
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, 23rd February, 1982.

Pursuant to the adjournment, the House of Assembly met on Tuesday 23rd February, 1982 at 12.15 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Hon. L. S. CRAIG, (Minister of Parliamentary Affairs and Leader of the House); Hon. H. B. St. JOHN, Q.C., LL.B., (Deputy Prime Minister, Minister of Trade, Tourism and Industry); His Honour C. L. BOLDEN, LL.B., (Deputy Speaker); Hon. L. B. BRATHWAITE, (Minister of Health); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Hon. V. L. JOHNSON, M.A., (Minister of Labour and Social Security); Mr. L. L. SISNETT; Hon. Dr. R. L. CHELTENHAM, M.A., M.Sc. (Econ.), (Minister of Agriculture Food and Consumer Affairs); Mr. P. M. GREAVES; Mr. R. E. BRATHWAITE; Mr. W. O. FRANKLIN, A.I.A.S., J.P.; and Mr. A. TRUSS.

Prayers were read by Archdeacon F. A. Cayless.

Hon. L. R. TULL, Messrs. H. A. BLACKMAN and B. M. TAITT, and Dr. R. C. HAYNES entered the Chamber and took their seats.

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Tuesday, February 9, 1982.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes of the meeting of February 9, 1982 of this Honourable House of Assembly be taken as read.

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

Mr. M. A. KING entered the Chamber and took his seat.

PAPERS LAID

Hon. L. S. CRAIG: Mr. Speaker, on behalf of the Minister of Finance and Planning I am commanded to lay the Off-Shore Banking (Benefit Provision) Regulations, 1982.

Hon. V. L. JOHNSON: Mr. Speaker, I am commanded to lay the Employment Injury (Prescribed Diseases) (Amendment) Regulations, 1982.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Speaker, I beg to give notice of the following Resolutions:

A Resolution to approve the guarantee by the Minister of Finance of the repayment of a principal sum not exceeding \$10 million and of interest thereon to be borrowed by the Barbados Development Bank for the issue of National Development Bonds.

A Resolution to approve of the abandonment of the abandonment of the acquisition of land at Bank Hall, St. Michael.

A Resolution to approve the compulsory acquisition of land at Queen Street, Speightstown, St. Peter.

Also, Sir, I beg to give notice of the following Bills:

A Bill to regulate the participation by the Government of Barbados in projects of the Caribbean Community either jointly with other member states or severally, and also to regulate the giving of guarantees, with the approval of Parliament, for the repayment of loans for the financing of the development of the projects.

A Bill to provide for the imposition and collection of a levy on incomes to be used for the improvement of Transport and Roads.

Hon. DeL. O. BRADSHAW entered the Chamber and took his seat.

FIRST READINGS OF BILLS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that a Bill to regulate the participation by the Government of Barbados in projects of the Caribbean Community either jointly with other member states or severally, and also to regulate the giving of guarantees, with the approval of Parliament, for the repayment of loans for the financing of the development of the projects be now read a first time.

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

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

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that a Bill to provide for the imposition and collection of a levy on incomes to be used for the improvement of Transport and Roads be now read a first time.

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

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

GOVERNMENT BUSINESS

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

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Item No. 2 under Government Business be the instant Order of the day.

Mr. SPEAKER: Order No.2.

THE NATIONAL INSURANCE AND SOCIAL SECURITY (AMENDMENT) ACT, 1982

Hon. V. L. JOHNSON: Mr. Speaker, when this Government was returned to power in 1976, and then again in 1981, part of the proposals which it put into the Manifesto was the streamlining of the National Insurance and Social Security benefits into a comprehensive social security system. That has been one of our prime objectives, and this Bill which is now before the House is concrete evidence of our determination to improve the social security benefits that are available to Barbadians.

The Social Security Act as we now know it was first passed in 1966 as Chapter 47 of the Laws of

Barbados and has had a number of amendments since then. The purpose of that Act when it was initially introduced was to provide a package of seven basic benefits which would represent the initial phase of the Government's programme to institute a National Social Security Scheme.

12.25 p.m.

The health benefits which we seek to legislate for today came into effect as part of the Budgetary Proposals in the last budget introduced by the Minister of Finance, and it is seeking to improve the quality of the health services available to Barbadians. One of the modern curses, if you will describe it as such, Sir, in developing countries is that a number of services which some of us take for granted are generally denied persons who do not necessarily have the means to provide those services for themselves, and we feel that the question of health services ought to be regarded as a basic, fundamental and inalienable right.

I do not believe, Sir, that this is one of those services which we should be able to regard as a service which we can buy — if you have money you can get it and if you don't, you can't. We believe that all Barbadians regardless of station should be entitled to good quality health service, and that is why we are at the moment introducing this bit of legislation to guarantee that those persons do manage to get those rights to which they are entitled.

Now, Sir, when the Social Security legislation was introduced it provided for sickness benefit, maternity benefit, funeral, invalidity, old age, survivors and employment injury. We have since introduced unemployment under the Social Security Scheme and a non-contributory old age pension under that same Act. Today we will introduce a Health Service Scheme, although the word "introduce" is not technically correct because the National Drug Plan is phase one of the Scheme which will be covered under this new provision.

There was a great deal of furore in here a few weeks ago when the Members on the other side sought to challenge the Government on the question of the legitimacy of collecting a National Health Service Levy, and at that time we indicated that it was not a designed omission on the part of the Government, but merely an overtaking of our good intentions by time, because when we first sought to improvise for the collection of the Health Service Levy, we were doing so with the full intention that it would have been possible to enable the legislation to be in place in a relatively short period. But that, Sir, like so many things which start off with good intentions, was not to be, and the result of it was that we found ourselves in a position where we were in fact collecting the levy without having the enabling legislation firmly in place. The legislation that is introduced today

will correct that situation and we will now be able to get rid of that slight inconvenience.

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

Now, Sir, in order for us to fully understand the programme of the Government under the Social Security programme, I believe it may be good for us to examine some of the provisions under that Act. When the Barbados Labour Party came into power, the pension payable under the National Insurance Scheme was \$15 a week, if my memory serves me, and through a series of increases that programme has now gone to the point where we are paying \$33 a week under National Insurance. This may seem to be a relatively small matter in the minds of some, but to me it represents a very fundamental change in the quality of life that can be expected on the part of those persons who manage to reach the age of 65 and retire.

Frequently, Sir, we have the spectacle of persons who reach the age of 65 and because of inadequate provision for their retirement, they have to be butting about from pillar to post seeking to eke out a living. While we accept that \$33 will not entitle anybody to the top rung of living, it certainly looks after the basic fundamentals, and bearing in mind that this is a minimum pension, as time goes along, we will reach the position where under the National Insurance Scheme a very substantial payment will be possible.

Now, Sir, the old age pensioners in Barbados up until January of this year used to be provided for under the programme where the Welfare Department paid the weekly allocation. But with effect from the beginning of this year old age non-contributory pensions came under the Social Security Scheme and the Means Test which used to be a test to determine eligibility to receive that pension was at the same time abolished. Old age pensioners now are unable to qualify as a matter of right to a pension of \$28 per week regardless of their station. We feel, Sir, that we ought not to be putting up artificial barriers against a person's ability to qualify for pensions which are payable under this particular scheme, and now everybody on reaching the age of 65 will be able to qualify for that pension without regard to how much money they may have — either from their children or in trust or whatever.

This represents a significant change in attitude and in the general administration of this particular pension because when the Barbados Labour Party came to power, Sir, it was necessary for people to endure a Means Test firstly, and secondly, if two persons residing in the same house were qualified by reason of age for a pension and that qualification at the time was 68 years — if they were both aged 68, only one person could

qualify for that pension. We changed that so that more persons became entitled to receive that pension, and the pension was raised from I believe \$13 a week at the time to where it is today at \$28 a week.

There are a number of other benefits which I feel represent that this Government has taken the challenge to establish a Social Security programme that will guarantee a comfortable existence to all of our aged citizens. I believe that we have adequate proof that there is a programme in place and we are administering it with a great degree of sensitivity to the needs of our aged citizens.

