite clearly that the Commission shall present to the Minister a Report for presentation to the House of Assembly. If you think that a Minister can take the chance and not present the Report of the Boundaries Commission and introduce a draft showing Boundaries other than those which the Commission recommended, and that the Governor General no matter how many Resolutions were passed by the House of Assembly would compound the Minister's wickedness by signing an order passing into Law constituencies which are purported to be those recommended by the Boundaries Commission when they were not recommended, then you have no trust in the future of parliamentary Government in this country and were it not the hon. member for St. Michael South saying it I would really have to say that you intend some really terrible things for the country should you ever come to power.

9.35 p.m.

Section 41D says quite clearly that the Commission shall review the number of boundaries and submit for the Minister for presentation to the House of Assembly in accordance with this section reports, either showing the new constituencies or saying that no alteration is required. You just have to trust the Minister to produce it. I believe you will find that even at present there is no obligation on Ministers to lay reports of Commissions of Enquiries. On this Side, in all cases, we have laid the report although there is not even such a legal obligation as exists in this document. Can the Party on the other Side say the same, Mr. Chairman? So perhaps with a knowledge of his own Party, the Honourable Member who has just spoken may very well feel that there is some danger that a report submitted by a Boundaries Commission may never see the light of day and that the Minister responsible for elections might produce a fraudulent draft showing non recommended constituencies. It would be a sorry day if the Democratic Labour Party descended to that and I do not believe that it would descend to that. The Honourable Member, if he moves one step up from his seating would perhaps be secure from any influence which might possibly make him think that a future Democratic Labour Party would descend to such depths.

The other point which was made, I really thought that I had dealt with it fairly completely, the question of a further reopening of the question of not inquiring, but the point about Section 41D (7) can any court inquire into the 27 constituencies which have been passed by this Honourable House at present? Can anybody go to court and say, I want back the Ivy, can you keep Carrington's Village? Can somebody else keep Carrington's Village? The whole point is this, nowhere that I can think of apart from a most general review power, assumed by the Federal courts in the United States exercised solely on the grounds not of distribution of electors by political preference, but exercised solely on the grounds of distribution of electors to equalise the vote in each constituency. No Parliament I have ever heard of allows the courts to go into constituency boundaries. This is the law in Barbados at present and it will continue to be the law of Barbados when this is passed. What cannot be enquired into in any court is the ultimate result of the passage by Parliament of a Resolution setting constituency boundaries. Read subsection Four and Five and the Governor General is the authority for certifying to the public that Parliament has passed those boundaries. Again, if you believe that any Governor General likely to be appointed in Barbados would be so dishonest as to certify the electoral boundaries which are those passed by Parliament, why then, submit his actions to the court.

Mr. TAITT: On a point of order, Sir the Honourable Member states fairly categorically what it is that cannot be inquired into, Sir. With respect 41E says:

"The question whether —

- (a) the Commission has validly performed any function vested in it by or under this Constitution.

"any function" if what he is saying is correct, then the clause would be worded differently. He is now giving a court manto interpretation saying that what is to be enquired into is the final result. This says, "any function vested in it". Is it that we.....Mr. Chairman, I am finished with that.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the Honourable Member is not aware of what I was then talking about and I said so, Section 41E subsection 7 and the question of 41E (1) (a) perhaps the Honourable Member should look at the meaning of the word function. (*Asides*) There is a 41D subsection 7 that relates solely to the Order which the Governor General signs showing the new constituencies, I was talking about that and not about 41E. The Honourable Member, I know we have been here a long time, he must be getting a little tired and not following the argument as he might at other times. 41E (1)(a), perhaps you should see what function means, examine what function means. Function means the directing and supervising of elections, function does not mean making constituencies, you can only recommend them, the House of Assembly has the final word. It does not mean drawing a new Representation of the People Act, the House of Assembly has that power. It does not mean provisions to ensure that everybody has the right to vote, it does not mean identification. They are not the functions of the Boundaries Commission. Every word in a section has to be given a full meaning. Let him confine himself Sir to the function of the Commission.

Mr. TAITT: On a point of order, Sir. The functions of the Commission are spelt out on page 6, 41C(1):

"The registration of voters and the conduct of elections in every constituency or any matters that appear to the Commission to be incidental to or consequential upon either, shall be subject to the direction and supervision of the Commission."

Mr. Chairman, the Honourable Member must be tired, let him go home and sleep if he is not feeling well, but do not let him get up and try to insult our intelligence.

Hon. H. deB. FORDE: Sir, a good deal of heavy weather is being made of various matters which I consider very simple and I thought that in the reply to the Second Reading Speech I had dealt with the matter of ouster jurisdiction clause. For the benefit of Honourable Members, I am going to refer them to the existing Section 106 of the Constitution of Barbados because too often in this Honourable House, we tend to take points without recognising that in the Constitution we have already used

words that are there that have been construed that have a meaning and have a function.

Section 106 says this:

"The question whether any commission established by this chapter has validly performed any function vested in it by or under this chapter, any person has validly performed any function delegated to him in pursuance of the provision of Section 95, or 97 as the case may be, or any member of such a commission or any other person, or authority has validly performed any other function in relation to the work of the commission or any such function as is referred to in paragraph (b) shall not be inquired into in any court."

Now, whether he has validly, or invalidly which means which is implied in this section.

Now, Sir all the textbooks tell you that if an act done is an act *ultra vires* the powers of the particular person, or the particular body that that act can be inquired into in a court of law regardless of whether there is an ouster clause drafted in any of the forms that we have. Now Sir, that is the point I want to make. The Honourable Member is concerned in practical terms about specific situations. Obviously, he is right to be concerned about those situations.
9.45 p.m.

Where I think the hon. member has jumped a bit is by saying because there is this ouster clause that under all situations it means that the court's power of enquiry has been completely abrogated. Now that is not so, Sir. (Mr. TAITT: I am not saying that). Well, the hon. member is not saying that, so I have probably misunderstood his argument, but that is what I understood his argument to be. Now, I have given the position that ouster clauses are not absolute clauses in so far as the court's review jurisdictions are concerned, that the legal principle is that if the act is *ultra vires*, that is, against the law, illegal, null and void, outside of the powers of the commission, they had done something contrary to law, not working within their powers, *intra vires*, that that is subject to enquiry.

If the Commission refuses to register A, the Commission is not complying with the law, and despite this provision the court can enquire and declare and make the Commission register the person. In addition, in section 42, you will notice that we have changed the wording existing in some existing Constitutions, including Jamaica, from the word "entitled" to vote to "qualified" to vote, because there was the famous Byfield case, Sir, in which the court held that although the person was entitled to vote, they were not qualified to vote, and of course they had no enquiry.

Now, we have taken into account the recent jurisprudence and we have given additional protection. This section is no different, other than by the change of the word "qualified" from the Jamaican section, and therefore the particular instance cited by the hon. member for St. Michael South in which the hon. member raised the position of the person who is qualified to vote but denied the right to vote, that whether in those circumstances the court can deal with his case, is covered completely by section 42.

Now, the other thing hon. members must realise is that under the law the framework of this law is being placed in the Constitution, but the Constitution asks for regulations to be made, and under the Interpretation Act those regulations will be laid in Parliament. Regulations are law like anything else, and those regulations will not be subjected to ouster clauses even in the limited extent to which it is contained in this section.

The third point I want to make is an obvious and political point in reply to the question raised by the hon. member about the laying of Reports. Let us go back to the constitution of the Commission. The Commission is to be appointed by the Governor General on the recommendation of the Prime Minister in the case of two members and the Chairman after consultation with the Leader of the Opposition; by the Governor General on the recommendation of the Leader of the Opposition after consultation with the Prime Minister of two members. Now, let us be practical. Am I to understand that both the Leader of the Opposition and the Prime Minister, having consulted and chosen five people whom they think are worthy of this honour, and who no doubt they will have some way of talking to, are going to find themselves with a body of persons who can have reports that are not laid, that are suppressed, and on which there is no debate? Let us be serious about it, Sir.

We can reword anything however the House wants it, it does not matter. But as I understand it, when you are drafting legislation you try to draft legislation according to existing precedents to clarify the position, and the position is as clear as it is. This is nothing new, it is in Jamaica, it is in St. Vincent, it is in Antigua, it is in several Commonwealth jurisdictions. Some of them have been subjected to interpretation. The hon. member is quite right in saying that West Indian judges in interpreting written Constitutions began with a great hesitancy to be liberal in construction, and you will see in most instances I bring down a clause in the Bill saying that the Bill must be given the most liberal interpretation. I have done that deliberately in order to influence the jurisdiction, but the hon. member knows that with decisions such as Maraj and the Attorney General, and Thornhill and the Attorney General, that one has found that the Privy Council has given the guidance to those timid judges in the West Indies who are not prepared to follow wider interpretations, and the hon. member must also

remember this too, remember that the jurisprudence of England has always been a jurisprudence based on precedent and there was a certain hesitancy even in common law jurisdictions to follow wider interpretations of clauses, and that a lot of the area of judicial review has developed only recently, between 1954 and present day, and that the limits of judicial review are not yet known or written.

Now, I will come to the question, Sir, because these are important considerations. Certainly in the office over which I preside I am deeply conscious of the jurisprudence, I advert to it in drafting, in giving directions to my draftsmen, I am aware of them, and will come to the House with positions that I am sure are sound. I have cited this, I do not know how many members have read the Report of the Commission appointed to review the Constitution, but I recommend it as serious reading for members of this House, because Professor Carnegie has raised all of those questions in this Report and when he did the first draft which now forms the basis of this Bill, almost verbatim, he adverted to the whole question of ouster jurisdiction.

I cannot say any more, Sir, there are legitimate questions to be raised, but I think that I have answered the questions properly. There is one other question which was raised by the hon. member for St. Michael South Central. The Chief Electoral Officer will be the principal Executive Officer of the Electoral and Boundaries Commission, and he will be seconded to that Commission by the Public Service Commission. Now, it is intended to bring further legislation to the House, which we will have to bring in due course, dealing with transfers of staff, secondment of staff, etc. and hon. members will have an opportunity to deal with some of these problems dealing with the staff of the Commission. The present position is a hotch-potch, as hon. members know, some of the staff are in the Public Service and subject to regulations, others are temporary and unestablished, and that sort of thing. It is really an unsatisfactory position, and we hope to develop and bring to the House further legislation. As you call it, Sir, you have the bones and you will put the flesh on the legislation that is necessary, but you will notice that the Act which we are passing here, the Constitution envisages regulations dealing with other provisions of the electoral process which will have to come to the House in due course. In the meantime, it maintains the existing provisions until further regulations are brought before the House.

I hope I have dealt with the matter adequately. 9.55 p.m.

The question that Clause 3 stand part was put and resolved in the affirmative the House dividing as follows:

AYES: Mr. HINDS; Rt. Hon. J. M. G. M. ADAMS; Hon. H. B. St. JOHN; Hon. L. S. CRAIG; Hon. H. deB. FORDE; Hon. C. L. BOLDEN; Hon. L. B. BRATHWAITE; Hon. L. R. TULL; Hon. Miss B. A. MILLER; Mr. JOHNSON; Mr. WARD; Mr. ALLEYNE; Mr. SIMMONS; Dr. CHELTENHAM; Mr. BRADSHAW and Mr. SISNETT — 16.

NOES: Mr. SANDIFORD; Mr. WEEKES; Dr. HAYNES; Mr. GREAVES and Mr. TAITT — 5.

Clause 4 was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 4 stand part, I have one comment. Hon. members look a little bit excited about members voting, but under the Constitution the alteration only calls on a final vote of the House for a two-thirds majority. It is not necessary in Committee. That is section 49 subsection (2) if you have Volume I of the Laws of Barbados. You will find it at page 50.

I beg to move that Clause 4 stand part.

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

Mr. SIMMONS: Mr. Chairman, I want to draw the Attorney General's attention to subclause (6) on page 13 and going over to page 14. It does not make any sense. Subclause (6) says: "Where the text of a proposed broadcast is submitted to the Commission under subsection (4), and the Commission considers that an amendment of or deletion from the text is necessary to prevent the commission of an offence or the publication of any statement that would incur civil liability, the Commission may make an order directing the amendment or deletion to be made, as the case may be; and the candidate for election to the House of Assembly shall either act in accordance with that direction or withdraw the text of the proposed broadcast."

My criticism of this is that it is the first time that you get a reference in this to the candidate for election to the House of Assembly. What they mean obviously is the person submitting the text of the proposed broadcast, because what precedes subclause (6) talks about the operator of a broadcast station and allocation of broadcast time to a political party and a person. (*Asides*) I would suggest that you delete the words.....All right, Sir, I will do it tomorrow.

Hon. H. B. St. JOHN: Mr. Chairman, I beg to move that you do now report progress and ask for leave to sit again.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER resumed the Chair and reported accordingly.

GOVERNMENT NOTICES

Hon. H. B. St. JOHN: Mr. Speaker, I am asking leave to take Government Notices at this stage.

Mr. SPEAKER: If there is no objection, leave will be granted.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I am commanded to lay the following:

The Rules of the Supreme Court (Amendment) Rules, 1981.

Magistrates' Courts (Criminal Procedure) (Amendment) Rules, 1981.

Magistrates' Courts (Civil Procedure) (Amendment) Rules, 1981.

SUSPENSION OF SITTING

Hon. H. B. St. JOHN: Mr. Speaker, I beg to move that this sitting be now suspended until 10.00 a.m. tomorrow, Wednesday, 22nd April, 1981.

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

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

On Resumption

Mr. SPEAKER: This Sitting is now resumed. When the suspension was taken, the House was in Committee. To that it now reverts.

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

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee. We were dealing with Clause 4. The hon. member for St. Philip North was on his feet.

Mr. SIMMONS: Mr. Chairman, Sir, before we took the adjournment last night, I was dealing with Clause 4, Sub-Clause 6. Now, I understand the purport of this Clause where it deals with the allocation of Broadcasting time to Political Parties during the period of an election and, as I understand it, regulation still

has to be made to determine the allocation of broadcasting time between the various political parties.

Now, the provision seems to suggest that the person who wishes to make a political broadcast or a party, must submit beforehand to the Electoral and Boundaries Commission, within a specified time, I think it is within three days, so that the content can be vetted. This, in my view, Sir, is not necessarily to be construed so much as censorship but because the Constitution itself circumscribes in Chapter 3 the freedom of expression, this, in my submission, is quite cognizant in my submission because granted one can have freedom of expression provided that the exercise of that freedom does not impinge upon any known laws, for example, the Laws of Defamation, and I do not think that the criticism that was made yesterday that this is a form of censorship is necessarily correct because, in fact, the Broadcasting Station itself, and it is not provided for in this legislation, but the Broadcasting Station itself has to reserve through itself an editorial right so that I think the allegation that it amounts to censorship is not properly founded.

At the moment, CBC, and certainly when I was up there, could refuse to disseminate any matter which in the opinion of the management of CBC was offensive to the general Common Law or any Statute of Law and indeed, something that is not understood by many people in Barbados and indeed some on the fringes of politics or operators of political fringe groups. What is not understood is that CBC operates under the provisions of a Broadcast Licence and the Broadcast Licence, specifically provides that the station can edit or refuse to disseminate matter which is considered offensive to public decency and so on, so that to take the editing of a proposed political broadcast out of the hands of any broadcasting station and to vest the discretion in the Commission is, to me, not an unreasonable provision as set out in this Bill.

I go further. I think the provision in sub-clause 5 also makes logical sense that if after the Commission who will obviously have their own legal advisor, if after the Commission has passed a political broadcast for publication and by some chance it still is in breach of Criminal or Civil law, the owner or operator of the broadcasting station should not then be liable because it was not in his hand initially to determine the libellous nature or otherwise of it. He must presume that it had been vetted by the Commission and if they say yes, it can go and he carries it as it is and then it is still technically libellous or whatever, then, I think somebody other than the operator should be liable.

I have not checked this carefully, Sir, but presumably there is a curious exemption from liability. The operator of the broadcasting station in those

circumstances is not himself or itself liable for any civility or criminality and neither is the Commission under Clause 41E. What I am getting at, Sir, is that the Commission may still authorise the publication of matter which is defamatory though not obviously defamatory on its face but yet when it is scrutinized it is defamatory and give it out to the Broadcasting Station. They publish it and yet the hon. member for St. Michael South West, he cannot sue the broadcasting station but should he not have a right of recourse against the Commission? That is the whole question of "shall not be inquired into in any Court of Law" and so on but that is a legal argument, Sir.

Presumably, I do not know how it will work out in practice, but it should be some kind of indemnity situation or an *ex gratia* payment made by the Commission. I presume that if there was a genuine error on the part of the Commission even though it cannot be enquired into in Law and the Commission is then satisfied that it was their error, and that the matter should not have been published, I would hope that the Commission would be big enough to make an *ex gratia* payment but that is not necessarily good enough for the protection of a citizen's right because here we are relying on the charity of the Commission and he has no right in Law but it would make a nice point for adjudication by the Law Courts on Constitutional grounds.

The provision, even though it has been subjected to quite exhaustive examination last night, it is not unusual because I believe most of the Statutory Corporations if not embodied in the legislation they are protected for acts of the Directors of the Corporations done validly in the exercise of their responsibilities they are protected from suits.
10.10 a.m.

Magistrates are protected, but they are special as an arm, as part of the Judiciary. The statutory corporations do have this exemption, I am sure CBC had it, I am sure Housing Corporation had it in the schedule. I have taken the point of the Honourable Member for St. Michael South West. I do not think and I have not checked so I am open to correction, that those Statutes creating the statutory bodies go as far as this to say that they shall not be inquired into, but they will give some immunity from suit, which is slightly different, to the members of the corporation.

Now, my criticism of Subclause 6 Sir is that the previous subclauses speak of the text of any proposed broadcast being submitted to the Commission. Subclause 6 says:

"Where the text of any proposed broadcast is submitted to the Commission under subsection (4)"

and so on and then it goes on:

"and the candidate for election to the House of Assembly shall either act in accordance with that direction or withdraw the text of the proposed broadcast."

Now, that is really offensive, it is nonsensical and it is offensive Sir and I had an indication last night when I first drew attention to it that Government was ready to accept that it needed to be amended for this reason. There is no obligation, or requirement placed on any candidate in this Bill to submit a proposed broadcast. Indeed, I would hope that no candidate would put himself in that position.

We have political parties, they are spoken of as the two great political parties and I think the other nuisance people, the two parties that have standing and acceptability with the people are ourselves and the Democratic Labour Party. We act as often as possible, as organisations under a broad umbrella. I know that the Democratic Labour Party has two factions the two doctors and doctor booby belong to one side of the Democratic Labour Party and the other sensible ones belong to the other side of the Democratic Labour Party, but I am sure that if a political broadcast is going to be made on behalf of the Democratic Labour Party and for purposes of elections, we will expect the two factions to appear to come together as one. When they issue a political broadcast, in the way that parties operate a select group may in fact write the broadcast and that group may consist of candidates and back room people as we call them and not necessarily involve all of the candidates because some of them would see it for the first time on the television screen, or whatever, and it would therefore be unfair to affix a duty, as this subclause purports to do affix a duty on a candidate for election. It does not say which candidate, it means a candidate for election. I do not know how it got in here at all, it is quite out of tune with anything that preceded it in the Bill.

The amendment that I would like to propose is that we delete the words:

"and the candidate for election to the House of Assembly."

and substitute at the top of page 14 therefor the words:

"and the person submitting the proposed text shall either act in accordance with that direction or withdraw the text of the proposed broadcast."

The person submitting the proposed text, or you can make it, you can add another word:

"The person or party submitting the proposed text shall either act in accordance with that direction or withdraw the text of the proposed broadcast."

While we are on subclause (4) Sir, I draw attention to another amendment that appears necessary in subclause (11) on the opposite page, page 15, there needs to be included the word "are"

"Until regulations have been made under subsection (2), the provisions of any enactment relating to the election of members to the House of Assembly and to the determination of controversies arising out of such elections as are in force."

We have to include between "as" and "in" the word "are" Subclause 11 on page 15, line 7, between the words "as" and the words "in force" include the word "are":

"as are in force in Barbados on the coming into effect of this section shall apply for the purposes of this section; and a reference to Minister in any such enactment shall be construed as"

and so on. That is obviously an omission.

I would be grateful, Mr. Chairman, on this general clause to hear from someone on the Government front-bench as to what steps if any have been taken by the Independent Broadcasting Authority for the making and promulgation of regulations in respect of political broadcasting. Now, when that Bill was passed last July, it was clearly envisioned that one of the functions of the Independent Authority would be the settling of the basis upon which political parties be allocated time for political broadcasting in and out of elections. But an election is due in a matter of months this year and I hope that some effort is being made to publish regulations. I do not believe that the matter should rest within the exclusive purview of the broadcasting stations themselves. If you have an independent broadcasting authority it is a matter that falls properly within their province to lay down guidelines.

The Independent Broadcasting Authority, I know before I resigned from CBC, one of the things that they were concerned about is the standards of advertising, they were concerned about commercial content, local programming content and so on. They did not want an overload of commercials let us say in the morning, you get it, but they were going to address their attention to regulations dealing with programme content and commercial content and I submit that allocation of broadcast time upon some acceptable ratio is a matter well within the purview and competence of the Independent Broadcasting Authority.

10.20 a.m.

I look forward, before the elections, to the publication of some regulations dealing with that matter.

Mr. Chairman, apart from those two comments and proposed amendments, and if the Attorney General wants me to move the amendments formally and have them seconded — he has to reply in any event — I am happy to do so, Sir.

Mr. TAITT: Mr. Chairman, I am very glad to hear the contribution made by the hon. member for St. Philip North on this section of the amendments, because a number of the points he raised, perhaps they having been raised from that side, will be seen in the context and in the spirit in which they were raised.

Mr. Chairman, I have a slightly different tact from him using the same facts and starting from the same position. It seems to me that what follows apart from the inelegance of certain parts of this clause 4, what follows had to follow logically. If you start off fundamentally incorrect, when you come toward the end, if you have been logical, you can and ought to be incorrect. Put in mathematical terms, if your premise is wrong your conclusion must be wrong.

Sir, it becomes necessary to exempt a broadcasting station from liability if you impose on the broadcasting station an obligation to publish something. That stands to reason, one cannot question the logic of that. What I wish to draw to the Attorney General's attention is the danger of removing the present power and right which the broadcasting station or the media, the control of the particular medium, has residing in its inherent right. We are moving the right from the broadcaster into the hands of the Commission, we then exempt the Commission from suit. We are in essence removing a right — I hope you will follow me, I am going very slowly — we are removing a right from the individual citizen.

In the first place, if you look at the corporation that owns the broadcasting unit, whether it is a private or public corporation, or whether it is an individual that owns the corporation, the corporation is a legal person, you are removing a fundamental right, it seems to me, from that broadcasting station. But if you say that it being a public institution dealing in public matters, that it ought to have restrictive rights, then I would take issue with that because I believe that the encroachment of freedoms begins with statements such as those, that you give certain groups or certain institutions restrictive rights, you take off a little bit at a time until eventually you have cut a substantial part of the rights. A Corporation in any society that has the system we have has rights, as does the person, but even if you restrict the broadcaster's rights you are in essence restricting a political right of the citizen when someone broadcasts something that is defamatory, as the hon. member alluded to, and then you have said in essence that no matter what is the level of defamation, no matter what the level of libel or slander as the case may be, the

person who has been offended has no recourse except he takes recourse in the speaker, the person who actually mouthed the broadcast.

Now, it is well known that when one is in the area of libel and slander that there are men of straw and there are men of substance. That is well known. I think hon. members on that side probably know it better than any other group. Political parties are not put together by criteria that are outlined somewhere, any group could get together and decide that it wants to form a political party, and if it qualifies it can be registered under the legislation we have as a political party. There is no restriction. Some political parties may have as their objective the diminution of the quality of political life in the community.

The point I am making is this. If the only person who is liable in the defamation of the character of someone else on, say, CBC television or on VOB radio, or on some other station's radio, if the only person who is liable is he who spoke, then you can see that the citizen who has been slandered is being denied a right that has always existed from time immemorial, a right to recover. The hon. member recognising this offered the hope that the independent Electoral and Boundaries commission would be charitable, but we are in the process of putting together law in the Constitution. I do not think that we can rely on, or ought to rely on charity when we are taking away a fundamental right. We are not taking away that fundamental right out of malice, we may be taking it away either out of ignorance, we may be taking it away out of a desire to do something in a hurry, but the fact is we are taking away a very fundamental right.

The House of Assembly, and Parliament generally, and the courts have from time immemorial been granted immunity, and there are some of us who have doubts as to whether the Parliament should have total immunity. When we examine the pros and cons we come to the conclusion that it is better position to give Parliament full immunity. I do not think, however, that it is desirable to give any other group or any other institution full privilege in the question of interfering with the rights of the individual. If one is assailed, he who assails and he who allows the assailing to go on ought to face the music.

The other point I want to make is this, Sir. When a broadcaster is concerned about what goes out on his broadcasting medium, his legal adviser are likely to be much keener about what goes out than any legal advisers to the Commission.

10.30 a.m.

As a matter of fact, Sir, since it is not specified that they may not do it, one would not be surprised if they

are not being advised by the Legal Department of Government. Be that as it may, I would submit, Mr. Chairman, that to leave the arrangements which we have had and which have worked well up to now in the hands of the broadcasters and allow the broadcasters to fall on their own weight offers more for freedom in Barbados generally not only now but in generations to come than to entrench these requirements in the Constitution.

Now, Sir, to take some of the sections specifically, section 6 has already been alluded to, but even before we get to the amendment which the hon. member has recommended, it says "where the text of a proposed broadcast is submitted to the Commission under subsection (4), and the Commission considers that an amendment of or deletion from the text is necessary to prevent the commission of an offence or the publication of any statement that would incur civil liability, the commission may make an order directing the amendment or deletion to be made, as the case may be;"

Now, Sir, let us deal with the practicality of political broadcasting so far. As I understand it, there is an arrangement acceptable to both political parties that has worked so far. The way it is done has been described by the hon. member for St. Philip North. You try to picture, Mr. Chairman, the requirement that an order be made. Presumably any order that is made would have to be published. I find it really almost unacceptable that we will deal with the matter of the deletion of potentially libellous material from a script submitted by a political party by an order. Mr. Chairman, are you with me on this? What has happened in the past is that if you go to C.B.C. you have to submit the script in advance. C.B.C. gets together with their legal advisers, their legal advisers say "look, we do not like this particular phrase", C.B.C. says to the person submitting it "you had better change that phrase, we are not going to carry it." The phrase is changed, the thing is done quickly and the broadcast is made. Where you have now to rely now on an order, because the Constitution says "an order", if the order is not made now in the particular way it ought to be made, that would no doubt raise questions about the efficacy of the particular election system, and presumably under the Election Offences Act somebody would want to raise questions.

The point I am making is that this is cumbersome. In an attempt to make doubly sure you have come up with something which will not work in practical terms. Furthermore the hon. member says the amendment which he requires would help to put some kind of logic into the laws; but No. (7) says "no operator of a broadcasting station shall fail or refuse to transmit the text of a proposed broadcast that has been approved by the Commission" — listen for the next one — "or has been amended in accordance with a direction given under subsection (6)."

Now I am sure what they mean is that if the text has been amended and is approved by the Commission, they cannot fail to broadcast it. There is no need to add "or has been amended" because if it has been approved by the Commission, and I wish the Attorney General would listen to this presumably it would only be approved by the Commission after it has been amended if it needed to be amended. In fact if you go back to subsection (6) you would see that under subsection (6) it is possible to have had an amendment according to this without necessarily getting approval. So that a full stop after the word "commission" would at least make subsection (7) a little more elegant. "No operator of a broadcasting station shall fail or refuse to transmit the text of a proposed broadcast that has been approved by the Commission". To go on to add "or has been amended in accordance" is superfluous, makes no sense and really adds nothing to what has gone before.

Now this is the question I want to ask the Attorney General. Suppose the Commission has approved of the text and the broadcaster says that it is slanderous and he notwithstanding these words you have here that he is not going to incur any civil liability, is not going to broadcast it, what is going to be the penalty for him? Are you going to shut down the broadcasting station? Are you going to fine him? Is this going to come in the regulations? Are the regulations going to be made under this section of the Constitution or these regulations are going to be made arising out of some other law which we are going to bring down? I would like to hear the Attorney General on that.

I submit that subsection (11) has no place in the constitutional document at all. Subsection (11) after it has done its job will be a dead letter, and I do not understand why we would wish to place in the Constitution of Barbados words which will have a once only effect. This says "Until regulations have been made under subsection (2), the provisions of any enactment relating to the election of members to the House of Assembly and to the determination of controversies arising out of such elections as in force in Barbados on the coming into effect of this section shall apply for the purposes of this section;". Well with all due respect to the people who have drafted it, I do not know that this is necessary because if the law applies, it can only apply to the point when the new law takes over, but if they wish to be doubly sure it seems to me that they could really have brought down a separate piece of paper which would have removed the necessity to put this dead letter in the Constitution. This is going to be part of the Constitution from here on, and it goes on to say "and a reference to Minister in any sub enactment shall be construed as a reference to the Electoral and Boundaries Commission." I submit that this could have been done with a slight amendment to the Interpretation Act, but that is neither here nor there.

I am winding up this section. Mr. Chairman, it seems to me that while I agree with the hon. member who said yesterday that one ought not to become paranoid about the fact that it is the Constitution that is being amended, I still believe that when we are dealing with the fundamental law, when we are dealing with the Constitution, we ought to take the trouble to avoid putting in the same kind of errors or potential errors which exist in our other legislation. I think we should take enough time to make sure that the words and phrases which we use for that particular piece of legislation, that particular law, is what we want rather than have this kind of hodge podge, let me call it an inelegance which will do no credit to the language which now exists in the present Constitution.
10.40 a.m.