12.35 p.m.

Some people are of the mind that it is possible for a Government to provide a level of service such as we provide, free of any charge whatsoever. But I believe that only those persons who want to be mischief makers would presume that a country like Barbados, developing as it is would be in a position to provide the kind of services that we provide without making some provision for the necessary revenue to carry out that programme.

Sir, I just mentioned that old age pensioners are getting \$28 a week and that with effect from January of this year they came under the Social Security programme administered by the National Insurance Board. To give you an idea, Sir, the bill for that service during the month of January 1982 amounted to \$1,684,752.82. If you were to extend that across, Sir, you would be able to discover that over the period of a year you are looking at a bill somewhere in the neighbourhood of \$20 million for the provision of that one service — that is non-contributory old age pensions — and that is an enormous sum of money. That is only one service provided under the National Insurance programme.

During the same year, we provided for all old age pensioners to receive their pensions by cheque. That is representing a significant improvement over the old system because those cheques are paid four at a time and the pensioner can get those four cheques and cash them as the due date comes.

Mr. N. K. SIMMONS entered the Chamber and took his seat.

I would like to say a special word of appreciation to the staff of the National Insurance Department for a very fine job of implementing the change-over programme from the payment by cash to the payment by cheque. That represents an enormous amount of work accomplished in a relatively short period of time. Very often, Sir, we concentrate on the weaknesses of the public service but we somehow omit to express our gratitude

to civil servants when they perform above and beyond the call of duty. This is one time which I feel that I can be relatively satisfied that this particular department under my administration has done a job worthy of commendation.

Sir, the abolition of the Means Test has resulted in a number of persons coming on to the rolls who were not eligible to receive old age pensions before. Up to February 22, 915 new applications were received as a result of the abolition of the Means Test and we are processing at least 20 applications per day. These are new applicants who are coming on to take advantage of this new measure, 20 persons per day — new applicants — coming on as a result of the abolition of the Means Test. In the month of February so far, 137 new applications were processed in the National Insurance office and we expect that as soon as people become generally aware that the Means Test has gone by the boards, more of them will take the opportunity to come forward to claim that pension.

With respect to the Health Levy, the levy itself represents an attempt — as I mentioned earlier on — on the part of the Government to provide a policy of life for all of our citizens which we feel that Barbadians in this day and age ought to be entitled to.

One of my cabinet colleagues was mentioning only last night that he stopped at a Duty Free station in a neighbouring Caricom country to buy an item. He remarked that the item could possibly be bought in Barbados at a Duty Free Shop at the same price that was being offered in that country and he was challenged by the operator of that store who told him it was not possible in her mind for Barbadians to sell that item at the price which she was selling it at — not when we have free National Health services and free school uniforms.

That, Sir, was a general comment about the quality of the service as a quality of life for Barbadians as she saw it from a neighbouring Caricom country. She was commenting, Sir, on the quality of Social Security Service that we provide. For a small country with no natural resources of any consequence, it is remarkable that we in Barbados are able to do as much as we have been able to do. We are able to do as much as we have been doing because of the level of management that we have been able to bring to the economy of Barbados.

The Health Service contributions are payable at the rate of one per cent, half borne by the insured person and half by the employer and it represents a significant sum of money that would be going — if members would need to have these details, we would be able to provide it for them — provide a higher level of health service for Barbadians.

Sir, since we are speaking about benefits under the Health Scheme generally, I would like to allude to the Maternity Benefits which are provided under the National Insurance Scheme and I would also like to allude to some other benefits that are generally available under the National Insurance programme.

Sickness Benefit is now payable at the rate of 66 and two-thirds per cent of the insured person average insurable weekly earnings and that has been changed to 66 and two-thirds per cent only very recently. The Maternity Benefits are payable at 100 per cent of the insured persons average earnings. Now when you look at these figures that I am calling out, Sir, you will have an idea of the level and quality of health care that is provided and the level and quality of insurance that is available from the contributions that we make from our pay cheques week after week.

There is a tendency for people to complain that they are paying National Insurance and that it represents too large a figure out of their take home pay.
12.45 p.m.

I do not believe that Honourable Members on the other side will ever qualify for maternity benefits.....(Mr. B. M. TAITT: Nobody on that side either.).....but Sir, I am sure that they will nonetheless be sensitive to the fact that this is a significant benefit that is obtainable under the National Insurance Programme because I think that without exception, they are all married men and they will know that the fact that their wives can be covered, at this level, represents a significant burden that is lifted from their shoulders.

The honourable Member for St. Michael West has some broad shoulders, but, I am sure that he will welcome their relief although, he may tell me now that he has retired from the rank of the multipliers, at least I feel so, by virtue of age, old age, if nothing else. (Mr. B. M. TAITT: Good stroke.).

Nonetheless, it is good to know that a level of service is available and this is what people pay for, week after week. They may not use it immediately — perhaps some person may not be sensitive to the fact that it is there for their use — but when the time comes that they need to draw on it, the fund is there for them to draw from and it accrues, builds up over time and is carefully invested to provide additional revenue for the purpose of providing for these services and that is important — Invalidity Pensions under the Social Security Programme if for some reason or other disabled, *et cetera* Funeral Grant, as a matter of course raised from \$200 to \$350.

These are things which the public need to be aware of, they need to know that they are entitled to these benefits, so that when they lay their burdens down, so to speak, they can go home with the relative assurance that they are going to have something upon which to lean during their autumn years.

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

I believe, Sir, that the Social Security Programme of Barbados has shown significant improvement. I believe, Sir, as long as the people of Barbados continue to invest us with the responsibility of administering the Government of Barbados, we will continue to provide these services as they now exist, and expand them as our capacity to provide expanded services increases. When we do that, I believe, Sir, that we will be able to hold our heads high. At the moment, there is no country in the English speaking CARICOM community — as a matter of fact, it does not even have to be English speaking community and when I say CARICOM, I am talking about a CARICOM community and beyond — that can provide a level of service that can be acquainted with the service that is now available under the National Insurance Scheme of Barbados.

Only a few weeks ago — months now, I believe — we had the honour of hosting a delegation from Belize who came here for the purpose of reviewing our National Insurance Programme to see what benefits they could examine and what ideas they could take back for the improvement of their own Social Security Programme in that country. And those persons who know the Barbados programme, never cease to be amazed that so small a country can offer such a high level of services. As I indicated Sir, we will continue to provide these services in the interest of all Barbadians to make sure that none of our citizens will ever have to go without the things to which we feel that they are, by right, entitled.

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

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

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

Dr. R. C. HAYNES: Mr. Speaker, this Bill is entitled, "A Bill to amend the National Insurance and Social Security Act" and its *Objects and Reasons* are perfectly clear. It states that the Bill would amend the National Insurance and Social Security Act, Cap. 47 of the Laws of Barbados to make provisions for the imposition and the collection of a Health Service Contribution.

In the best of Parliamentary tradition, Sir, I would like to confine myself to the *Objects and Reasons* of the Bill. The honourable Member who just sat down provided

a wide ranging speech on National Insurance and Social Security and all he could have been doing was congratulating the Democratic Labour Party for its wisdom and foresight in introducing this Bill in the 1960s without any unnecessary impositions in the form of indirect taxation on the public of Barbados.

Now, Sir, the honourable Member classifies this as a benefit under the National Insurance Scheme. Quite clearly, he does not listen to the Leader of his own Party, the Rt. Hon. Prime Minister and Minister of Finance who, in a statement in this Honourable House on September 8, 1981 under the head of, "Social Security" stated — this statement is a document of the Honourable House, of course —

"I turn next to certain aspects of the Government's Social Security schemes which are related to the National Insurance Scheme." — "related to", not part of — "In its Manifesto for the General Election of 1976 the Government pledged the introduction of a National Health Service to be financed through the National Insurance Scheme. The first part of this service is now in place, namely the National Drug Plan. This was initially financed by a capital grant of \$8 million from the Consolidated Fund and in this initial stage no provisions were therefore made for the levying of a Health Service."