Mr. CHAIRMAN: Does any other hon. member wish to make a contribution dealing with Clause 4?

Mr. SANDIFORD: Mr. Chairman, it is a bit cold in this Chamber and I believe the proceedings need warming up a little and I am therefore going to launch a few broad sides and sallies in this legislation that we have here before us and I am going to charge that it is really a mismatch. It is really hodge podge because the main concern seems to be the boundaries of constituencies but this legislation does not only deal with the boundaries of constituencies but it then goes on to deal with broadcasting. It drags that into the net and then on to the basic election procedures and processes. Three different elements dragged in together, yoked into this piece of legislation that is before us, for what purpose!

The main concern has been with boundaries and there is no one, certainly not on this side, who would be objecting to the establishment of a Boundaries Commission. Nothing wrong with that but what we have is the drawing together.....

Mr. CHAIRMAN: This is not a Second Reading, Please.

Mr. SANDIFORD: This is not a Second Reading. I am dealing with Clause 4. Clause 4 is dealing with the matter relating to the election of members to the House of Assembly and it refers to constituencies. It refers to broadcasting and such matters and that is why I said it is a hodge podge.

As far as the broadcasting is concerned, I wish to make a general point and that point relates to the fact that we would need an assurance that the rules and procedures for the broadcast of election addresses would be made known early and that they would be fair in all of the circumstances. Now, we have had a fairly unhappy time as far as the telecasting of political proceedings are concerned. I am not saying that that is due to any

deliberate manoeuvrings on the part of the Government. I believe that on both sides of the House there is a need, there is a desire for the procedures to be clearly known but I believe that part of the problem has been a certain lack of adequate machinery for consultation and for putting that machinery into operation.

The Leader of the House obviously is too busy with his travel and with his many portfolios to give attention (*Asides*) You want me to add the Prime Minister too? These arrangements must be settled very early. If you send a letter or some other communication at the eleventh hour and arrange it so that only certain persons can speak at certain times and then there is a long list of other people to speak at prime time, those arrangements will be far from satisfactory and we will always get problems on that.

We want to ensure that the arrangements for political broadcasting are fair in all of the circumstances. That means very early notification of the proposed arrangements. It means also and we are calling for equal opportunity, a measure of fairness, fairness doctrine, let me put it that way, as far as these election broadcasts are concerned. There should be equal time. I am calling for equal time because the public of this country should be given every opportunity to hear the reasonable views of the reasonable political parties in this country.

There is no great daylight separating public opinion in this country between the parties. I would think that one party received about....

Mr. FORDE: On a point of explanation, I would like him to address his mind to this. In the 1976 elections, would the hon. member inform the House, he is talking about equal time, whether his Party gave any time to the People's Democratic Movement, the PDM, any time at all. No time at all was given to the PDM and the hon. member must concede that this is an improvement on what they have had before.

The People's Democratic Movement was a serious contention for office. The Democratic Labour Party gave it no time and as far as the Opposition was concerned, which is now the Government, they did not give us equal time. I like to hear these pontificating people, you, know, Sir. The hon. member should address himself to that.

Mr. SANDIFORD: I believe you would give Eric Sealy equal time. He may also be a serious contender for office. We are talking about the Parties that are represented in Parliament, and there was a much greater difference in the popular votes in 1976 on the basis of that last election, the one before that, but this one, there is only in terms of public opinion three or four percentage points separating us so there is a very strong case

for equal time now of the parties represented in Parliament.

If there are to be three broadcasts for the Government or four, there should be three or four for the Opposition. There has been a very strong case advanced for proportional representation. I believe that there is a Minority Report in this document here called the Commission appointed to review the Constitution. The Commission itself did not recommend proportional representation but we are all saying that as far as political broadcasting is concerned that we can have proportional representation as far as that is concerned. Give us equal time. Equal time we are calling for so that the public of this country.....

Rt. Hon. J. M. G. M. Adams: On a point of elucidation. Is the hon. member suggesting that the Democratic Labour Party got the same number of votes in the last election as the Barbados Labour Party, talking about equal time and proportional representation? 10.50 a.m.

I have already decided that there will be five election broadcasts, three for the Government and two for the Opposition and the days of in relation to the notice of elections when the broadcasts will be given have also been settled. That is the policy of the Government. It has been the policy of all Governments since we have independence except for a very brief time when Mr. Crawford and Mr. Husbands resigned from their respective parties, they were given election broadcasts of their own in 1966 and while I am sorry for the hon. member having given one of the election broadcasts in 1971, the first in which he talked about how things were in 1961, I well remember his opening speeches. He has been banned from the air for this election that is why he wants three election broadcasts because he knows he is not getting none this time.

Mr. SANDIFORD: I do not mind. We are going to put you on and so long as the hon. member for St. Michael South Central can provoke you, we will stand a very good chance because if we get you giving a reply, as the one you gave in the Budget, it will raise the stocks of the Democratic Labour Party very high. We are going to get the information it is going to come out now. The broadcasts, we know that is set, three — two, I did not hear the dates of those I wonder if the Rt. Hon. Prime Minister will like to tell us the dates of those broadcasts. I wonder if he would make another intervention, if his throat would allow him to get up and tell us on what date those broadcasts would be set.

Mr. TAITT: On a point of elucidation, Sir, the hon. member opposite did not understand what I was saying about broadcasting. The 28th April is a very

significant day in the life of Barbados, all the Taureans were born around that time. The 28th April, keep your eye on the 28th April.

Mr. CHAIRMAN: Is that your birthday?

Mr. TAITT: No, but I am a Taurean also, so I know how you feel, so keep your eye on the 28th April. (ASIDE)

Mr. SANDIFORD: I do not think it is unreasonable, Mr. Chairman, talking about these broadcasts, election broadcasts. I do not think it is unreasonable where you have a situation of one of the great parties in this country the Barbados Labour Party obtaining 52 or so percent or 51 point whatever it was nine percent of the total votes and the Democratic Labour Party getting about 48.74%. The statistics were somewhat like that. I do not see why there cannot be an equal number of broadcasts, but you mean that the only thing that that Party out there can do is try to follow us. We did it, so you are going to do it. You are trying to improve things in Barbados that is what you said, so if ours was bad, why are you trying to follow it? Is that all you can do? Imitation in sincerity is a form of flattery.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, Sir, their example in this respect is good and that is why we are trying to follow it. Why does not the hon. member stop talking nonsense. In every country in the world which has election broadcasts, the Government is always given an extra broadcast, even if it is in a minority of votes, it gives the winding up broadcast which is normally one in excess of the broadcasts given to all other parties. Why is he trying to catch the eyes of the press with foolishness? He knows that there is no such thing as equal time in election broadcasting. Every country that has it where it is not paid for gives extra time for the Government and in the United States the same principle is obtained because the President is normally allowed free access to the media for press conferences or similar broadcast time. He knows that.

Mr. SANDIFORD: I am saying that there is the fairness doctrine and equal opportunities doctrine in the United States and I am saying that in this country, there is a very good case for it. In any event, you have the advantages. Every Old Year's Night the CBC cannot find itself anywhere else to go other than at the Marine House, or wherever it is to interview all of the Ministers for political broadcast. It can never find the Democratic Labour Party, can never find any functions of the Democratic Labour Party.

Mr. CHAIRMAN: Order.

Mr. SANDIFORD: This is what I call bias and misuse of the airwaves of a station that is supposed to be the people's station. We are talking about equal opportunity and fairness in this country. I am charging that that is a distortion, it is a misuse of the resources of the people of this country. We are utterly opposed to that and it is time that we get some impartiality in the use of our broadcasting facilities. I am calling for an equal number of broadcasts for both of the great political parties in this country in the forthcoming elections. I will pause at that point. I do not have to catch the eyes of the press, the press can analyse what I have said.

Mr. CHAIRMAN: Does any other Honourable Member wish to make a contribution, or if the Honourable Minister wants at this point to respond to anything specifically he may but it is your right to reply finally once and for all. (ASIDE) Does any other Honourable Member wish to make a contribution?

Mr. TAITT: Yes, Sir. I just wish to make a small contribution, perhaps my final contribution on the question of the Section.....

Mr. CHAIRMAN: But the Honourable Member has not yet indicated which subsection, or which subclause he is about to address.

Mr. TAITT: Subsection 9 Sir:

"Nothing in this section shall provide any defence to a writer of or speaker in any broadcast where any such defence would not otherwise have been available in civil or criminal proceedings arising out of the contents of the broadcast."

Hon. H. deB. FORDE: On a point of order, Sir. The Honourable Member spoke on that Section before. (ASIDE).

Mr. TAITT: Mr. Chairman, I dealt with the question arising out of (7) and (8), if you will recall, Sir. I am now looking at (9) and (10): It says:

"Regulations made under this section may, in addition to prescribing a punishment by way of a fine or term of imprisonment for a contravention of any of the provisions thereof, provide that a conviction of any specified breach of the regulations shall be a ground for disqualification"

Is that intended, can the Attorney General indicate whether he does not mean "shall not be". I have a suspicion that what is intended here is, "shall not be", otherwise it would not be provided. It says here:

"provide that a conviction of any specified breach shall be a ground for disqualification"

I do not see or believe that that is what is intended. What it is saying here is that every conviction under this arising out of the regulations made under this will in fact be a disqualification for electoral purposes. Could the Honourable Attorney General please indicate before his final reply if that is what is actually intended. I would appreciate a response to that Sir. I do not know if he takes my point, Sir.

Mr. CHAIRMAN: That will be brought under your final reply. (ASIDE: Rt. Hon. J. M. G. M. ADAMS: It is correct.)

Mr. TAITT: It is correct. Is the Rt. Hon. Prime Minister saying *sotto voce* that it is correct? (ASIDES) I am serious.

Mr. CHAIRMAN: The Honourable Member has asked a question.

Mr. TAITT: I thought I would get a reply so that I would make the point I want to make. It says here:

"Regulations made under this Section may in addition to prescribing a punishment by way of a fine or term of imprisonment for a contravention of any of the provisions thereof provide that a conviction of any specified breach of the regulations shall be a ground for disqualification for election to membership of the House of Assembly."

11.00 a.m.

What we are hearing now is that the regulations which are to be made by the independent Electoral and Boundaries Commission, we are delegating legislation to them that they can make regulations which can include disqualification for election to membership of the House of Assembly. I really do not believe that the Government wishes to delegate that particular responsibility. It seems to me, Mr. Chairman, that disqualification from either House of Assembly ought only to be determined by the highest law making body in the land. He is saying that the independent Boundaries Commission.... (Aside). If a Minister has that power, Sir, the Minister is subject to parliamentary question, the Minister is subject to accountability, and the ministerial system envisaged accountability by a Minister. We are setting up an independent Commission, we are saying to that Commission that it cannot be questioned in a court of law, and we are now going to give that Commission the right to make regulations that can disqualify a person from entering the House of Assembly, and you say that you wish to do that? If you wish to do it, go ahead and do it.

Mr. CHAIRMAN: The Minister may wind up this debate.

Rt. Hon. J. M. G. M. ADAMS: Again, Mr. Chairman, a little knowledge can be a dangerous thing.

Mr. CHAIRMAN: Are you winding up?

Rt. Hon. J. M. G. M. ADAMS: I am not winding up, I am speaking. Regulations can be made under this section relating to the following matters: Provisions which are designed to ensure that anybody who is qualified to vote should have a reasonable opportunity of voting; provisions relating to the identification of electors and with the actual conduct of the election; and provisions relating to broadcasting. What I assume that subsection 10 meant when I approved it was that since the rest of the section relates to offences which can be committed basically only by public officers charged with the conduct of elections or persons charged with administering the broadcasting rules. In other words, not by candidates. A candidate can break those rules but not so easily, basically those regulations are aimed at the officials who have to deal with the conduct of elections, and I see no difficulty in saying that if a Presiding Officer refuses to allow a qualified voter to vote, or rejects lawful evidence of identity, that in addition to the penalties that Presiding Officer ought to be subjected to the civil disability to which anybody who is concerned with the conduct of elections can be subjected. It is a very limited area. Normally candidates do not have anything to do — well, they should not — with awarding identification to electors.

If a candidate tries to get somebody who is not entitled to vote to vote at an election, he can be dealt with outside the regulations. That is a common law offence. It is dealt with in the Election Offences and Controversies Act. Anybody would think that we do not have an Election Offences and Controversies Act, or that somehow this Act is going to supersede it. If you bribe, if you treat, if you give out cabbages, if you treat people free, give free medical assistance in return for their promise that they will vote, if you threaten people that if they do not vote for you that they will lose their jobs; all of these things are right outside this Act, they have been part of the law of Barbados since the ballot was introduced in 1884, I think it was. All of that is far far outside the scope of anything here. The hon. member is picking up something that is so small and magnifying it into a principle in a way that — I should not say is calculated to mislead — that might very well have the unfortunate, and I am sure unintended, effect of misleading the Press and the public. Fortunately, it will not mislead the members of the House of Assembly.

On the question of broadcasting, too, Sir, and I am sorry for reopening it, but again it can be very irritating when you hear somebody who you think knows better catching at a headline with a totally specious argument. The hon. member for St. Michael South knows perfectly well that the system of electoral broadcasting always gives

the Government at least one additional broadcast. He knows that perfectly well. He knows that neither political party has ever had any quarrel with that from the time a broadcasting station has been established in Barbados, and it really is most unfair of him, and he ought not to catch at the methods of the hon. member for St. Michael South Central. He certainly will not provoke me into dealing with him as I was forced to deal with the hon. member for St. Michael South Central. He is above that, Sir, he is not a destructive or vicious person, he really ought not to put forward arguments that he knows have no substance and are calculated only to dazzle. He will not be subject to the kind of pressures that need that kind of argument. His argument is rejected totally and completely by the Government, it has no moral or intellectual value, and the Government intends to maintain the procedures in respect of the election broadcasts that have always existed in Barbados.

Mr. SANDIFORD: On a point of order. The member for St. Thomas is reflecting on my character and integrity when he states that my presentation or my speech has no moral value. I am saying that that is offensive, I consider it offensive and I would ask him to withdraw it.

Rt. Hon. J. M. G. M. ADAMS: I thought the hon. member was going to say that I was reflecting on his character and integrity in comparing him with the hon. member for St. Michael South Central, and I realise that the purpose of his intervention is to get me to make some such remark. The hon. member knows that no reflection upon his character is intended. His argument has no moral basis but his character, I am sure, remains as sound as it always was, and is untainted by his continued associations with certain persons to the left and right. I would like to reassure the hon. member that the measure of respect which he has earned on this side has in no way been compromised by the unfortunate circumstances in which he finds himself now.

My speech really is finished, Sir. I want to reject the hon. member's argument on broadcasting. It really has no merit whatsoever, absolutely no merit, and while the hon. member for St. Michael South West has some merit in suggesting that offences that can lead to civil disabilities are better established by Parliament in a law than by subsidiary legislation made by an outside body, while that is so, I would point out to the hon. member that the offences which can be made subject to these liabilities are already offences in Acts which are passed.