In other words, Sir, once again, the National Health Service is being used as a tax collecting agency because of the efficiency with which that can be done seeing that all workers must be insured under the National Insurance Scheme by law, and that the deductions can be made up front. In that way, one can insure maximum collections.

The honourable Member, Sir, clearly did not even read the Act before him because if he had read the Act before him, he would have noted that in accordance with the law, unlike the provisions for the Transport Levy, the contributions collected under this part shall be paid into the Consolidated Fund, in accordance with Cap.85 of the Laws of Barbados. He admits, Sir, that the levy was collected since October 5 without the appropriate legal instruments.

And, I would just like to remind them that under Cap.85 of the Provisional Collection of Taxes Act, it is clearly stated that:

"Any tax or increase in the rate of an existing tax which becomes payable pursuant to Subsection (1) shall cease to be so payable if the appropriate enactment for the imposition of a tax or for increasing the rate of the existing tax is not made or passed within four months of the date on which the Budgetary Proposals are made to the House of Assembly."

12.55 p.m.

Within four months it says within four months of the date on which the Budgetary Proposals were made to the House of Assembly.

Now, Sir, the Budgetary Proposals were made on Tuesday, September 8, 1981, and if you count carefully — although in that statement I must concede that it was stated that the commencement date would be October, 5 1981 — if you count carefully, from October 5 to November 5 is one month, from November 5 to December 5 is two months, from December 5 to January 5 three months, and from January 5 to February 5 four months, so the four months have already expired.

But not only does that chapter of the Laws, Chapter 85, the Provisional Collection of Taxes Act, so states, but it goes on to say: "If pursuant to Subsection (2) of Section 3, or Subsection (2) of Section 4 any tax or increase in a rate of existing tax ceases to be payable, then any sums paid by any person by way of such tax or increase in the rate of existing tax shall be refunded to that person." I am therefore calling upon the Government to obey the spirit of the Constitution, because there are constitutional provisions relating to the collection and disposal of revenues in this country. This Act was passed in accordance with the Constitution, and this Act should have come to Parliament before February 5, so the people should get their money back.

Parliament may have powers to do anything, except change the law unless a two-thirds majority can be had, but there is a spirit in legislation, and this is a clear breach of the spirit of any kind of legislative provisions existing in Barbados. It is not only a bad tax, Sir, but it is being introduced in my view in a very unprincipled manner and in defiance of the laws of this country.

The honourable Member is also mistaken. When the Rt. Hon. Prime Minister introduced his mini budget — he said it was not a budget, so I do not know how anything has any legitimacy anyhow — (*Aside*). When I said it was not a budget he agreed with me that it was not a budget. (Hon. L. R. TULL: You said so). He said it was not a budget, I said so too; but I did not impose the tax, he imposed the tax.

Mr. SPEAKER: Please address the Chair.

Dr. R. C. HAYNES: Anyhow, Mr. Speaker, the other point made was that this levy was to meet some \$8 million that had been paid out of the Consolidated Fund of this country for a drug plan. I would be very interested to know how much money the Government expects to collect from the people of Barbados as a consequence of this levy.

Now, Sir, I would also like to know what is the status of the Drug Plan in Barbados. They have spent

\$8 million for a plan that they could have introduced without spending \$200,000. They got themselves involved in a whole lot of peripheral nonsense. For example, they came in here and said that the new ID cards had nothing to do with elections, that they were for the Drug Plan. They got themselves mixed up with some of the major criminals in the pharmaceutical field, and those people are ripping this country off left, right and centre with some of the most bogus and inferior drugs that you can find in Barbados.

Mr. Speaker, I wish to draw a few instances. Only last week I had to draw to the attention of the clinical pharmacologist at the Queen Elizabeth Hospital that a particular drug commonly used in this country which has been brought in here under the generic term — sometimes manufactured in the Caribbean, sometimes manufactured by fly-by-night companies all over the world — was failing to adequately control the blood sugar of patients, causing wide fluctuations in terms of management, and that at least two patients have had almost total blindness of an unexplained nature. Unfortunately, one of those patients has gone back to the States for further treatment, and another patient is in Miami at the moment, and up to now ophthalmological opinions cannot determine exactly what has happened.

Rt. Hon. E. W. BARROW entered the Chamber and took his seat.

Another instance, Mr. Speaker — and this is absolutely shocking — but this is what is happening. I have had the unfortunate experience of seeing a patient with relatively high blood pressure on 20 generic drugs during a 24 hour period. I myself thought that that patient had suffered from some major disorder. I took the patient off the drug and put the patient on one single recognised tablet and the blood pressure came under control within seven days.

I called the Head of the Department of Medicine. Now, Sir, let me say this — that at the time I was not even aware that there might be a question of lack of activity within those drugs. The cost to the Government was enormous, but to my surprise when I spoke to the clinical pharmacologist a few days ago relating to the last drug I spoke about, he told me that he had now set up the equipment and they sent off batches to Jamaica to investigate one of those tablets that that patient was taking eight out of 20 per day.

Only last week at a major Commonwealth conference a warning was issued specifically to Barbados. Barbados was warned, as well as other Third World countries, to be careful about the junk they are importing and giving to people.

It is a major tragedy, Sir, because in my view a simple scheme had been worked out that had required no elaborate staff, probably costing the Government millions of dollars a year — all of whom should be sent home to do useful work — starting at the top — because it can be done through practising physicians in this country. A programme had been set up, whereas all those patients in Barbados who can be defined as recipients of that service, even under the present classification by the Government — which is merely a rehash of the same scheme that the Democratic Labour Party had in view — that could have been done by the process of bulk purchasing of reputable drugs from reputable firms.

1.05 p.m.

That could have been done by a process of bulk purchasing and it could have been done by a system of bulk purchasing of reputable drugs from reputable firms, so that that \$8 million need never have been incurred, and now it will not be necessary to come here trying to raise money by a further levy on the people of Barbados who are in all sorts of difficulties at the moment.

Let me tell you how it could have been done very cheaply. It is very simple to identify those patients who are over 65 years; it is very simple to identify children in Barbados; it is very simple to identify those suffering from specific designated diseases who could be beneficiaries of the Drug Plan. It could also be any category that you want to include or expand, and all you needed to do was to make use of the existing outlets for helping Barbados and supplement them with reasonable developments appropriate to primary care in this country.

For example, you may ask a general practitioner who has just started his career, whether he would look after 5 000 patients on a per capita basis because he might be interested in cash. You might find a general practitioner in his middle years who might probably prefer Government to provide the same value as the staff and so on and the older general practitioner might prefer for example to have staff, office rentals and so on paid, so that the whole scheme could have been accelerated much more quickly.

I hope the Minister is listening to me, because what might happen is that you might find yourself in a situation where you are surrounded by professional staff who are committed to a particular idea, and then you might find yourself not being able to think outside the ambit of what is pushed at you day after day.

Sir, I believe that that scheme could have been introduced for less than \$2 million — not \$8 million. I believe that you can get reputable drugs in Barbados on a proper ordering system, and you can get these

drugs in Barbados at the same cost as you can get generic drugs.

Let me tell you something about one of the persons in Barbados now who previously represented a company from Canada. Twelve years ago, in 1968, I met a representative from his company at a house by accident. I meant to meet a friend at the house — I believe it would be in New Jersey just across the Lincoln Bridge or the Lincoln Tunnel up 148th street or so. At that time they even tried to bribe me. They offered me \$US250 000 if I would bring or use my influence as Chairman of the Drug Committee to bring generic drugs into this country. I told him he was joking, that I did not function in that way. He said I got it wrong, and he upped the offer to \$US750 000 over a period of three years. That is the kind of racket that can go on. I told him he was joking and I told him to do three things. There were no generic drugs about here at that time, I can tell you that.

Mr. L. A. WEEKES entered the Chamber and took his seat.

Anyhow, Mr. Speaker, I will tell you this. I asked a few very pertinent questions, and the questions were as follows: If the generic drugs are cheaper and better than proprietary drugs, how is it they do not occupy more than 10 per cent of the total pharmaceutical market in the United States? That was the first question. I asked him how it is that the University College of Ibadan in Nigeria, unlike many other subsidiary institutions — because that was the only institution in Nigeria at the time — had refused to use generic drugs. Those were two questions I asked. I asked him how it is that the State of Massachusetts which in 1962 had ordered that in its institutions only generic drugs should be used, and whereas about 90 per cent of the drugs used in Massachusetts were generic drugs, by 1968 it was only 10 per cent and today it is only one per cent?

Do you know why, Sir? It is because the United States have the authority — they also have the legal framework and they have the infrastructural framework — to make sure through the FDA that every single drug is tested for quality etc. batch by batch. It is a big mistake to think that you can pick up a few tablets and send them to laboratories in the United States and they come back with a certificate, and then for the next year you can use that drug in Barbados — because you are sending them to the same people who have a hand in — and who operate through — a process of bribery and would even bribe institutions that go in for the testing of drugs.

There are many other examples that I can quote, but the time will come later this month and next month when I will have an opportunity to speak to wider public because it

is a matter of major public importance. I will just ask the Minister to look and see whether or not he could not achieve the same objectives by a proper ordering system for proprietary drugs.

Now one final point, Sir, the Drug Plan. Apart from the imperfections of the drugs, it has created major displacement in the market in Barbados as a consequence of which there are shortages in drugs in Barbados now that are quite unbelievable. The chances are that if you put a patient in the Queen Elizabeth Hospital, you will be called back two or three times to change a prescription. The chances are, Sir — and this has never happened in Barbados before — that if you write 20 prescriptions in one day, you will get ten calls the following day or the same day from druggists who will tell you that they do not have the drugs.

The tender system, and the way it operates at the moment, has generated considerable shortages for public institutions even in the area of generic drugs. But worst of all, Barbados is a small market and fewer people live in Barbados than live probably in Broadway in the United States, and the major purchaser of drugs in Barbados is public institutions. If you go over to inferior drugs, all you are going to find is that many of the generic firms can only manufacture a very limited range of drugs, but because you are a small community you still have to have available to you the widest possible range of drugs. And whereas, say, a major proprietary company would sell a large volume of a given drug to the public institutions that would enable them to keep probably another 13 or 14 drugs that are not used in quantity in Barbados, as it stands now you cannot get those 13 or 14 drugs because the proprietary companies would be showing less and less interest in Barbados.

Not so long ago they pulled out completely of an Arab state because of that same kind of policy — a policy that is not well thought out — and you have to be careful how you dislocate markets in this way unless you can look down the road and see what is happening.

Let me tell you something. The Drug Plan is not really functioning. You might write four drugs on a prescription that a patient needs and unfortunately some of these drugs are complementary.

I know another drug, a drug called Lasix that is commonly used in heart failure. You know, Sir, that we had — and we still have here in Barbados — that drug which the FDA had ordered to be taken off the market and that it be only used if it is manufactured by its original manufacturer. Because of some unidentifiable reasons, the efficacy is not the same and many patients have been developing severe kidney failure.

That drug was in Barbados. I had an example of it. A patient of mine who for years had been stabilised on two of these drugs in gross heart failure told me on writing the prescription for her that she was getting the drugs cheaper from somewhere else. So you increase them from six a day instead of two a day and she goes further and further into heart failure, and then she herself suggested she had better go back to the original tablets. It took her six weeks in bed with additional treatment to be back on her feet today. The evidence is there — it is accumulating day after day that Lasix was here in this country. And I believe — I have a good reason to believe — that that drug is still in Barbados.

1.15 p.m.

Now, Sir, these are serious risks that you cannot take with the health of the people of Barbados and the escalation of costs, Mr. Speaker, has been essentially due to bad planning and a failure to understand the nature of the international drug market because you can buy the drug as cheaply from a respectable firm if you go in for a proper tendering system over a five or ten year period of guaranteed quality.

Another factor, Sir,— what they do not understand — is that there are a few countries in the world who have any control of drugs that are exported from the country. Canada has severe restrictions on drugs used on Canadians or visitors to Canada. The moment they are manufactured for export that control disappears.

If you look at the new deregulation measures being introduced by President Reagan of the United States of America, you will see that he is now removing those quality controls that existed in respect of the export of drugs — and other products as well — in relation to the United States. So you really do not know what you are buying because most of the generic firms are just pill makers. What they do is buy raw stuff from Italy, or Hungary or somewhere like that at the cheapest possible price; they set up a little room, probably as big as that room over there; they put in a pill compacting machine; they add some sugar and some dye to the tablet; then they compress it and that becomes a drug.

Another drug here, Sir, in generic terms is a drug called Valium that everybody in this House would be acquainted with. That drug is (*Asides*).

Mr. SPEAKER: Everybody in here?

Dr. R. C. HAYNES: Well, those people

Mr. SPEAKER: I hope the honourable Member is not referring to honourable Members.

Dr. R. C. HAYNES: Mr. Speaker, Valium is a mild tranquiliser. It is not a psychotic drug and it is a drug that is used.....

Mr. SPEAKER: I hope you are not referring to the honourable Members.

Dr. R. C. HAYNES: I am not referring to the honourable Members. It is not a psychotropic drug or anything of the kind. If you take the tablet that is manufactured by Roche and the generic tablet, they look exactly the same. If you look under a microscope — as I have looked — at the service of those two tablets, you will see that the composition is completely different. I will tell you why — because complexity in making the drug is such that the generic firms cannot handle it. They simply compress the tablet and the net result of this is that you find many patients who are required to take the drug at night, fall asleep in the afternoon. It takes about 18 hours for the drug to reach into the blood vessels and the circulation of the patient, so that you find yourself in a situation where you tell your patients to take Valium in the morning in order that they can go to sleep at nights.

Now these are serious matters. That is a matter that has serious importance in relation to industry in Barbados and it creates problems because you might prescribe a drug which you expect would behave in a particular pattern and then you find yourself in a situation where you have actually caused that patient to be in a serious motor accident or have some major accident in relation to machinery or otherwise.

Another drug, Sir, is one relating to the loss of weight; one that encourages patients to loose weight and it is not again one of the old stimulant drugs. It is one of the newer drugs used nowadays. About three patients recently complained to me about severe blurring of vision, dizziness, and I kept telling them it cannot be the drug. I checked, Sir, all the respectable journals and only one of them suggested that giddiness might be a problem so I accepted that. There was no mention of blurring of vision; no mention of inability to read. I checked with several dispensaries in town and they said that they have been getting these complaints.

I myself took one of them to find out if it is true. (*Asides*) Oh yes, I took one of them and for two days my vision was blurred and early this morning.....I believe when you are investigating things — before I send that off to a laboratory which I am going to send it to, to find out whether it is the same as the original drug — I have to get adequate information. I do not report on drugs without proper information.

Only this morning another patient came in and saw me and told me that she stopped taking the drug I prescribed about three weeks ago because she could not

see. When I checked on one or two specimens that were left in my office recently by a drug rep I discovered that that drug was made originally by a company in Hungary and then exported to Barbados through a subsidiary company in France. You hear what I tell you? It is a terrible thing. It is quite a terrible thing.

Now, Sir, we must have better control. We cannot spend \$8 million and expose the public of Barbados to these risks. Mr. Speaker, I would not stand here as a professional and relate these circumstances unless they were absolutely true and I am asking the Minister, and all those responsible, to have a thorough check of all these generic drugs coming into Barbados. For the first time I have seen samples left in my office from laboratories that I have never heard of in all my life — laboratories in Sweden, laboratories in Norway, laboratories in Bulgaria, laboratories all out in Italy, laboratories in Albania.

Now where are we getting? You set up a system that you spent \$8 million where I felt you could have spent \$200,000. As a consequence of that you find yourself that you are creating a market situation in Barbados where there are grave shortages of drugs — not only in respect of those you have opted for as a matter of principle but also in relation to other drugs which people might need very urgently.