Mr. TAITT: Mr. Chairman, the hon. member, I believe, did not take the point and I would like to make the point so that it can be clear.
11.10 a.m.

Mr. CHAIRMAN: Is the hon. member telling the Chair that the Attorney General has not taken the point he has already made? At least you should give him a chance to do so.

Mr. TAITT: The Prime Minister got up and spoke about the submission I made in a manner which indicated that he misunderstood the point I was making. I feel that since we are in Committee and I am making a point concerning an amendment to the Constitution, I ought to be given a chance to make the point.

Mr. CHAIRMAN: You will have a chance to repeat your point.

Mr. TAITT: Thank your, Mr. Chairman. This section that we are dealing with is section 4. Mr. Chairman, I wish you to go with me to section 4. Section 42(2) says "The Governor-General, acting on the advice of the Commission, shall make regulations providing for the elections of members of the House of Assembly and the conduct of such elections, which shall, in particular —" then it lists a number of things which it shall in particular do, then it says that regulation made under this Section may in addition to providing for a fine and imprisonment also provide for, shall we say, banning for a period of time of a person's election to the House of Assembly. What I am saying, given what has gone before, and I do not wish to re-open the argument, is that we are now dealing with the disability for someone to be elected as a member of Parliament. We went through amendments in 1974 which sought to broaden the number of persons who could be elected to Parliament. We are now in 1981 again restricting. We are saying that a functionary who would be operating delegated legislation because if he makes regulations which regulations are claimed to be outside the pail of review, it can include the disability of election to the House. As long as they are aware of that point and they proceed, I have no quarrel because they have the numbers, but it should be brought to their attention just in case they did not notice it, because it seems to me to be something which we ought not to do whenever we are going to take away the ability to be elected to the House. Parliament is the supreme law-making body of this country, and Parliament whether constituted as it is now or in some other way ought to be the only body that ought to make that decision regarding ability to be elected or otherwise.

Mr. CHAIRMAN: The Attorney General will.....

Mr. SANDIFORD: Mr. Chairman, there is no need to rush anything.

Mr. CHAIRMAN: But there is no need to repeat unnecessarily.

Mr. SANDIFORD: That is your privilege as Chairman. If you find any member.....

Mr. CHAIRMAN: The hon. member will please let me know to what subsection or section he is addressing himself.

Mr. SANDIFORD: I am addressing myself to Clause 4, subsection 42(3). (*Asides*). You do not know the point I am going to make. This is the people's business we are talking about. You say we do not do the people's business and we are here doing it.

Mr. CHAIRMAN: Order, please! Hon. members must behave themselves.

Mr. SANDIFORD: Mr. Chairman, I am concerned about a possible conflict between the powers being given to this Electoral and Boundaries Commission in respect of the regulation of political broadcasting.

Mr. CHAIRMAN: This deals with broadcasting time and the allocation of broadcasting time, that has been dealt with already.

Mr. SANDIFORD: and the powers granted to the Independent Broadcasting Authority under a measure that was passed. Section 42(3) states that regulations made thereunder may require or restrict the allocation of broadcasting time to any political party during a period beginning with the publication of the notice of election in any constituency etc. The authority given to the Independent Broadcasting Authority also covers the question of the allocation of time to broadcasting of matters of a political nature and which are controversial, and that they are also charged with a responsibility with the preservation of the due impartiality in programmes relating to such matters.

I would like the Attorney General in his reply if he could just reflect on this particular point to say if there is any conflict between the powers allocated to this Commission that we are dealing with and the powers given to the Independent Broadcasting Authority. Secondly there is still some feeling, and if you wish me to refer to the particular clause, I am referring to Section 42(2)(b) which states that regulations may contain provisions designed to ensure that as far as practicable any person qualified to vote at an election of members of the House of Assembly shall have a reasonable opportunity of so voting. I have heard it said and it has been said in here that persons with the old I.D. cards will be entitled to vote even if they do not have the new I.D. cards, but there is still a feeling abroad that persons who have the old I.D. card may not be permitted to vote, and maybe a further clarification from the Government to

that effect might allay some of the fears that may be prevailing in the community.

Hon. H. deB. FORDE: Sir, I intend to speak finally on this section.

Mr. CHAIRMAN: I do call on the Attorney General and Minister to reply and wind up the debate on this Clause.

Hon. H. deB. FORDE: Mr. Chairman, there are two amendments which we are accepting to this Clause, that is, Clause 42. In this Clause we are accepting in Clause 42(6) which is on page 14 the deletion of the words "and the candidate for election to the House of Assembly" and we are substituting the words "and the person submitting the text"; and we are also accepting in sub-paragraph 11 the insertion of the word "are" between the words "as" and "in force" in the seventh line of that Clause.

I just want to make a few general comments on some of the points of policy raised in this debate.
11.20 a.m.

Let me start with one, the suggestion from the hon. member for St. Michael South Central that what the Constitution gives is what we are restricting a fundamental right. Sir, I think a lot of people misunderstand the fundamental rights and their full implication in the Constitution.

Every right in the Constitution is subjected to a corresponding application and any basic textbook or understanding of fundamental rights makes it clear that fundamental rights are not absolute rights. If they were absolute rights, other people would find that their absolute rights are affected and therefore the law always sets out to hold an equal balance between one citizen and another and sometimes between a citizen and the State.

Now, Sir, as at present practised in Barbados, the only control over political broadcasting is contained in the licence issued to the Caribbean Broadcasting Corporation and to Rediffusion Limited and under those can compel either of the Companies to publish in the correct sense, to broadcast any political broadcast. That is the position otherwise the sanction is the withdrawal of their licence.

Now, Sir, they can refuse to do so and he may withdraw the licence but you can have an awkward position today and that is why when I have to deal with comments like that, I think the hon. member knows that you can have a position today where a political broadcast can be made by a party in Opposition and the other side, the staff or legal advisers to the Corporation or to

Rediffusion considers the particular form of words to be libellous but the advisers to the person making the broadcast do not consider the particular form of words to be libellous and so, let us assume that he is right and the legal adviser to the Corporation is wrong. In those cases the Corporation can refuse to publish the broadcast under existing conditions and you can have a political situation which would be very unpleasant for this country. That is the situation.

Now the Government has gone out of its way in this Bill to try to depoliticize as much as possible certain areas of elections. One area is the registration of voters and the running of election and the fixing of Constituency Boundaries and the regulation of political broadcasts. In doing so, the Government by this amendment of the Constitution is going further in law to improve a position where there will be less politics in these aspects of public affairs than at present exist. That is a fact.

I said yesterday and I repeat that it is a stand that the Government held ever since the 1960's at the time of the Independence Debate on the Constitution. We repeated it in 1976. We put the matter before the Constitutional Commission and we are seeking now to give reality to it.

Now the hon. member talks about taking away the rights of people. I will give and I recall for the House one Bill that I have been modifying and I am in the process of waiting for. I have asked my civil servants for some months now and they have so far not sent back this Bill to look for the genealogy of this Bill so I can recommend its total repeal but the Democratic Labour Party in 1960 passed a bit of legislation in this House called the Limitation of Remedies Bill, taking away from every Barbadian citizen the right to sue HARP, the Gerry Bull and crowd to get an injunction against them when they were letting go a gun and destroying peoples' houses.

Now, the hon. member says that it is foolishness. I will give you the Bill, Sir, because it is necessary sometimes to deal with these matters.

Mr. CHAIRMAN: The hon. member said that that was foolish legislation at the time. If he were there it would not have gone through.

Hon. H. deB. FORDE: It is the Limitation of Remedies (Scientific and Research Projects) Act, Chapter 207. Barbadians really sometimes have short memories and very often you have to keep cool and reply to these matters because it was passed for the first time in 1965 and it became law on the 16th December, 1965, the Limitation of Remedies (Scientific and Research Projects) Act.

The real import of that Bill was to give Mr. Gerry Bull and the HARP Project, people like Carlton Brathwaite and crowd carte blanche in this country to let off guns destroying peoples' houses. You could see the walls of your house cracking and you could not go to the Courts of Barbados to get an injunction against them.

Now, Sir, I have advised the Cabinet and they have accepted it. We have struck out the United States Naval Facility, the Grace Institute, McGill's University High Altitude which was HARP, the Bellair Institute of Marine Biology and all of those and I have asked the civil servants to trace the genealogy of this Bill so that we can repeal the Bill *in toto*.

Now, in my view, they had put in the Soil Conservation Board that was unnecessary because you cannot get an injunction against the Crown so you will only leave two people.

So in 1965, that so-called great political party, saw fit to restrict the fundamental rights and remedies which existed in the Constitution of the citizens of Barbados at the time. (ASIDES) The hon. member can talk, Sir, but I will put the point because I really want to put the point. When I tried to trace in my Ministry the file the only thing they could get was a Cabinet Minute because it was done high as a result of the Rt. Hon. member for St. John bringing it. We cannot find a file. I found in the Attorney General's Office about three pages of the Bill and that is about all. No proper genealogy of the Bill was found. That is how they cared about fundamental rights in 1965.

The hon. member was, I think, was still serving Barbados overseas at that time so he would not know the fight that we put up in Opposition, the Hon. Prime Minister, the Deputy Prime Minister, myself, Mr. Freddie Miller, Mr. Erskine Ward who was advising the Barbados National Party, Mr. Jack Dear and Mr. Mottley to fight for even the basic fundamental rights in the form in which they appeared in this Constitution.
11.30 a.m.

People forget history very quickly and sometimes you have to repeat it here because you would get some screaming statement put out as only part of the debate in this Honourable House that the Opposition does this and the Opposition lashes at this and the Opposition said this. An Opposition which has a history of curtailing and abridging the fundamental rights by legislation. That is a fact. That was the personal attention of the then Minister, Premier of the country in 1965. The most scandalous bit of legislation ever passed on the Statute Book. I have cut down almost all of it and I am going to try to get it repealed before this Session finishes, if I could get my civil servants to unearth and bring something, Sir. That is the position

and then it passed in 1966, the Constitution saving existing laws. I have spoken in this Honourable House on this before, so when the hon. member gets in here and suggests that when you are improving the climate for political broadcasts that you give some protection to operation of stations, or to commissions, a thing that is done, as far as I know in most of the civilised countries where political broadcasts are allowed.

If you look at the Canadian legislation, you will see similar provision. Then, you hear that there is a curtailment of fundamental rights. It sounds good, but when you examine it, Sir, for what it is worth you realise that there is not much to the point. In my view, if you are going to make it obligatory on operators to transmit a proposed step, you will have to give them some protection, by way of indemnity, or by way of saving them harmless of prosecution in one way, or another and that is all the amendment seeks to do. In this respect, it follows legislation in other parts of the Commonwealth including Canada, but what it does not do is that it does not prevent you from suing the speaker or writer of the proposed text.

Now, Sir, that is what I think is the purpose of this amendment.

The other point made here, Sir, by the hon. member, I think for St. Michael South, I believe that the Rt. Hon. Prime Minister spoke on the point, but I want to speak on it for a little while. I challenge the hon. member, if the hon. member's Party not the hon. member's personal views because I have personal views as well which are not necessarily my Party's views, I think so should everybody have their personal views, sometimes you go along with consensus, but if the hon. member seriously believes that it is his Party's views that Parties should be given equal time on broadcasting. There must be elections in this country before, I believe it is 2nd January, 1982. I am challenging the hon. member to write that in their Manifesto since they are so certain that they are going to win, just as I challenge them seriously to write in their Manifesto the other point which Senator Connell challenged them on that if they win the Government of the country, they will reduce the seats back to 24.

I know for a fact that when the discussion took place in the Democratic Labour Party on that point and Mr. Frank Walcott sitting around the Committee was asked, when the question was asked as to whether or not when the question was asked if they won if they will reduce it to 24, Mr. Frank Walcott looked at the people and told them that they could only be idiots. I know that for a fact.

Rt. Hon. E. W. BARROW: Mr. Chairman, I rise to reply to the Honourable Member because he mentioned

my name erroneously and out of context. Now, he is telling us what he knows for a fact took place in the Council for the Democratic Labour Party. (ASIDES) I am on a point of order. I am not going to allow the Honourable Member to get away with that. No such meeting and no such discussion ever took place. Mr. Frank Walcott has not attended a meeting of the Executive Council of the Democratic Labour Party for a period of two years.

Certain remarks made by the Honourable Member for Christ Church West and the Rt. Hon. Member for St. John were ordered to be expunged from the Record by Mr. CHAIRMAN.

Hon. H. deB. FORDE: People who begin to throw stones must be prepared to take some of the stones thrown back at them and there is no way that I am going to have any insults from the Rt. Hon. Member unless I deal with him, I have dealt with his family all the time.

Mr. CHAIRMAN: As long as this Chairman is in the Chair, no Honourable Member will be insulting any other Honourable Member. I will ask the Honourable Attorney General to continue the winding up of this debate.

Hon. H. deB. FORDE: I was making the point, Sir that the Democratic Labour Party, their policy on this issue is one in which they are seeking to fool the people because it is a fact that at their meetings, at their Headquarters the question was raised as to whether they won the Government would they then restrict the number of constituencies to 24 and the asker of the question was told that he is a political infant.

11.40 p.m.

The hon. member could jump up and make all the derogatory remarks he likes, but that is a fact, and I challenge him. Put it in your Manifesto, if you are being fair. Put it in your Manifesto that you are going to reduce the number of seats to 24 again if you win, and we will see how serious you are. You get around and talk a lot of foolishness, but when it comes to a matter such as this, there is a difference between political posing and seriousness about matters such as this. (ASIDE).

Mr. CHAIRMAN: I must ask the hon. member for St. James who I do not see in his place, but I can hear his voice and it can be a bit of a nuisance. Please continue.

Hon. H. deB. FORDE: I am saying, Sir, that one must look at what are the arguments here, that in the 15 years of Democratic Labour Party rule, 15 years that we have had the experience of dealing with it, never once has the Democratic Labour Party when in power allowed equal political time to the political parties which were in Opposition, or to a political party in

Opposition, even when they were represented in the House. There was a time when represented in the House was the Barbados National Party and the Barbados Labour Party. Together we were not allowed equal time with the Democratic Labour Party. There was a time when we alone were represented in the House, the Barbados Labour Party – Democratic Labour Party, we were never allowed equal time, and we have had elections where there has been another political party not represented in the House, they were not allowed political time, and that is why the member for St. Michael South, with whom I can always carry on a debate without hearing insulting unnecessary language, because the man has some decency, unlike other persons I know, and could keep a debate to a certain level, and though they believe that they are more sanctimonious than other people, the point remains that in the circumstances they, even at that time, could not possibly agree to equal time.