Sir, I believe that the whole matter needs serious re-thinking, because in the long run — as I have pointed out there is virtually no legal redress for anyone having any serious problems consequential on those drugs although the International Court of Justice has established the principle that the manufacturer of a particular product — if it can be shown that that product has caused problems in relation to a given patient — would be liable to be sued. But, Sir, how do you sue a generic company? If a diabetic patient takes two generic tablets and he should go blind or something like that — not because of the drug itself but because of some other component in the matrix of the drug — who do you sue? The chances are that you would not be even able to trace the true origins of that particular drug.

1.25 p.m.

I also brought before this Honourable House, not so long ago — during the last session — an example of a case where a patient used a generic drug and ended up with a serious medical problem. When she tried to sue, the nearest that she could get was that the druggist remembered that at the time when he sold her the drug, he had three sets of generic drugs from three different firms. Now fortunately, there were manufacturers in the United States and she was a United States citizen and it all took place within the jurisdiction of the United States.

Who is going to be liable? Is Government going to accept liability? The judge could not even make up his mind and what he did was to make all three firms liable for the damages incurred in respect of that patient. Is the Government prepared — and I repeat it — to accept legal liability for any adverse reactions or consequences to patients in respect of their health by the administration of a generic drug? That is a question I would like to hear answered today because they are talking about money for a drug plan, specifically for the Drug Plan; funds incurred in respect of that Drug Plan — capital cost which would be largely related to the purchase of these drugs and I believe that the whole policy needs a review. The Government must not allow itself to be fooled again and again by various fly by night operators. You must sit down and think through the consequences of what you are doing.

If I may not be irrelevant, Sir, I just want to give an example of thinking through consequences. There are some people who believe — I just want to illustrate the need to think through consequences and look at precedents — that if you reduce the number of certificated sick leave — I am still on Health — for a person, that you would probably get more working days out of them.

Now, there is an important precedent, Sir, in relation to this — I think it is The National Coal or the National Steel Board in Britain in the 1950s and early 1960s — which shows that that is completely untrue. To cut down the levels of sick leave one of them gave the patients the responsibility for writing their own prescriptions for up to three days leave. And do you know what happened? There was a drastic reduction in the number of sick leave. I will tell you why. Two reasons. Firstly, the onus was placed on the worker. If he does it this week, he would be embarrassed to do it next week. If he goes to a doctor, the chances are he would get at least one week's sick leave because, it is not that the doctor is incompetent, but the doctor has to think of other dimensions. In relation to that illness he will get more time, in the first instance, and, in the second instance, Sir, what would happen is that you relieve the worker of the responsibility. He can proudly and happily send in a sick leave paper every week and he is not really responsible for it, a third party is responsible.

I just showed you how short term thinking can lead to the wrong results and I am sure the same thing has happened in respect of the Drug Plan, in Barbados. We are reaching the point — in fact, we have reached the point now — where serious attention has to be paid as to whether we are moving in the right direction in relation to that plan or otherwise.

Sir, there are one or two other points I would like to make. The Hon. Minister who introduced the Resolution talked about old age pensions being paid under the

National Insurance Scheme. I would like to know, if any actuarial study of the impact of the new liabilities on the Insurance Scheme has been studied or has been submitted. My information is, Sir, that the actuaries might be in Barbados in February. I do not know if early February or late February but you cannot go taking decisions, in relation to a National Insurance Fund, which is a trust fund on behalf of the people of Barbados. It is not your money. It is not Government's money.

It is true that Government has been abusing the National Insurance Fund to the extent that we find, Sir, that at the present time, as compared with 1975, where Treasury Bills in September were \$7 million, the Treasury Bills now are up to — this is October, they would be a lot more now — \$52 million; debentures I believe some with Government and some elsewhere up to \$29 million from the sum of some \$24 million, in 1976.

Mr. SPEAKER: All of that is Health?

Dr. R. C. HAYNES: Yes, Sir, because it relates to the use of National Health Fund of National Insurance and the Health Levy.

Hon. H. B. St. JOHN: On a point of order, Sir. Your Honour asked the honourable Member whether it was a point of Health and getting the relevance and the honourable Member says that the Government has used National Insurance funds to the tune of \$52 million for Treasury Bills? That is not correct.

Dr. R. C. HAYNES: Sir, all I see here is Treasury Bills. I am quoting from the Economic and Financial Statistics of the Central Bank of Barbados and I see Treasury Bills for October 1981 \$52.5 million.

Hon. H. B. St. JOHN: On a point of order, again, Sir. What Your Honour quite correctly raised with the honourable Member was if it were Health and the honourable Member said it was Health because the Government was using the National Insurance money to buy \$52 million in Treasury Bills. He cannot say that all he sees there is \$52 million because a wide variety of people can hold those Treasury Bills. What the honourable Member has got to do is to say that the National Insurance money is what is used for those \$52 million and he cannot do it. Otherwise, he is irrelevant.

Dr. R. C. HAYNES: Mr. Speaker, the essential point that I am making is that this is a trust fund.

Mr. SPEAKER: But it does not concern Health, at all. Get on with the debate.

Dr. R. C. HAYNES: Sir, I am satisfied that part of those funds has been used to bridge the gap in current

revenue; part of that current revenue, I presume, went to Health. Why do you not deny that the difference — I would like, Sir, any honourable Member to deny that the deficit on current account in this country is now over \$40 million and probably.....

Mr. SPEAKER: What does this have to do with the debate, with the matter under discussion.

Dr. R. C. HAYNES: It is a question of how you are going to finance it. I am pointing out.....

Mr. SPEAKER: I do not want to ask you to take your seat.

Dr. R. C. HAYNES: In other words, Mr. Speaker, what I am saying is that this levy is necessary because Government cannot foot its bill out of the normal revenue and expenditure patterns in Barbados any longer. It is a bill for Health. It was paid from the Consolidated Fund initially; and the money is not there to pay it now. So therefore, there is an additional tax to try and close the gap.

Sir, the Rt. Hon. Prime Minister also said in his 1976 Manifesto that they promised the country a free National Health Service to be paid for under the National Insurance Scheme.

Let me tell you this, Mr. Speaker, there is no way that you can have a comprehensive, free National Health Service under any National Insurance Scheme in Barbados. You would have to deduct about 20 per cent to about 25 per cent of the wages of the people of Barbados in order to finance a free National Health Scheme. But now, you hear Mr. Speaker, that it is free only at the point of delivery — it is not free otherwise. That is the last statement I heard in here. It is like if you go into town, Mr. Speaker and you bought a motor car for \$25,000 and then, it was delivered to your home and you collect it, you collect it free at the point of delivery. So the \$25,000 that you paid for the car in town does not matter. That is the kind of thinking now that has crept into Government's attitude towards the Health Service.

Deny that in your Manifesto, in 1976, you promised the people a free National Health Service. Deny that the then Hon. Minister, within a matter of a few weeks, said that nothing in life is free. Indeed, Sir, I could back up my statement. I have already read what refers to the introduction of a National Health Service to be financed through the National Insurance Scheme. That is the Rt. Hon. Prime Minister's remarks on September 8 in this Honourable House. This is here, this is part of his Budgetary Statement. How can you deny?

And I say that the total Health Bill in Barbados' public and private sector — what is now met under the

National Insurance Scheme before this levy, what is to be met by this levy and what is being met out of the Consolidated Fund and because of health in the private sector of Barbados — would amount to about 20 per cent of the total wage bill in Barbados. That is what it would amount to because it would be almost, somewhere in the region of \$150 million to \$200 million a year. So how could you finance a comprehensive Health Service in Barbados out of National Insurance contributions? You may finance one tiny section of it and we have already financed under the National Insurance Act that we introduced things like Maternity Benefit, Sick Leave Benefit, Injury Benefit; and we have already introduced a whole lot of other health benefits that were compatible with the income levels in this country and compatible at the same time, Sir, with the potential earnings of people in this country over a number of years.