All I am saying is that if they are serious about this for the future, then submit it as a matter that should bind whichever political party has it in its Manifesto if it is returned, but one has seen the somersaults of the Democratic Labour Party in the last four years and they are on the trail of using the same chicanery as they have used before in an effort to persuade people that they are devoted to certain principles, principles which they are the first to jettison whenever the people may make the mistake of returning them as the Government of the country. That is why I cannot take their arguments here seriously on any of those points that they have mentioned in the debate, and in those circumstances I again ask you to put the question which was moved at the opening of this clause.

Rt. Hon. E. W. BARROW: Mr. Chairman,.....

Mr. CHAIRMAN: On what do you rise?

Rt. Hon. E. W. BARROW: I have not spoken yet.

Mr. CHAIRMAN: The hon. member has come in here late after the Minister was called upon to wind up on clause 4. You cannot now speak on clause 4.

Rt. Hon. E. W. BARROW: This is not a second reading, Sir.

Mr. CHAIRMAN: The hon. member cannot now address his remarks to clause 4.

Rt. Hon. E. W. BARROW: I am on a point of elucidation, because the Minister called my name.

Mr. CHAIRMAN: Elucidation of something you have said?

Rt. Hon. E. W. BARROW: Not something I have said, something the Minister has said.

Mr. CHAIRMAN: No, that is out of order.

Rt. Hon. E. W. BARROW: Under what order is it out of order?

Mr. CHAIRMAN: That is my ruling.

Rt. Hon. E. W. BARROW: You mean regardless of the Standing Orders.

Mr. CHAIRMAN: The hon. member must take his seat. Be seated.

Rt. Hon. E. W. BARROW: Have you called clause 5, Sir?

Mr. CHAIRMAN: Why don't you.....

Rt. Hon. E. W. BARROW: You are in the Chair, Sir, and I am entitled to ask the Chairman whether he has called a certain clause. Is that unparliamentary?

Mr. CHAIRMAN: Please take your seat.

Rt. Hon. E. W. BARROW: I will advise that you take the Standing Orders and have a good look at them.

Mr. CHAIRMAN: Please take your seat. You cannot now speak on clause 4. Please be seated. Try and find clauses 5, 6, 7, 8 and 9 and an area on which you can debate.

The question that clause 4 with amendments stand part was put and resolved in the affirmative without division.

Clause 5 was called.

Hon. H. deB. FORDE: Sir, in dealing with clause 5, this clause seeks to implement the recommendation of the Commission as contained in paragraph 76 of the Commissioner's Report, and this is what it says:

"As regards the disqualification for membership of the House of Assembly described in section 44(1), the Commission came to the conclusion and so recommends that paragraph (c) of the subsection should be deleted on the grounds that having committed a crime and have been convicted of it, and having paid the penalty imposed by the law, the crime has been expiated, and the person should not be punished further by being disqualified from contesting a seat."

It goes on to say:

"The provision relating to crimes involving dishonesty, whereas any other crime, manslaughter or

any other crime involving irresponsibility, did not disqualify a person from contesting a seat. The Commission having examined the current provisions for the resignation of a seat by a member of the House of Assembly came to the conclusion that it was unreasonably complicated."

Then they go on to deal with 45(1)(b), so that this provision seeks to implement therefore the recommendation contained in 44(1)(c) and as set out in the Commission's Report.

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

Rt. Hon. E. W. BARROW: Mr. Chairman, I am speaking on clause 5, dealing with section 44 of the Constitution, and I intend to deal with it in detail because I did not have an opportunity to make an intervention, due to my absence out of the country, on this matter before, and I think it is important that I should make an intervention, and I am not going to make any apologies for anything that I say.

Section 44 of the Constitution deals with disqualification from being elected as a member of the House of Assembly of Barbados. It is a section which appears in the Constitution, as far as I can remember, certainly at the time the Constitution was drafted, in every single Commonwealth country.

Hon. H. deB. FORDE: On a point of elucidation. For the benefit of the hon. member, that section was put in in 1974 (1974-34).

Rt. Hon. E. W. BARROW: I beg your pardon, Sir, dealing with the qualifications for members, this section was always part of the law of Barbados, and let me deal with it as it stands now.
11.50 a.m.

I will go back. I do not want to waste time because I have a limited time, and I will go back and show you systematically where this was always part of the Laws of Barbados. It certainly was part of the Law of Barbados in 1951 when I came in here and it certainly was the Law of Barbados in 1966 when some of the members on the other side first came into this House, and what the section says is that "No person shall be qualified to be elected as a member of the House of Assembly who is by virtue of his own Act under acknowledgement of allegiance, obedience or adherence to a foreign Power." I do not know what has been substituted for that; (b) holds or is acting in the office of a judge, the Director of Public Prosecutions or the Auditor General." We are not bringing judges in here; but let me deal with the offending section, subsection (c) "within the period of ten years immediately preceding the date of his nomination as a candidate for

election to the House of Assembly, has been convicted by a Court of competent jurisdiction of a felony or of any other criminal offence involving dishonesty and who has not appealed against that conviction, or has appealed against that conviction and whose appeal has not been allowed, and has not received a free pardon in respect of the offence."

Three or four weeks ago a gentleman called Mr. Sands was elected to the Parliament of Great Britain. (*Asides*) Not Duncan Sands, Mr. Sands, I said he was elected. He was serving a period of imprisonment, and I believe he is still in prison. As a matter of fact, the latest information I received was that he was on a hunger strike and although he is a member of Parliament and has been duly elected, there was a debate as to whether the political parties, the sitting members of the House of Commons would take steps to challenge his election in the sense that they would disqualify him. As far as I am concerned that would be unconstitutional. The United Kingdom does not have a written constitution and there is certainly nothing in the electoral law of the United Kingdom that a person who has been in prison or is serving a sentence for using a firearm or for being a suspected terrorist or anything else shall be debarred. I cannot remember the offence for which Mr. Sands has been incarcerated. (*Asides*) Mr. Sands is not serving a sentence for murder. This is clearly established, but it was not an offence involving dishonesty, and he has been elected as a member of the House of Commons of Great Britain although he is serving a sentence and he is still in gaol and he is still a member because the House of Commons has not taken any steps to cancel the results of that election or call for a new election. Mr. Sands is on a hunger strike because he wants all the terrorists who have been in prison during the Irish insurrection or whatever you feel like calling it to be treated as political prisoners, and so he has gone on a hunger strike and he has said that the fact that he has been elected does not make any difference.

We are dealing here with the highest legislative tribunal, organisation or whatever you feel like calling it, the highest legislative body in the land. The provision in the Constitution was not to make a man pay a penalty twice as had been suggested by the hon. member for Christ Church West, the Attorney General of this Island, a job which he does not apparently particularly relish and which did not appear particularly to relish him, but that is a matter of opinion, so I am not being unparliamentary. He and the job do not congeal, they are incompatible, they do not coalesce, and that is what he has stated categorically, so I am merely repeating what he has said. I am being very parliamentary with the hon. member who is always unparliamentary with me. They do not gel. He and the job like the Jews and the Samaritans have nothing to do with each other.

Rt. Hon. J. M. G. M. ADAMS: On a point of order.....

Rt. Hon. E. W. BARROW: Are you getting up to agree with me?

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

Rt. Hon. J. M. G. M. ADAMS: I know the hon. member is more at home with Jews and Samaritans than with constitutional law, but I respectfully submit that his entire speech is out of order because it is irrelevant. The situation relating to someone who is in prison is dealt with in subsection (b) and the Government does not propose to repeal any law that says that a convicted felon shall not be a member of the House of Assembly while he is serving his sentence. We are proposing to repeal subsection (c) which says that after he has served the sentence, for ten years after he shall not run for the House of Assembly, what was known in its time as the Eric Sealy Clause. That is what we are proposing to repeal under the section which would cover Mr. Robert Sands, M.P. who I believe is a convicted murderer serving a sentence of life in prison. Maybe it is only treason or felony, but whatever it is, it is a very serious offence and we are not proposing to authorise the Sands, and I submit the hon. member's speech is out of order.

Rt. Hon. E. W. BARROW: All of the remarks which I made are purely introductory.

Mr. CHAIRMAN: You have five more minutes. I will make allowances for the interruption.

Rt. Hon. E. W. BARROW: What we are dealing with at this stage, not the Attorney General now, we are finished with him, is the fact that people have to look up to their legislators and we are not asking a man to serve another sentence for something that he has been in prison for already. What we are saying is that people who have been dishonest have got to work their passage back before they put themselves up as prospective candidates for Parliament. That is all that is said in subsection (c) of Clause 44 of the Constitution. The Attorney General makes a plea for a man who has been convicted. Do you mean to say that I can carry away money from the National Bank today, serve three months or six months and the day after I come out tell the people that I am a fit and proper person to honestly represent them in Parliament? It is very hard to send certain people to gaol in Barbados as you know for first offences particularly. If a man is going to prison he has got to be like the train robber Biggs who got thirty years for carrying away \$2 million, but not for carrying away a few pennies, for dishonesty, robbing old people, that kind of thing.

I do not see anything offensive about the clause as it stands and it is not in perpetuity like how some of the

Reporters were banned from this House for the rest of their lives. This is a thing in which we say after ten years and you have not exhibited any recidivist or atavistic tendencies reverting to your dishonest life, then the people can be satisfied in this country that you are basically an honest person and you had just gone astray for once. Now we are making a great play. I have heard the Prime Minister say that people who have been convicted have served their sentence. I would like to ask the hon. members on the other side one thing: this has often been used in the United States in relation to race. Would you like one of them to marry your daughter? Well if you would not want a man who has been to prison for dishonesty to marry your daughter, you should not ask us to accept him under ten years as a member of the House.

I do not want to say anything more because the Attorney General may misunderstand the kind reference I made to him, having heard about his incompatibility and dislike for the job. That has been evident to all of us on both sides for a very long time, so I just want to reassure him that I am not being personal. It was only what I heard that he said that made me a bit perturbed that the job should be so obnoxious to a man of his high calling.

12.00 noon.

Mr. CHAIRMAN: I take it that your point was to delete paragraph 3, Subsection 1.

Rt. Hon. E. W. BARROW: Yes, that is the gravamen of my discussion here this morning. Thank you very much.

Mr. CHAIRMAN: Any other hon. member wishes to speak on Clause 5 before I ask the Hon. Attorney General to reply.

Hon. H. deB. FORDE: If I may briefly reply, Sir. We are in the process of reforming the Penal Laws of Barbados. One of the recommendations contained in both the Delroy Chuck Report and the Howard Jones Report, both of which Reports have already been laid in this Parliament, is that we need what is called a Rehabilitation of Defenders' Act by which after a person has suffered a penalty and paid that penalty and a reasonable time had elapsed that no longer are his convictions even shown and used for any purposes against him.

In the U.K. in 1975 that law was implemented by the Rehabilitation of Defenders' Act and in most forward-looking Commonwealth countries you will note that similar legislation has been passed including Jamaica and the trend has been not to visit a person twice for an offence once convicted and for which he has been punished.

Now, one of the greatest disabilities of visiting a person twice is by way of disqualifying him from running for public office and the view is held that if such a person runs for public office, then it would be for the people to say whether or not he is suitable to be elected. It is not that you foist such a person on the people. It is that the person is prepared, despite his past, to offer himself up for elections and if the people in their wisdom think that he is qualified to be elected; then not even the great Maguffy, no matter how compatible he may with his obnoxious views could say differently from what the people have said. That is what one must bear in mind.

The hon. member brought this amendment into the House in 1974. Regardless of what he says, the provision did not exist in Barbados Law prior to 1974. Let us go back at the time of the Independence Constitution in 1966, this Constitution. It was not a provision of the law in Barbados either part of the Constitution or part of the ordinary law.

The hon. member will get up to give the impression that it was part of the law. I cannot accuse him of deliberately misleading the House or even himself, Sir, because I do not believe he is even compatible with himself. That is the point, Sir, there is a very known phrase talking about people who are incompatible with themselves and I really do not want to use it, but it is well known by Dr. Mahy and crowd so if you are going to get to that position, people must know that.

The hon. member does not even know that my friend, Mr. Wes Hall, who was then Senator Hall, voted against this provision in the Senate on the very grounds of which I am talking about. He does not know that. He is going to use the excuse of this to pass remarks. I am accustomed to his remarks in the constitutional debates and I have dealt with them and despite his remarks I will again return, Sir. I have dealt with many Barrows, both those that you push and those who try to push other people and in my view, this is the proper amendment to this.

The hon. member should get into the 80's and the 90's. Time has left him far behind. There was a time when you could admire him. I do not believe that the biggest fool these days would admire him in his present state, Sir, in the manner in which he fails to grasp what is happening. Talking about compatibility, his ideas are no longer compatible with anything that is current. He has stopped learning. He has stopped seeing and stopped noting developments.

I am not being offensive to him, Sir. I am only replying to him to explain to him so that he might understand what I was trying to say to give him some guidance. The hon. member on numerous occasions has attacked people and then a little later, in his other

moments, when the moon is in the right phases, he ceases his attacks. That is all I have to say to him now, Sir.

The question that Clause 5 stand part was put and resolved in the affirmative, the House dividing as follows:—

AYES: Mr. HINDS; Rt. Hon. J. M. G. M. ADAMS; Hon. H. B. St. JOHN; Hon. L. S. CRAIG; Hon. H. deB. FORDE; Hon. C. L. BOLDEN; Hon. L. B. BRATHWAITE; Hon. Miss B. A. MILLER; Mr. ALLEYNE; Dr. CHELTENHAM; Mr. SISNETT; Mr. JOHNSON; Mr. WARD; Mr. SIMMONS; Hon. L. R. TULL; and Mr. BRADSHAW — 16.

NOES: Rt. Hon. E. W. BARROW and Mr. SANDIFORD — 2.

Mr. CHAIRMAN: Sixteen hon. members voted "Ayes", two hon. members voted "No". I declare the "Ayes" have it.

Let us get on to Clause 6.
12.10 p.m.

Clauses Six to Nine inclusive were called and passed.

The Schedule was called and passed.

Hon. H. deB. FORDE: Mr. Chairman, I would ask for recommission of Clause Three, Sir. The reason why I am asking for it to be reopened is that yesterday to deal with one point Sir which was raised by the Honourable Member for St. Michael South West in using a form of words of Judicial Review and you would recall, Sir, we spent a very long time on the matter.

The Honourable Member has suggested that what would be the new clause 41E (1) that between the words:

"any member of the Commission or any other member, or authority has performed"

that we use the form of words:

"validly performed"

I am prepared on reflection to take the Honourable Member's suggestion which I think would improve the draft, Sir and it is page 10, Sir and I beg to move that the clause be reopened simply for the purpose of inserting that.

Mr. CHAIRMAN: There is no objection to this being reopened.

Hon. H. deB. FORDE: I beg to move, Sir that the Clause as reopened and amended stands part. The amend-

ment is insert the word "validly" between the word "performed" on page 10 in (b), Sir:

"any member of the Commission, or any other person, or authority has validly performed," "any other function in relation to the work of the Commission."

Hon. C. L. BOLDEN: 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. C. L. BOLDEN, Mr. CHAIRMAN reported the passing of one Bill as amended in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

Hon. H. deB. FORDE: Mr. Speaker, Sir, I beg to move that this Bill be now read a third time.

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

The question was put and resolved in the affirmative, the House dividing as follows:

The Bell was rung.

The following Honourable Members voted aye:

Rt. Hon. J. M. G. M. ADAMS, Hon. H. B. ST. JOHN, Hon. L. S. CRAIG, Hon. H. deB. FORDE, Hon. C. L. BOLDEN, Hon. L. B. BRATHWAITE, Hon. Miss B. A. MILLER, Mr. E. E. ALLEYNE, Dr. R. L. CHELTENHAM, Mr. SISNETT, Mr. JOHNSON, Mr. WARD, Mr. SIMMONS, Hon. L. R. TULL and Mr. BRADSHAW. (16 AYES)

The following Honourable Members voted No:

Rt. Hon. E. W. BARROW, Mr. SANDIFORD, Mr. WEEKES, Mr. TAITT. (4 NOES).

Hon. H. deB. FORDE: Mr. Speaker, Sir, I beg to move that this Bill do now pass and be cited as the Barbados Constitution (Amendment) Act, 1981. In so asking, Mr. Speaker, I ask that a vote be taken to accord with Section 49 of the Constitution.

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

The question was put and resolved in the affirmative the House dividing itself as follows:

Rt. Hon. J. M. G. M. ADAMS, Hon. H. B. ST. JOHN, Hon. L. S. CRAIG, Hon. H. deB. FORDE, Hon. C. L. BOLDEN, Hon. L. B. BRATHWAITE, Hon. Miss B. A. MILLER, Mr. E. E. ALLEYNE, Dr. R. L.

CHELTENHAM, Mr. SISNETT, Mr. JOHNSON, Mr. WARD, Mr. SIMMONS, Hon. L. R. TULL, Mr. BRADSHAW. (16 AYES).

The following Honourable Members voted No:

Rt. Hon. E. W. BARROW, Mr. SANDIFORD, Mr. WEEKES, Mr. TAITT. (4 NOES.)

PAPERS

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, Sir, I am commanded to lay:

The Customs Tariff (Amendment) (No. 6) Order, 1981.
12.20 p.m.

GOVERNMENT NOTICES

Hon. H. deB. FORDE: Mr. Speaker, I beg to give notice of a Bill to amend the Fire Service Act.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to give notice of a Bill to amend certain enactments for the purpose of revoking certain duties and taxes concessions respecting certain Statutory Boards.

BILLS READ A FIRST TIME

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that a Bill to amend the Fire Service Act be now read a first time.

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

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to move that a Bill entitled the Statutory Boards (Revocation of Duty and Tax Concessions) Act, 1981 be now read a first time.

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

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

THE SUGAR WORKERS (PROVIDENT FUND) (AMENDMENT) ACT, 1981

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, in the recent budgetary proposals I indicated the Government's intention of improving the pensions to be paid to retired sugar workers under the Sugar Workers (Provident Fund) Act and it is intended that the pension will be increased from \$5.00 to \$7.50 and the burial benefit from \$100 to \$200.

It is necessary, Sir, to pass this Act as soon as possible so that the workers in question can receive their increased pensions dated back to the 2nd April. The Government is very anxious that these old retired sugar workers should have access to the new benefits at the earliest possible opportunity, and the Act has therefore been brought down with some expedition to enable this to be done.

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

Hon. L. S. CRAIG: Sir, I beg to second that and reserve my right to speak.

Mr. WEEKES: Mr. Speaker, I think it was during the year 1964 that the Provident Fund was introduced into this country; that is approximately 17 years ago. I was fortunate to be involved in it from its inception. In those days the payment was made retroactively, consequently it took a big sum of money and some people were paid in many cases for 15 and 16 years, and therefore you can see the amount of money it took to get the Fund functioning.

Now, Sir, they were then paid \$5.00 a week, 17 years ago. I am trying to point out to the House of Assembly that since then the cost of living has increased and those people who I consider were the backbone of the economy of this country and who rendered dedicated and faithful service as agricultural labourers, that something should have been done to help them. While I agree that they will appreciate the \$2.50, I am saying, Sir, that from 1964 as far as I am aware the price of sugar has been increasing almost annually, and I am wondering if the Government has taken a close look at this Fund so as to find out in future if it is possible to increase the amount, especially when one takes into consideration the high cost of living.

Mr. Speaker, I represent mostly the agricultural sector in my constituency, and I want to say that in many cases these poor people's homes are in deplorable condition.
12.30 p.m.

Many of them do not qualify for national insurance and therefore they are only receiving the old age pension plus this amount. Even now that the old age pension has been increased to \$28 a week, plus the \$7.50 which they will receive, you will see that that is only \$35.50 per week.

Mr. Speaker, I have come to the conclusion that these people should be given old age pension. It is because of the dedicated work which they have rendered in the past. We sometimes think that these people can live on a very small pittance, but Sir, if you check or had the

opportunity to visit their homes, you would then be in a position to see for yourself and to realise the difficulties which they have to surmount.

Now, Sir, we have been getting an increase for sugar annually. I know it may be argued why something was not done for them before, but I repeat, the amount of money it took to get this fund going was a very big sum of money and therefore I would like the Government to state approximately how much money was allocated to this fund for the past five consecutive years and how much money is in the fund. My reason for querying the Government on this important matter is to try to draw attention that the time has come when we should have a new look at the fund and see if it is possible that these people could be paid \$15 or \$20 a week, because I repeat, Sir, most of them do not receive national insurance.

Mr. Speaker, as you are aware, I am on my way out and if rumour is true, this may be my last speech, but what I am saying is that in future Government should have a close look at this fund, see how much money is in the fund, how many sugar workers are being paid and see what can be done to give these people a bigger increase. Mr. Speaker, I am confident that they deserve it because after all they have toiled for all these years in the sun, and in those days we did not have to bring in cane cutters from overseas and these workers carried the burden on their backs. I feel the time has come that something tangible, a substantial amount, should be given to these workers so that they can enjoy a little of what they may have been cheated out of by the plantations and factories in the past. I hope that any new Government which takes on the mantle for running this country in future will give this matter serious consideration and do their utmost to help the sugar workers who in the past have been the backbone of this country.

Dr. HAYNES: Mr. Speaker, I rise to give full support to the plea by my colleague the hon. member for St. Philip South in this matter because I share his view that \$7.50 per week is certainly quite simply not enough in this day and age. However, Mr. Speaker, I feel that it should be generally known that the Cabinet of this country has indeed in principle approved the report of Andrew McGregor and G.B. Heigleberg which I will make a document of this House, and part of that report relates to the future of the sugar workers' provident fund. Indeed, Sir, as far as I can see the recommendation on page 4 of that report reads as follows:

"For the next few years the Sugar Workers' Provident Fund levy should be retained with the size of the levy in any one year approximately reflecting payment requirements allowing for a degree of inflation indexation in pensions. Eventually the financial need for the fund will be come so small that the retention of the

levy will not be administratively justified at which point the scheme can be absorbed by national insurance.”
12.40 p.m.

In other words, Mr. Speaker, it seems to me that the general policy of the present Administration is to run down the fund and hope that in due course it will be absorbed by the National Insurance Scheme and we would like to know whether or not this is a specific levy on behalf of the sugar workers in Barbados, whether they can expect a continuation of this, in what form would it continue or whether it is the policy of the Government by the process of attrition, so to speak, to permit the funds to reach a stage where it would be taken over by the National Insurance Fund and people would no longer get anything from the Sugar Workers' Provident Fund.

Now, Mr. Speaker, this is a serious matter. It is a serious matter because this Government, the Government of this country has given approval to proposals which essentially deprive the workers in the sugar industry and many of the small farmers in Barbados of what has been accumulated on their behalf over the years under the various levy systems.

I, too, will make this a document of the House. This is a letter from the Ministry of Finance and Planning, Government of Barbados, Government Headquarters, Bay Street, Barbados, Ref: 7003/13/Vol: 2, dated September, 23, 1980. It is captioned, Sir, Reform of the Sugar Levy System.

“I am directed to inform you that the Minister of Finance and Planning has received a Memorandum entitled “Reform of the Levy System and allocation of accumulated funds from the Consultants on the Sugar Industry Study. A copy of that Memorandum is attached hereto.

The Memorandum examines the various Sugar Levies, their effectiveness and use and recommends:

- (a) The abolition of the existing Sugar Levies, namely, Capital Rehabilitation Reserve Fund, the Price Stabilisation Reserve Fund, The Labour Welfare Fund and the Sugar Export Levy.
- (b) The retention for the time being of the Sugar Workers' Provident Fund.
- (c) Conditional on (a) and (b) above, the imposition of a 1% cess on Ex-Factory sugar, molasses and bagasse proceeds to finance in this wide research and development and,

(d) The allocation of the accumulated Levy Funds of \$24.5 million among various activities and,

(e) Mechanisms for:

1. The Management of the Research and Development Funds accruing from the imposition of the 1% cess; and
2. The Management of Funds allocated to the Sugar Industry for capital investment.”

Now, Sir, the Cabinet considered the above-mentioned Memorandum and concluded that the Capital Rehabilitation Reserve Fund Levy, the Price Stabilisation Levy and the Labour Welfare Levy should be abolished, that the Sugar Export Levy appropriately amended should be retained, that a cess of 1.2% should be imposed on the ex-factory proceeds of sugar, molasses and bagasse and that legislation giving effect to this proposal should be prepared.

The resources derived from the imposition of the cess be mainly used to finance research and development in the sugar industry. The resources derived from the cess be managed by a Committee called The Sugar Research and Development Committee. The accumulated Levy Funds should be allocated to the uses set out in the Memorandum attached to the Cabinet Paper.

The Management of the divestment and allocation of these accumulated Levy Funds should be entrusted to an Investment Committee composed of the Director of Finance and Planning and the Manager of the Agricultural Division of the Barbados National Bank”..... and it goes on.

Quite clearly, Mr. Speaker, a major change in respect of the entire Levy system relating to the Sugar Industry is being contemplated. When one looks at the document which is attached here, you will find that the vast majority of this money which must represent a major contribution by the sugar workers of this country and the small farmers of Barbados, that the vast majority of this money would be taken away from these people and be allocated to the Barbados Sugar Factories Limited in the form of providing working and equity capital and otherwise for those people because it is ridiculous where you have a massive investment of this kind and you take up small amounts of money on behalf of a large number of small people, their investment is like a drop in the ocean and all you are doing is taking up their money and providing working capital for people already enjoying now and have enjoyed down the years all sorts of tax and other.....

Mr. SPEAKER: Is the hon. member not reflecting on a vote of this Honourable House?

Dr. HAYNES: Not to my knowledge, Sir. I do not think that this matter has come before Parliament yet. The overall changes have not come before this Honourable House, as far as I am aware, Sir, but the point I am trying to make, Sir, is that I think the opportunity arises now to have a further look at what can be done for the sugar workers in Barbados, particularly those who have retired and spent their entire lives in the sugar industry because I believe that at a time when this major restructuring of the Levy System is taking place that an opportunity should be taken to put some of that money, a considerable amount of that money available to those people who have contributed over the years to the accumulated fund.

Now, some time ago, Sir, I mentioned that the amount of money that so far had been accumulated was somewhere in the region of \$31 million of which some \$24 million was available for disbursement and another \$6 million had been so absorbed that it would cause budgetary problems in order to make it available for the purposes of the re-organization according to the Report.

Now, Sir, we are talking of a sum of \$24 million. The question is, to whom does that money belong? It is my feeling that inherent in these proposals is a serious anti-labour bias.
12.50 p.m.

That anti Labour bias resides in the fact that because of the existence of the various levies that whenever the Barbados Workers' Union has negotiated wages for the sugar workers, the contribution which the workers would have been making over the years would have been taken into account in respect of the wages settlements that would have been made from time to time in the past and far from any attempt to run down the Provident Fund, I believe that a substantial proportion of that \$24 million should be allocated to the Fund to make sure that the workers would not merely get a \$2.50 increase but would be getting the kind of \$15 or \$20 that the Honourable Member for St. Philip South has been talking about. It is a matter of philosophy and it is a matter of social justice that if you are going to take up.....

Rt. Hon. J. M. G. M. ADAMS: Sir, if the Honourable Member would perhaps let me elucidate. The point about the Provident Fund is that the use of the word "Fund" is advisory. I am rising on a point of elucidation, Sir.

The amount that is paid out by the Provident Fund is equal to the amount that is paid in. It is not a fund in existence whose interest is used to support people. The Provident Fund is just a term used for the money which

is collected and which is then paid out and you levy. You decide how much you want to pay out every year and you then levy upon the plantations to support that amount and it is therefore irrelevant to any accumulated funds relating to capital rehabilitation, or labour welfare. It is not a fund of that sort. The Provident Fund as such is not going to be accumulated funds. If you want the Provident Fund to go to \$15, you put a levy in the production of sugar of say 10%, 20% probably the price of sugar will go up by a certain amount, the price of sugar would go up by 60 cents a pound or whatever and you pay out the \$15, but there is no accumulated money which goes into the Provident Fund. Every year, you multiply the number of beneficiaries by the amount you want to give them, divide the sugar by that and charge accordingly. It is not something in which accumulated funds can be used.

Mr. SPEAKER: Please, Mr. Prime Minister, I have listened to what you term an elucidation. In my view, it is not it is a new speech. The point I want to make is this. What the Honourable Member for St. Michael South Central is now debating is in reply to a speech formerly made in here by you, Mr. Prime Minister, at the time of the settlement of the dispute with the Workers' Union as I recall and he is talking about his memory serving him. My memory serves me that we had that debate in this Honourable House and the Honourable Member is reflecting on the decision already taken in this Honourable House about the division of that money.

Rt. Hon. J. M. G. M. ADAMS: The Honourable Member is also replying to the letter which my Ministry wrote to the Barbados Workers' Union, Sir, and which amuses me very much.

Dr. HAYNES: Mr. Speaker, right at the beginning of my speech, I read out a paragraph from this document which made it quite clear that it is anticipated that the input into the Provident Fund would be approximately what the output would be as recommended here bearing in mind what they call allowing for a degree of inflation indexation. They are the words used in the report, so I am not being enlightened in any way by the position taken by the Honourable Member. What I am saying is that among the other levy that there is \$24 million available for disposition and among that \$24 million that there could be an arrangement where that particular Fund could be augmented to a level that would give a higher pension for the sugar workers.