1.35 p.m.

So one can forget all that talk about benefits under the scheme. This is a straightforward tax to be paid into the Consolidated Fund, another tax on the people of Barbados. And I am sure that it would never have been necessary if there had been proper conceptualisation of the health needs of the people of Barbados and the way in which you can introduce a drug benefit.

One example, Sir, is that there were many people who got their drugs for free. I have never known the days when persons in public wards in the hospital had to go into Bridgetown to buy drugs, and that obtains now. There are many people who used to get their drugs totally free and now have to pay some contribution towards them. The Hon. Minister will get to know this as he gets more familiar with the Ministry. I realise his difficulties at the moment. All those prescriptions in the Casualty, in the Dispensary and all over the place — Beckles Road and all those dispensaries — the drugs were totally free, but now they have to pay for them. Not only have they got to pay for what was once for free, but on top of that you have to pay a levy, and that is the free National Health Service that they are talking about, whilst at the same time every sector of the health services in Barbados has steadily deteriorated.

They would not listen. Speak to the staff at the Queen Elizabeth Hospital; speak to the patients who go in there; speak to the patients who for one reason or another would be prepared surgically to go to an operating theatre and have their operations postponed three or four times. Do you know what psychological damage that does to the individual? Do you understand what happens when a layman goes into a hospital and prepares for an operation which to him is a matter of life and death, no matter how minor the operation is, to be dressed up, waiting until one or two o'clock then to be told he cannot have the operation because there is

no more anaesthetic gas, or because there are no surgeon's gloves, or that the surgeons do not have the appropriate clothes to wear, and that kind of thing? Or as in one case, that the table has broken down and that kind of thing? This is a very common thing in the Queen Elizabeth Hospital. Or that the air conditioner is not working, and has been like that for weeks and weeks, or a week at one time.

Do you know what it is like for a doctor to be faced with a patient collapsed after an operation and the one single life saving drug that you have, a cortisone derivative, is not available in the hospital at 12 o'clock at night? Do you know what it is like to sit down and watch a patient die because you do not have available to you a relatively cheap drug? (Hon. V. L. JOHNSON: How many died?) Could I remind you, Sir, of a very well known case from the constituency which the Deputy Prime Minister represents, who walked to the Queen Elizabeth Hospital for four days for an essential drug; could not get the drug, and eventually dropped dead in the road with the prescription in his pocket? Is that right and just? (Hon. H. B. St. JOHN: I have never heard of him). The honourable Member should visit his constituency more often. (Hon. H. B. St. JOHN: I live in it, I would have heard of that long time).

Anyhow, there is a difference between conceptualisation of a plan and anyone can sit down and conceptualise a development plan that sounds great, that is politically nice, that can win you votes, but what you have to do is to study what has happened in various economies when you seek to introduce certain things. If the Rt. Hon. Prime Minister had looked and seen the distribution of costs say in the National Health Service of Britain or in the National Health Service in the State of Ontario, in Sweden or select anyone anywhere in the world, what he would see immediately under each system is that National Insurance occupies a small proportion of the contributions, and as the years go on the Consolidated Fund bears a greater proportion. When you talk about proportions, I am talking where you could start off in the late 1940s and '50s in the United Kingdom with National Insurance bearing something like 40 per cent of the funds, and end up in 1977 with about 5 per cent of the fund from National Insurance contributions and all the rest from the Consolidated Fund.

You are talking of over \$2 billion with a work force that is substantially higher than Barbados and with contributions that are substantially higher than Barbados, and with a population that would have a smaller proportion of them ill at any given time than in a small population like Barbados, and in a population which although it bears the same physical characteristics of Barbados in terms of population distribution, thanks to the Democra-

tic Labour Party in 1961 and 1976 where the average age of death is well over 70 years. It was substantially lower when we came into power. I have never seen so many healthy 70 and 80 year old Barbadians as I see around the place now. As a matter of fact, when you are 60 years old now you are a young man, you are no worse off than when you were 40. The occasional person will lose his hair when he is 35, but that is not a common event in Barbados today.

Sir, there seems to me to be total confusion. Many members on that side, and I know for sure the Hon. Deputy Prime Minister, and I want to hear him get up and deny it, that you could never finance a National Health Service out of National Insurance contributions. I know for a fact that the Hon. Prime Minister is aware of that. Whether the others are aware I do not know, I take what I know as a fact, so let us stop this kind of politicking of a vital and essential service, because I would have preferred quite frankly to sit down and write a paper to the Minister involved pointing out these problems if I felt that some action would be taken. But there is a need for that comprehensive review.

I will close with those few points, because during the Estimates and during the Budget debate there will be a total exposure of a whole lot more nonsense going on in respect of health in this country and in respect of the abuse of National Insurance funds. I will deal with that when I speak under the topic of finance.

Hon. L. B. BRATHWAITE: Mr. Speaker, no speech could have been more calculated to destroy the implementation of the National Drug and Health Service Plan than the one just made by the honourable Member. It is seldom that in this House you hear such inflammatory speeches, and while the honourable Member is now known to be a person who makes speeches on everything and is certainly totally qualified to speak on any subject that comes before the House despite his limited knowledge — we have grown accustomed to that type of attitude.

We heard today his legal knowledge on the constitutionality of the levy — and I have no doubt in my mind that the Attorney General will deal with that aspect of it when the time comes — ranging right down to attempts to bribe him by some New York firm of sums between U.S. \$250 000 and \$750 000. I would like to know really if he took the opportunity while in the States or back in Barbados to try to get the FBI in the United States or the security people here to look into the attempts to bribe him in connection with trying to get the scheme with regard to drugs implemented in Barbados.

Now, I heard a lot about major criminals in the pharmaceutical field. I do not know if the honourable Member was referring to those criminals that met him in

the States. I am not aware that they are here in Barbados, and if they are here in Barbados, Mr. Speaker, and the honourable Member has not sought yet to expose them, he certainly does not deserve to be sitting in this Honourable Parliament.

1. 45 p.m.

Dr. R. C. HAYNES: On a point of order, I would invite the hon. member to read the last Estimates debate.

Hon. L. B. BRATHWAITE: I do not know what point of order that is and I do not know why I should be invited to read anything. My concern at the moment is that if major criminals are abroad — to use his own words — in the pharmaceutical field, he must know about them. You have said that you were made offers. From whom did these offers come? Have they come from the Mafia people over there? Do you have Mafias in drugs? Have they come from them? I want to know and I am sure that the public of this country would want to know.

We have heard a lot about a patient who had blood pressure and who was given the generic tablets and the blood pressure went out of hand and that patient had to go to the honourable Member, and about another patient who also went as well. I am wondering if these patients can only find the honourable Member to go to, or if he specialises in patients that are taking the generic drugs. I would really like to know.

There is another further point. The presence in Barbados of the generic drug does not exclude the use of other drugs. We do not stop the drugs from coming here. No drug can come into Barbados unless it has a certificate for coming into this country, and the certificate itself must come to me for me to see what is going on. I am going to make a further point. The honourable Member has over the years, been the Chairman of the Medical Staff Committee in the Queen Elizabeth Hospital, and he was a very powerful man, one of the most powerful men in the island. You who can laugh out there should be ashamed of yourself in laughing, especially the honourable Member who is to the extreme end, because the power of the man is certainly to your detriment, and therefore you need to be worried about that.

Only this morning I met personnel from the QEH. The honourable Member invited me to talk to the people at the QEH. I talk to them very often. In the past they could not go to the Ministers in his administration; they were all afraid to go to them because the honourable Member was then so powerful in the Hospital that they dared not have gone. In my case they can come to me. There is no problem in their coming, and they tell me what is going on.

I can tell you something now, and it has to be said. There are a lot of things including drugs and instruments

as well, that are constantly stolen from the Hospital and I am trying to discover who are the people taking them away. That is what is going on. I wish you would come and say that. The generic drugs might not be the type of drugs they want to steal, and therefore they do not want to see them. I do not know. The reason why they do not want the generic drugs is because there is not as much involved in terms of cash and other things as there would be in the other drugs.