Let me give you an example, Sir. That Fund would be used to purchase small holder equity in Barbados Sugar Factories Ltd.; it would be used for an ADC pilot mechanisation scheme; it would be used for financing of small holder mechanisation, small amounts these are; it would be used for sugar industry and research development; it would be used up to \$13.6 million for sugar

industry capital investment; it would be used for the carry over stock financing; it would be used for a sugar policy research unit; it would be used for other purposes. The point I am making is that you can include a specific amount of that \$24 million and perhaps of the additional \$6 million when it becomes possible to do so in the future when you are not faced with the same budgetary restraint, in order to augment that Provident Fund in order to give a better pension to the sugar workers in this country because just as these various components mentioned here, these areas of activity in the sugar industry, as they have made their contribution, I would say that an industry that is as heavy labour intensive almost totally labour intensive as the sugar industry in this country that part of that \$24 million must belong to those people, who over the years have laboured and who have struggled to make the sugar industry what it has been and if the money is to be dispersed in this way, I believe that they have a claim and if that claim is satisfied, then I think that it would be possible to augment the amount of money in this Fund, or restructure the Fund in such a way that it is not only dependent on the levy made in respect of any given year and therefore you levy that amount and you also have an interest generated accumulated sum within that Fund that will continue for the sugar workers from year to year.

I say this that it would be quite possible to do this because if you look at the average age of the sugar workers in Barbados that you will probably find that if you can put an amount of money in a trust arrangement for the sugar workers that with a diminishing number of people you will be able to from the interest generated from that you will be able to augment the amount of money that you can pay them over and above what specific levy you pay them in any given year. My case Mr. Speaker rests simply on the facts that there is \$31 million accumulated there and that the workers, the people who sweat on the plantations of this country that they have a right to a share of that money and the best way as I see it at the moment to make sure that they participate in this is to use part of it to augment pensions that they will get over and above the \$7.50 a week. The money is there, it is a question of a philosophical outlook. It is a question of whether or not you believe that the workers in this country are part and parcel of the productive force and have contributed to the capital accumulation in the sugar industry in Barbados.

1.00 p.m.

I think that social justice demands that when you look at that \$31 million that the first charge on that should be our grandmothers, or grandfathers, those people whose back have been broken by arthritis down the years, who have sweated for many a year in the canefields of this country, and you say X amount is attributable to labour, let labour get its portion. When you have decided that labour gets its portion, you then decide in what way

you can utilise that portion to make sure that you get not only immediate but also historic benefits for those who have been involved in the sugar industry and who are still alive.

My plea to the Government is to take another look at this Cabinet decision in relation to the allocation of these funds. I am begging them to recognise that in those days people had to cut the canes, load the canes, they very often had to push the carts along with the cows, horses, donkeys, mules, whatever you like, they were not only doing what they are doing now, but they were part of the total energy factor involved in the sugar industry of this country, and there is a certain duty that you have to people. It is a matter of conscience. You cannot have \$31 million sitting down there and then allocate it in the way in which you have allocated it, with a serious anti-labour bias, and also a major bias against the small type of farmer in Barbados who also has made a major contribution to this country.

I am the product of a small land owner and I know how he sweated. I had to sweat with him. I know exactly what that cash crop meant each year in respect of my school fees, or in respect of clothes, or shoes to go to school. I have lived in agricultural districts and I know the extent, I can still hear the bells ringing in the morning — Rose Hill, Cottage, Moonshine — one after the other, and see them with their bent backs going down into the fields of this country, and this money represents their contribution. They have as much money among that \$31 million as any plantation owner in Barbados, and I intend to make a public issue out of it and will make sure that Government recognises its responsibility and takes some of that money and make it available. I think the best way to make it available is to augment that Fund, put some money in there for those people who have sweated over the years. The money is there you have no problems with finding the money, therefore instead of giving it to one sector, giving it lock, stock and barrel almost entirely to one sector of the industry, give some of it to the people who have contributed to the sugar industry in Barbados.

That is my final plea, and I think it is a legitimate plea, Sir, when you are considering a Fund which those on that side far from seeing it being augmented in the future they are seeing it being eroded by the fact and because they know that many of those people will die in penury and they will gradually disappear from the face of this earth through the process of poverty, disease and death. That is the attitude they are taking, that the people will die out and therefore the Fund will no longer be an important part of the levy system in this country.

Therefore, Mr. Speaker, my final plea to the Government is that they should reject the recommendations of Andrew McGregor and G. B. Heigleberg, that Cabinet should once again have a close look at its

approval of these recommendations and should examine whether or not the recommendations which I have made in respect of some allocation of some of those funds to some sort of augmented pension scheme for the sugar workers of Barbados, whether that is not a reasonable submission. Thank you very much, Mr. Speaker.

Mr. SANDIFORD: My contribution will not be a long one, Mr. Speaker. This is a Bill to amend the Sugar Workers (Provident Fund) Act, and we are proposing to make some changes in this Bill. The Provident Fund of course has been used, as my two colleagues who have spoken so eloquently on this matter and with such deep feeling have pointed out, it has been used for the purpose of assisting the workers who have contributed to the sugar industry.

I would like to ask, or call upon the Government to make a statement in relation to the difficulties being encountered by sugar workers in the reaping of the sugar crop, and in particular in relation to the migrant workers from St. Vincent who have been brought to this country but who have experienced some considerable problems, according to reports. It appears that something went wrong with the arrangements for the reception of these workers who had been eagerly recruited to harvest this year's sugar crop along with the Barbadian workers. I do not know what is the responsibility of the Government in this matter. It is being noised abroad that these workers were supposed to have been met at a reception centre at the Baggage Warehouse, but that because of some instruction from the Ministry of Defence, or whatever Government Ministry was involved, that that centre could no longer be used as the reception point for the workers, that there was a complete breakdown in communication, and it is being suggested that the Government has been silent on this because they have a measure of responsibility for part of the confusion.

I am calling upon the Government, and this is an appropriate opportunity. We are dealing with sugar workers, we are dealing with the Provident Fund, we are dealing with the welfare of workers, and it cannot be seen that we should be callous in this country about the treatment of sugar workers, whether they are local workers or whether they are guest workers from other countries. I know, Mr. Speaker, you have given a certain latitude and I will not.....

Mr. SPEAKER: Because the Bill before the House deals with retired sugar workers.
1.10 p.m.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I will deal with both members' points. It is very difficult to reply to a speech such as that made by the hon. member for St. Michael South Central which obviously is such a worthy subject, which is the condition of retired sugar workers,

and it is also very difficult sometimes to reply to an emotional speech made on behalf of a worthy object when the answers tend to be mechanical, economic and non-emotional, but I have to attempt to make such a reply because without in any way compromising the quality of the arguments of the hon. member, the conclusion which he asks the Government to draw, the actions which he asks us to take are not suitable for objects on behalf of which he is appealing.

The Sugar Workers' Provident Fund predates national insurance and precisely because of the hard conditions of sugar labour and the very adverse circumstances in which sugar workers had to work all the years while they were assisting in the capital accumulation of the sugar plantations and indeed of the Government, the sugar workers' provident fund scheme was retained and kept in existence in addition to the national insurance scheme, so that it is the only pension coming from a Government source which can be drawn in addition to national insurance.

Perhaps it is not generally known, but over the long term we are phasing out the drawing of national insurance pensions by civil servants. This decision was taken by the previous Government. Contributory pensions cannot be drawn at the same time as non-contributory pensions, but retired sugar workers are allowed to draw the provident fund pension in addition to the national insurance pension so they are in that respect better off than other retirees in Barbados. They can draw, very few of them would be in a position now to do this, but they can also draw the old age pension if they do not qualify for an ordinary national insurance pension; so that is a benefit which retired sugar workers have over and above retiring benefits accorded to other persons on reaching the age of 65 in Barbados. The present Government is not claiming any responsibility for that; it is in effect the responsibility of the previous Government and that to some extent answers a great deal of argument put forward by the hon. member for St. Michael South Central that the peculiar contribution to sugar workers has been recognised by the continuance in existence of the fund to give sugar workers a larger pension than other workers will get. That is the first point to be made.

The \$7.50 a week which sugar workers get is a supplement over and above any national insurance pension which they draw or in the case of the few that do not have a national insurance pension over and above the old age pension. In parenthesis I would say to the hon. member for St. Philip South that what he is really talking about is the inadequacy of the level of pensions. He is not really talking on principle at all. He is saying that pensioners should have more. With this the Government agrees. The Government will soon become just the Barbados Labour Party for a few weeks while it campaigns to resume the reins of office and after resuming the reins of office we

will make good a pledge which is going to be in our manifesto which will cover the whole area of pensions, because we intend to transform the national insurance scheme into a full social security scheme; so we would not be talking about old age pensions of \$28 and national insurance of \$33, we will be announcing as a political party our aim to improve the level of retiring benefits for everybody and to do away with some of the difficulties which have beset pensions over the last few years.

Also in parenthesis I will mention that instructions have been given that there can be no question while the Government is reviewing the entire area of old age pensions and national insurance pensions, reviewing the structure, there can be no question of taking away any old age pension cards and those persons who have been visited by Welfare Officers in the last few months motivated for whatever reasons close to election time to embarrass old age pensioners, need have no further fear of being visited. All these arguments about taking away pension cards, a moratorium has been declared on such activity which in any case was carried on without the knowledge of any Minister or of the Cabinet. A moratorium has been declared on such activity while the Government rethinks....(A VOICE: What about restoration?) Some of them have already been restored.... Since they have been talking about taking away, the members of the Opposition, we had already initiated action to restore them, but anyhow, not all members of the Opposition are as up to date with obtaining documents from Government sources as the hon. member for St. Michael South Central. But to get back to the economic side of the argument, the hon. member is approbating and reprobating in nearly every aspect of the argument he put forward.

First of all he says it is \$31 million, then he admits it is only \$24 million, but then when he comes to wind up in his peroration he says \$31 million should be available.

Dr. HAYNES: On a point of elucidation, there is \$24 million immediately available, but the total accumulated amount is \$31 million.

Rt. Hon. J. M. G. M. ADAMS: Does the hon. member think in some way that we will sell the houses that have been built out of Labour Welfare Funds to get back the money now? Does the hon. member think that the Capital Rehabilitation Fund which owes the Sugar Producers Association something like \$10 million....if he reads the documents carefully he will realise that far from taking the workers' money and giving it to the employers, we have taken the employers' money and used it to build houses for the workers, so that the Labour Welfare Fund has been used to build the Pine Housing Area, in the time of the Barbados Labour Party, Gall Hill Housing Area,

Grazettes Housing Area while still owing the Sugar Producers' Association \$10 million in respect of short falls in the Capital Rehabilitation Fund. Virtually everything that has been argued by the Barbados Workers' Union and now by the hon. member is an exact reversal of the true state of affairs. We have taken the Sugar Producers Association's money and used it to build the housing areas, and we are not proposing to take anything out of the remaining \$24 million to put back into the Capital Rehabilitation Fund for the Sugar Producers' Association to get. That \$10 million will just have to be sacrificed in the interest of past progress in Barbados.

It is always possible to try to blind people with false facts and give wrong impressions, and I much regret that this has been done in this case. Even the \$24 million is not \$24 million somewhere. \$9 million or \$10 million, maybe a bit more of it is in the Export Levy Fund. Out of that, money was used to give International Seafoods, money we have to write off. We cannot get back that money to give the old age pensioners, and yet the money that was used to give International Seafoods could have doubled the Provident Fund for one year. They could have got \$10 a week if they had had that money from International Seafoods, a decision in which Frank Walcott concurred and the Government promoted, the then Minister of Finance sitting over there as Leader of the Opposition. It was during his regime that International Seafoods got the money.

Now I really did not come in here today to have any argument of a political nature, but if political points are being made, it is only fair to point out that over the years successive Government actually took money out of the fund to build houses not for sugar workers. Very few sugar workers I would guess live in the Pine Housing Area; very few live in Grazettes.
1.20 p.m.

The money was used for general purposes in Barbados, so to speak, of an accumulation of \$31 million which, in fact, is only \$24 million, out of which technically the Sugar Producers should say that \$10 million should still be in the Capital Rehabilitation Fund. To speak of that is very misleading but they are political points to some extent.

The real point is a purely economic point, the point the hon. member has made and the answer to it is that you do not take capital to try to turn it into current expenditure. The entire \$24 million, if invested at Barclay's Bank, invested in the ordinary way, would bring in enough, perhaps, to pay the \$7.50 a week. It is capital. It is not current. To leave it as a Fund would be a very wasteful way. It would go into Barclay's Bank where some of it now is and be used to lend people to buy motor-cars and hi-fi equipment. It would not be invested.

The money would not be invested either in producing a stake in the sugar industry for the people in the Island, which is all we are doing when we take the Sugar Producers' own money and use it to buy shares in the sugar factories. That is all we are doing. Taking their own money and using it to buy a piece of their business. It would not be then available for the same Sugar Factories Limited to carry on its scheme for peasant owners.

It would not be available to promote the trucking scheme for trucking small farmers' canes which impinges upon the point made by the hon. member for St. Michael South. It would be at the disposition of the Banks or whatever institution you put your money in to get your incomes.

The whole point of the hon. member is that he seems to have misunderstood although he read it out and said he understood it, clearly his arguments suggest that he has not fully grasped it. The Provident Fund is a current fund. Every year the Sugar Producers, not the workers, the Sugar Producers themselves have to pay the pension. It is the only Pension Scheme in Barbados, other than Government's Pensions for Civil Servants where the employers handle the entire cost and it is in fact a cheaper way for the economy to do it.

Now, I put to the Sugar Producers that we could perhaps fund some of the money for the Provident workers. I will tell you this, Mr. Speaker, that would have been cheaper for the Sugar Producers. It would have been cheaper because it would have relieved them of paying the increased contribution but in the end the Sugar Producers themselves accepted that they should carry the increased costs of the contribution and therefore this increase is going to be paid by the Sugar Producers every year and the funds would still remain available for productive investment to make the Sugar Industry be able to pay not \$7.50 a week but perhaps \$12.50 a week in less than five years time. That is the difference between capital and current.

If you take up capital and share it out now, the people have it in their hands now, but next year it is no more. That is the whole point and the hon. member is, I think, putting forward some very, very bad economics, if he suggests that levies accumulated for the purpose of increasing the general wealth of the country so that particular classes of persons can have their long-term welfares improved should not be used for increasing the general wealth of the country but should be used for immediate sharing out of a group of persons so that they will get it now and then next year will have none.

I have put it as simply as I possibly can. I know the hon. member understands it. I know that he appreciates it, but he could not think that in 1975 when the

Leader of the Opposition correctly and properly instituted an export levy which the Sugar Producers sought to have removed in the McGregor and Heigleberg Report and which the present Government has refused to remove. He could not think that the Leader of the Opposition had in mind that he would put an export levy on sugar in order to improve the Provident Fund, and the export levy has just a little less than the accumulated levies. He could not think that five years ago that the export levy was put on purely for the Provident Fund.

We have a cheaper way, more expensive to the Sugar Producers, of improving the Provident Fund which is to make them pay debentures and that is exactly what we are doing and all of the emotional arguments put forward for electoral purposes, put forward to the burning of canes, that is what they tend to in the fullness of time, because these arguments are put forward to make people feel dissatisfied and to feel hostile to the very industry that makes it possible for the pensions to be paid.

It is the Sugar Industry itself that is paying the pensions. If you make the people feel that they are being robbed in some way, you are only encouraging them to burn down the very canes that help put the money in their pockets at the end of the year. When you tell people that they must not cut canes, let the white people go and cut them, you are telling the sugar workers that they must not get the Sugar Provident Fund Pension anymore.