Mr. Speaker, if the honourable Member has information to do with the Queen Elizabeth Hospital, the honourable Member has a duty to pass that information and not keep it to himself in order to come in here and make a speech which is calculated to do harm. As far as the Drug Plan is concerned, that has already been implemented and there is no departing from that course. As far as the implementation of the medical services is concerned, that is also on stream.

The honourable Member said that the service could have been implemented for \$200,000. I do not know how this can be done. The honourable Member is always coming in here, Mr. Speaker, with figures. I do not know if he gets them from Mars. I think Mars is not polluted and certainly he can hardly get them from there, but he pulls figures out of a hat, and comes in here with them. (A VOICE: Research) Research what! All of his researches have been faulty from what we have been given here. You do not bring up anything either.

Mr. Speaker, in addition to this, the honourable Member is talking about the question financing the Plan and that you cannot get the total amount for the service from the National Insurance Levy for health, but, Mr. Speaker, the money has got to come from somewhere, and it has to come from the people. You either get it from the Consolidated Fund or you get it from National Insurance, and if you do not get it from National Insurance, you have to find some means to get it. The money has got to come from somewhere, so there can be no question about that. We have to recognise that and we have to make up our minds as far as that is concerned.

I am not getting any reports that are unfavourable of the Drug Service. Here and there a new system will lead to problems. You have your teething problems and that is quite clear, and we always have to accept and understand that. But as far as major problems within the National Health Service and the National Drug Plan are concerned, I am hearing no such thing. If the honourable Member has information which he can give to us, by all means give it. I am not aware however, Mr. Speaker, that anybody has died within the QEH for lack of anything. I know what has happened. I know that when there was a problem with a doctor and a Sister in the Hospital that there were many people who went into the Operating

Room to be dealt with and had to come back out. That was nothing to do with the Government; that was a squabble between a doctor and a nurse. The Government was not involved.

We are not aware that there are no drugs in the Hospital. We are not aware that there is no linen. I am not aware. I have to be made aware. (A VOICE: Resign!) Then I will resign. The people will cause me to resign. As a matter of fact, they caused you to resign because you were so inefficient with respect to the area that you served that you had to go, because you were constantly under attack. I have already suggested that you keep very quiet because they are a lot of things that can be said.

Mr. Speaker, as far as the Hospital is concerned, I am not aware of problems. When the problems come, we will deal with the problems, and we are quite capable of dealing with the problems. But what is worrying me in addition to that, is that what we are dealing with at the moment has nothing to do with the whole gamut of the Hospital. We are seeking here to make an amendment to the National Insurance Act, and the honourable Member has sought all opportunities to introduce a number of irrelevancies in this matter.

Mr. Speaker, I am going to speak much longer and I think this would be a good time to take the break.

SUSPENSION OF SITTING

Mr. SPEAKER: The time is 2 o'clock and this Sitting now stands suspended until 2.45 p.m. today. 2.00 p.m.

On Resumption —

Mr. SPEAKER: This Sitting is now resumed. It is now Question Time.

QUESTION TIME

Mr. SPEAKER: I am advised that there are no Replies to Questions ready. It is therefore time for Private Members' Business. Item No. 1.

PRIVATE MEMBERS' BUSINESS

RESOLUTION RE: REVIEW OF PRICE-FIXING MECHANISMS FOR ELECTRICITY IN BARBADOS

Item No. 1 was called — To move the passing of a Resolution calling upon the Government to undertake an urgent and comprehensive review of price-fixing mechanisms for electricity in Barbados.

Dr. R. C. HAYNES: Mr. Speaker, this Resolution has been brought before this Honourable House in order

that each and every one of us should be effectively and functionally informed of the problems of energy and electricity in particular as it relates to the economy of Barbados.

I begin, Sir, by reciting the Resolution:—

WHEREAS the costs of electricity has contributed significantly to inflationary and recessionary trends within the Barbados' economy, and

WHEREAS the existing electricity rates have had an adverse influence on the export potential of the economy

BE IT RESOLVED that this Honourable House call upon the Government to undertake an urgent and comprehensive review of price-fixing mechanisms for electricity in Barbados.

Now, Sir, when the current rates for electricity became operative in Barbados, I made the point that between 1961 and 1976 there was some increase in the region of 37 000 domestic services, that there was a massive electrification programme on the island and that the energy needs of the export sectors, particularly manufacturing and tourism, had been adequately met by the electricity costs at a reasonable level. I also said that there was a tariff structure for electricity that was discriminatory between the domestic consumers and other consumers, that those rates were not burdensome, that they were not inflationary and that they were constantly adjusted in relation to the capital development process in Barbados. In other words, they did not get out of hand.

The social or economic consequences of the right electricity rates that existed were an increase in employment opportunities, reasonable prices throughout Barbados, reasonable access to many conveniences within the home and also, Sir, significant increases in opportunities for the educational and cultural comfort of the community.

Mr. Speaker, in any price-fixing method for electricity in Barbados, it is vital to take account of the impact of the cost of electricity in the areas mentioned in the Resolution and the impact of that cost on those sectors of the economy which I mentioned and recited in the Resolution.

At that time, Sir, I argued that the existing rates — legally enforceable, no doubt but I am not questioning that in any way — would contribute significantly to recessionary trends in the Barbados economy and that it would put up the cost in many areas of activity in this

country. That prediction, Sir, has worked out quite correctly in that we have seen a significant decline in the rate of growth on the manufacturing sector with consequential loss of employment opportunities. Indeed, Sir, many of the manufacturers in Barbados find that the combination of high interest rates and high electricity rates constitute a major problem in terms of maintaining the viability of their operations.

We have seen, Sir, the escalation of prices in tourism which is an export in economic terms. Part of that increased cost can be directly attributable to the

Mr. SPEAKER: I have been giving very, very careful consideration to the terms of the honourable Member's Resolution.....

Dr. R. C. HAYNES: Sir, this is the background. It is important.....

Mr. SPEAKER: Please, I beg the honourable Member for a chance to speak.

Dr. R. C. HAYNES: I am sorry, Sir. I thought you had stopped. I am sorry.

Mr. SPEAKER: I have been at pains to pay very special attention to what the honourable Member would have to say bearing in mind that there is presently an application before the Public Utilities Board for a rate increase. Now this application for a rate increase is in respect to the cost. Whatever takes place is going to be reflected on the employment situation, the export production of the economy and I have been at pains to hear what the honourable Member would have to say on this matter. It is exactly where we are approaching at this point.

I do not want to prevent the honourable Member from debating this Resolution but it calls for extreme caution because I will not permit the honourable Member to say anything that is likely to prejudice the application that is presently before the Public Utilities Board.

Dr. R. C. HAYNES: Mr. Speaker, I do not know that the Public Utilities Board is actually.....that the hearing has started and there is an application in.

Mr. SPEAKER: That is not the point — whether it has started or not. An application has been lodged — that is the point.

Dr. R. C. HAYNES: Anyhow, Sir, I will confine my comments to general terms. Sir, it is my belief that if in any country — let us take for example the United Kingdom — if in the United Kingdom the electricity rates are too low that that would be very wasteful of capital

in that country. If the electricity rates in the United Kingdom were too high then the kind of consequential problems which I have raised would certainly relate to that situation. So there has to be a delicate balance because in all countries, Sir, and I would like to give the United Kingdom as an example, the cost of energy, in general, affects significantly the water rates in that country. It affects significantly the amount of revenue that must be raised by Government in order to meet the cost of the central administration in respect of utilities and that actually reflects on the amount of taxation.

Mr. SPEAKER: I take your point is that it would affect the amount to be raised by the United Kingdom Government?

Dr. R. C. HAYNES: The United Kingdom Government, Sir.

Mr. SPEAKER: In our local sense it would not affect the amount to be raised by our local.....

Dr. R. C. HAYNES: I am drawing an example of the United Kingdom, Sir.