If there is no more Sugar Industry in Barbados, the Sugar Provident Fund Pension cannot be paid. This is the whole point. The Provident Fund Pensions are paid out of the continued proceeds of the Sugar Industry. They are paid by every blade of cane that is cut green in this country and trying to undermine the general fabric of society for electoral purposes is the most certain and sure way of taking Barbados down the road that some other countries unfortunately have, to their cost, gone through in the 1970's.

As far as the hon. member for St. Michael South is concerned he asked about difficulties with the reaping of the crop. We are in a situation in Barbados where there is a labour shortage. The Government permitted the importation of over 1,000 workers from St. Lucia and St. Vincent in 1973 and 1974. We have only allowed a few hundred now in deference to the Barbados Workers' Union. There is a labour shortage despite the very good wages. There is also a shortage of trucking. Part of the accumulated levy fund will be used to assist persons who wish to go into the business of equipment hire and in trucking. We will help people to buy a truck on very convenient terms so

as to improve the number of trucks available to peasant holders for the movement of their canes.

The Ministry of Agriculture gives every encouragement to the small holders to get their canes cut but when the estate canes are burned, the estates ask their labourers to cut those canes first and generally speaking the labourers prefer to do it because they feel they share more adequately in the estate system of bonuses and so on than they make with small holders. The more burning, the more difficult it is to organise your labour to allow small holders to get their canes cut.

I will tell you something else too, Sir. It is the wicked indiscriminate burning that is leading to some of the small holder difficulties. I had a list today of the recent cane fires. There have not been very many recently, Sir, but I notice that small holder canes if you look at the cane fires on the 16th and 17th, a ¼ acre of plant canes at Drax Hall, but peasants in Gilkes Village, St. Lucy lost their canes. Now, when we have reached the stage where you burn down peasant canes in Gilkes Village, you understand how much mischief is abroad in the country. It really encourages you to believe that wicked people from in Bridgetown who go to the meetings and who hear all these things decide to go and drive down St. Lucy where they do not know whose canes they are burning, and they see a field of canes and they burn it. These are the things that happen.

I mean, you look again, Sir. On the 17th of April, Castle Plantation, one acre, Millionaire's Road, peasant canes burn down. Millionaire's Road in your own constituency, peasant canes burnt down, equalled with the Plantation. These are the difficulties. It is obviously going to be difficult for Mr. Worrell and the other people in Ashton Hall to get their canes cut with the expedition which they need. We have to look at all those facts but I do assure the hon. member that the Minister of Agriculture has expressed his concern constantly and he has been telling me that we do not only have to put the scheme for improving the number of trucks in the country into operation for the next cane crop, but you have to find some way of insisting that the people get their canes cut for this crop now and the Ministry of Agriculture, I know is working on ensuring that we do not lose peasant canes any more than anybody else's canes.

As far as the St. Vincent workers are concerned, Sir, the Government really is not taking any responsibility for this. Our responsibilities are to provide immigration services when the Vincentian workers arrive. I do not wish to go over the entire matter which has been canvassed by columnists in the *Nation Newspaper* and the Sugar Producers' Association.

1.30 p.m.

There has not been any difficulty in the past when Vincentian workers arrived by aeroplane, but the St. Vincent Government now has a ship and for some reason it was decided that they would transport the workers on ship. The first delay was occasioned in St. Vincent because workers got on to the boat who had not been approved by the St. Vincent Ministry of Labour and they kept the boat waiting there a very long time for two burning days in the hot sun. They also gave wrong arrival time, the boat did not arrive in Barbados when it was supposed to arrive, so the Immigration Officers went home and so did the people from the Sugar Producers' Association, when they heard that the boat was there, everybody hastened to get the boat cleared, it still had on more people than had been allowed. The Immigration Officers exercising a wide discretion allowed a small excess to come ashore and be assigned to the plantations which had brought them in, I am not really going into that at any great length. It does seem that some people were overcrowded, this gallons of excess found themselves trying to fit into pint pots. That I believe has been solved by some people going back to St. Vincent and by a better distribution of the people concerned.

Yesterday, I spoke to the Prime Minister of St. Vincent and he is sending, he should have arrived this morning, his Chief Labour Officer to Barbados to make a full tour of areas where Vincentians live. This is normally done just as we send our Labour Officer to Florida; to Canada to make inspections. Their officials are coming over and I have instructed that full facilities be given to them to investigate the difficulties which have arisen. There have been television programmes which are being seen in St. Vincent on which the views of everybody are being fully aired, the Sugar Producers, the Vincentian workers themselves. We live in a very small country, Sir, it is very easy to sensationalise a little bit petty infelicities that may already have been cured by the time the sensation arises. Unfortunately, sensation feeds on sensation and somebody who never thought that he was being hard done by will, think that he is being hard done by when he reads in the newspapers how he is suffering. I think that a little of this may be attributed to the continuing condition, but the matter is being fully investigated and it has now reached Government level, Prime Minister to Prime Minister and I have every confidence that with the responsibility and awareness of the Sugar Producers' Association and of the responsible Government on both sides that we will be able to satisfy the Vincentian workers that they are not being exploited and that they are being given every facility that migrant workers deserve in a host country. I can only deplore those elements of sensationalism which have given the impression that there is somehow something wrong with the scheme of the Vincentian workers at the present time.

I admire the public spiritedness of the hon. member for St. Michael South so far from any cane fields and from any migrant workers in raising this matter in the Honourable House of Assembly. Truly, Sir, they say, "any port in a storm" when you wish to make a political point close to election time. I thank the hon. member for raising the point and giving me the opportunity to let the Honourable House know that the two Governments are now concerned about it and have taken steps to see that everything goes perfectly.

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

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

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

On the motion of 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.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, Sir, I beg to move that Clause 2 stands part.

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

Mr. CHAIRMAN: The question.....

Rt. Hon. E. W. BARROW: Mr. Chairman, during the Second Reading when the Rt. Hon. Prime Minister was replying to his Bill, he made some statements which I found rather strange coming from someone who is not supposed to be representative of the conservative plantocracy in this country.

Anyone who pays income tax can say that they are running the Government. In the same way, if the United Kingdom Government in negotiating with the Caribbean Sugar Producers, of the Commonwealth Sugar Producers introduced an Act in 1947 we enacted in Barbados under the name.....

Mr. CHAIRMAN: Which clause?

Rt. Hon. E. W. BARROW: Clause 2.

Mr. CHAIRMAN: Clause 2 dealing with deleting the words five dollars and deleting the words one hundred dollars appearing in the fourth and fifth lines.

Rt. Hon. E. W. BARROW: There is only one substantive Clause in the Bill and that is what I am speaking on, Mr. Chairman, the source of the funds. If you are dealing with money and you are deleting \$5.00 and you are substituting \$7.50, that is all that the Bill is about.

What I am pointing out is that it is not correct to say that the sugar producers are building houses for the people, the Sugar Producers are providing the Provident Fund. I was flabbergasted when I heard those statements being made on the floor of this Honourable House. I am merely pointing out that the sugar industry Price Stabilisation, Rehabilitation and Labour Welfare Act was an agreement and a Law passed in the United Kingdom in 1947. We have discussed that Act here and it is the intention of the Government to repeal that Act. But, you see, there are people who are conservatives say we build roads because we pay the most income tax, we build houses. This money was never any part of the money of the sugar producers because as a condition.....

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation, Sir. I am not quarrelling with the Rt. Hon. Member. I have always when I have put forward that argument try to make it clear and I did try to make it clear that it would be unreasonable to say that it would be as reasonable to say that you took the sugar producers money and built the houses, I never said the sugar producers, I never said the sugar producers built the houses. The levy is a levy on the sugar producers and the Government took the money from the levy of the sugar producers and built the houses, it is not a question of income tax.

Rt. Hon. E. W. BARROW: I wrote down what the Rt. Hon. Member said about five or six times.
1.40 p.m.

The money which was regulated by the three fund Act — the Sugar Industry (Price Stabilisation, Rehabilitation, Labour Welfare Fund) Act — was something which was stipulated by the United Kingdom Government as far back as 1947, and no matter what the price of sugar was, the \$13.20 or £10 or whatever it was, I cannot remember — I do not want to go into the arithmetic now — but it was round about \$13.20. I was in the United Kingdom when this thing was passed. No Government until 1962 took any part in those negotiations. In that sense it was an agreement between the Government of the United Kingdom and the sugar producers of the Commonwealth, particularly the Caribbean sugar producers, but it was stipulated by an Act of Parliament re-enacted here, that this money was

not any payment or donation given by any sugar producers, this was a stipulation that it would be provided by the price which was negotiated, that this money would be available for the benefit of the people in the sugar industry in so far as the producers themselves were concerned, the Rehabilitation Fund. You know, in St. George the peasants call it the horse and cart money, because they regarded themselves as sugar producers. The beneficiaries of this were the sugar producers themselves. *(Aside).*

This is very important. I do not think anybody would say I am irrelevant here. If you are increasing this you must know where the money is coming from, and the Prime Minister said on several occasions it was the sugar producers' money. It was never the sugar producers' money any more than they can claim that income tax is their money. It has never been their money. Why should people try to shut me up on this? It is the most important thing. You can say it is the workers' money, because the workers have produced by the sweat of their brow the sugar, but the point is this, Sir, there was always accommodation made in the Commonwealth Sugar Agreement for these funds by an Act of the United Kingdom Parliament. In 1962 when we came into office we insisted that it was much too important a matter to be negotiated only between Tate and Lyle, a few of their cohorts in the Caribbean, and the United Kingdom Ministry of Food and Agriculture, and we insisted that the Trade Unions and the Governments of the Caribbean should be included in these negotiations. We are dealing principally with the source of the funds and that was all the clause was about.

Mr. CHAIRMAN: But my ruling now is that you are making a second reading presentation.

Rt. Hon. E. W. BARROW: But I am dealing now with the particulars of the clause.

Mr. CHAIRMAN: That is what I want you to deal with.

Rt. Hon. E. W. BARROW: I am dealing with the particulars of the clause. *(Aside).* The hon. member says that none of the funds relate to the Provident Fund, and I am now going to read it; "The Sugar Workers' Provident Fund, an Act to provide for the establishment of a Provident Fund out of which prescribed benefits may be made to sugar workers and for related matters." This is the 1964 Act, amended all the way down to 1975. When the Act was set up no sugar producers were paying this, the sources of the funds were all monies received by the Accountant General by virtue of the Sugar Industry (Provident Fund Levy) Act, which are hereby directed to be paid over to the Account of the Fund such sums as may be from time to time paid out of the Price Stabilisation and the Labour Welfare Fund, and this is what the

hon. member said was the contribution of the sugar producers.

Mr. CHAIRMAN: I must insist that the hon. member's speech, with which I find no fault, is a second reading speech. You are making a second reading speech in Committee. That is what it is.

Rt. Hon. E. W. BARROW: What is a second reading speech?

Mr. CHAIRMAN: Don't ask that. Now, now, now.

Rt. Hon. E. W. BARROW: You are making a statement, so I have to be informed what is a second reading speech.

Mr. CHAIRMAN: You are threatening the Chair. Please take your seat.

Rt. Hon. E. W. BARROW: I am not threatening the Chair, I am asking what is a second reading speech and what is a Committee speech.

Mr. CHAIRMAN: Please take your seat. You cannot question the Chair on this. Please take your seat.

Rt. Hon. E. W. BARROW: So you are protecting the sugar producers too?

Mr. CHAIRMAN: You are out of order.

Dr. HAYNES: Mr. Chairman, I am addressing myself to this section which deals with an increase from \$5.00 to \$7.50, which I consider to be inadequate, bearing in mind....(Mr. BRADSHAW: You said that already). I have not said it in Committee. *(Asides).*

Now, Mr. Chairman, the Hon. Minister of Finance tried to make out that I did not know what I was saying, but he certainly clearly does not take the trouble to look and see what emanates from his own office, and as a background to what I am going to say, this is one of the proposals. This is part of a document that emanated from his own office:

"The Price Stabilisation Reserve and Export Levy Funds have accumulated balances totalling \$31.5 million. Of this amount....."

I am clarifying.....

Mr. CHAIRMAN: You are clarifying statements you made in your second reading speech.

Dr. HAYNES: No, I am not clarifying.....

Mr. CHAIRMAN: I would ask the hon. member.....

Dr. HAYNES: I am trying to show.....

Mr. CHAIRMAN: The hon. member must know that when the Chair speaks he must not speak.

Dr. HAYNES: Mr. Chairman, I am trying to show where the increase..... I am arguing that it should be more money. I am trying to show where the increased money can come from.

Mr. CHAIRMAN: The hon. member is continuing the speech he made on second reading and I will not allow it in Committee.

Dr. HAYNES: But, Mr. Chairman, the difference here is a difference in interpretation in respect of \$6 million that is germane to the argument. What I am saying is that in this document here the Hon. Minister of Finance himself said that it is \$31 million of which \$24.5 million is immediately available.

Mr. CHAIRMAN: The hon. member must address himself to clause 2, and I will not permit him to continue to extend or elaborate on a second reading speech.

Dr. HAYNES: Mr. Chairman, I am saying that it should be more than \$7.50 and I am trying to show where the money can come from. This seems to me to be a reasonable and logical approach to the matter. I cannot ask the member for St. Thomas to take the money out his pocket and pay it. He would not have that kind of money, as far as I am aware. What I am trying to demonstrate is the source of the funds.

Mr. CHAIRMAN: And that is the very document you have been using in the second reading.

Dr. HAYNES: Yes, but I have not dealt with this section.

Mr. CHAIRMAN: I will take no argument, the hon. member is out of order. Does any other hon. member wish to speak on clause 2? Please take your seat.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I really want to give credence to the hon. member's argument. The hon. member says we must take some of the accumulated levies and use in the Provident Fund. I do not intend to do that. (*Asides*).

Mr. CHAIRMAN: Order, please!

Rt. Hon. J. M. G. M. ADAMS: I am just trying to wind up, Sir. I just want to say that the policy of the Government.....

Rt. Hon. E. W. BARROW: On a point of order, Sir. The Leader of the House wants to go to lunch and I believe you want to go to lunch. I do not see how you can allow the hon. member for St. Thomas to reply to something that you ruled out of order.

Mr. CHAIRMAN: The hon. member for St. Thomas has taken his seat. Does that disturb the hon. member?

Dr. HAYNES: \$6 million is available which has been absorbed for budgetary purposes as outlined in this document.
1.50 p.m.

What I am saying is that apart from any contribution from the available \$24 million, there are \$6 million which he himself has said in his own document which he has circulated that cannot be extracted now because of budgetary problems, and I am not.....

Mr. CHAIRMAN: These are matters which have been gone into on the second reading. The hon. member is out of order. Please take your seat.

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

Clause 3 was called and passed.

On motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. H. B. St. JOHN, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On 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 ADJOURNMENT

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the House do now adjourn until Tuesday, 28th April, 1981, at 12 o'clock noon.

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

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