Mr. SPEAKER: Precisely.

Dr. R. C. HAYNES: Now, Sir, we may have a situation — and this one is relevant to Barbados — where I have been very distressed over reports reaching me and this does not relate to any increase in rates. It relates to past rates — no increase in rates — where the Government has been paying the electricity bills for a number of old age pensioners, and all of a sudden, this has been stopped. This relates to old matters. In other words, what I am saying is that in the final paragraph in my Resolution and, in relation to the statement I made about tariff discrimination earlier, that it is essential to look at the needs of the elderly in the community. This, I will make a document of the Honourable House. 3.00 p.m.

It begins:—

“When the righteous are in authority, the people rejoice. But, when the wicked beareth rule, the people mourn.”

Proverbs Chapter 29, verse 2. This is in what I will make a document of the Honourable House. It is dated 9/2/82. And, it goes on, Sir, — I do not want to quote the whole document:—

“On the 6th June last”

Mr. SPEAKER: To what does it relate?

Dr. R. C. HAYNES: It relates to the problems of pensioners in respect of Government's inability to

pay their electricity, under the old rate, existing rate and, nothing to do.....

Mr. SPEAKER: With the Resolution before the Honourable House, I do not see it dealing with.....

Dr. R. C. HAYNES: Price fixing mechanisms — Sir. The importance of dealing with a comprehensive review of price fixing mechanisms. In other words, what I was trying to say is that a discriminatory tariff structure might relate, might be important, in respect of old age pensions.

Mr. SPEAKER: I maintain, from the Chair that your Resolution has absolutely nothing to do with old age pensioners. That is the end of that.

Dr. R. C. HAYNES: Mr. Speaker, I want to draw to your attention another area.

Hon. L. S. CRAIG: Sir, on a point of order, I can appreciate the honourable Member for St. Michael South Central's position because he is dealing with a Resolution and, as you quite rightly said, Sir, it is a very touchy and ticklish Resolution in the light of the present application before the Utilities Board for an increase or, for the fixing of the rate, Sir.

I believe that we all have something in common, as 27 Members in here — the interest of all Barbadians. I would like to recommend, so that his speech would not be too wobbly — because I think he may be getting too close all the time, Sir, and you Mr. Speaker, may have to interrupt to keep him on a straight line — I would like to suggest a friendly suggestion to the honourable Member for St. Michael South Central — to have that Resolution postponed for the time being.

I believe all that he has to say can be said in a number of other matters which we have before us today which relates to the Transport Levy and all the points which he would like to make about old age pensions and everything. This is a friendly gesture from an experienced parliamentarian.

Dr. R. C. HAYNES: Mr. Speaker, under the prevailing circumstances, if it is the wish of honourable Members and with your permission, Sir, I would accept the suggestion made by the honourable Member for St. James North, the Hon. Leader of the Honourable House and I would postpone debate of the Resolution until sometime in the future.

Mr. SPEAKER: You do not postpone. You have to ask the wish of the Honourable House. You beg to move, "I beg to move that further consideration be now postponed."

Dr. R. C. HAYNES: Mr. Speaker, I accept the recommendation of the honourable Member.....

Mr. SPEAKER: The honourable Member must move that further consideration be now postponed.

Dr. R. C. HAYNES: I am going to move it.

Mr. SPEAKER: Simply do this and do not waste the people's time.

Dr. R. C. HAYNES: I move that further consideration of this Resolution be now postponed and thanks for the sympathetic consideration of other honourable Members.

Mr. W. O. FRANKLIN: I beg to second that.

The question that further consideration of the Resolution be now postponed was put to the Honourable House and agreed to.

Mr. SPEAKER: Item No. 2.

Item No. 2 was called — A Resolution calling upon the Government to take all necessary steps to ensure that the Road Traffic laws of Barbados are observed by the Transport Board.

Mr. SPEAKER: I do not now see the said honourable Member in his place.

Hon. L. S. CRAIG: Sir, I can send and get him for you. He is just in the dining hall, Sir and I am sure that the Deputy Marshal of the Honourable House would just.....would you call the honourable Member for Christ Church West Central and tell him that he is required in the Honourable House because his Resolution is up for debate.

Mr. SPEAKER: I do not now see the said honourable Member in his place. That is the end of Private Members' Business.

Hon. L. S. CRAIG: Mr. Speaker, Sir, as Hon. Leader of the Honourable House, I have a number of Resolutions which came down a little late, Sir, and I seek the approval for the purpose of giving notice of these Resolutions, Sir.

Mr. SPEAKER: The Hon. Leader of the Honourable House is seeking leave to introduce a number of Resolutions.

Hon. L. S. CRAIG: Is leave granted, Sir?

Mr. SPEAKER: There are no objections.

Hon. L. S. CRAIG: Mr. Speaker, I beg to give notice of the following Resolutions:

A Resolution to grant the sum of \$2,981,687 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1981-82, Part I - Current as shown in the Supplementary Estimates 1981-82 No.22 which forms the Schedule to the Resolution.

A Resolution to amend the Explanatory Note to Sub-head 7 - Revenue Services under Capital Head 73 - Ministry of Finance and Planning. And also Mr. Speaker:

A Resolution to grant the sum of \$1,560,000 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1981-82 Part II - Capital as shown in the Supplementary Estimates 1981-82 No. 23 which forms the Schedule to the Resolution.
3.10 p.m.

RESUMPTION OF GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant Order of the day. When the suspension was taken earlier today, the Hon. Minister of Health was addressing the Chair. He may do so now if he so desires.

Hon. L. B. BRATHWAITE: Mr. Speaker, the honourable Member for St. Michael South Central in his speech earlier in the day made mention of the fact that there were a number of people who were lying around with respect to the National Health Service, and he thought that they should be sent home. I could hardly imagine that an honourable Member of this Parliament would have been so unsympathetic to the plight of the unemployed and people working as to make a suggestion of that nature. It is extremely unfortunate that it ever crept into his mind at all, let alone for him to have made the statement from the floor of the House.

The honourable Member is at pains from time to time to tell this House about the unemployment situation, the balance of payments, the economy being in a state of collapse, but the country fortunately is still going on and the Government is still doing its best to keep a number of people in employment - even though from the Opposition spokesman, the view is brought that the people should be sent home. I can

assure those people who he was talking about that they will not be sent home, because even though it is felt by the other side that the economy is in shambles, it is not that bad that we have to send home people who are usefully employed. What we will do from time to time is to cut back wherever we see there is waste, and if there is too much fat we will try to get the patient as thin as possible but still able to live a healthy and useful life.

From the time the National Drug Service was talked about, there were a lot of complaints and quarreling by people who are in medicine and also in drugs. The scheme was undermined at every stage, and you, Mr. Speaker, would recall a number of statements which were made in this House about the inability of the druggists to get their money. I am not aware that there are any problems with the druggists getting their money. There is a time lag of about two weeks, and I think there is general agreement that that is reasonable in the light of the circumstances that you will have to have the bills in so that they can be checked and certified.

There are a number of people who, because of the statements which were made by the honourable Member for St. Michael South Central - a number of pharmacists in this island - who have not been reacting too kindly to the service. I myself have been looking at the number of problems that seem to confront the pharmacists and will in the fullness of time make the necessary moves in order to rectify the problems which seem to worry them. But I want to say that the country will not be held to ransom and that the large mark-ups will not be the only answer to the problem. If volume is involved the mark-ups can be lowered, and since the National Drug Service came into being we were able to sell drugs as high as 35 per cent below the previous cost. You will understand that there will be a tremendous lobbying among the importers of the traditional drugs - and the sellers as well - to have a situation created whereby the generic drugs will not be sold.

The honourable Member talked about 10 per cent of people in the United States using generic drugs. We all know the system which exists in the manufacturing industries, and drugs are no different from the manufacturing industries overall. If it is seen at all that you are going to trespass upon the profits of the manufacturers, they are going to dig in and use their powerful lobbying resources in order to block any attempt to control the fabulous profits which they hope to gain.

The system used at the moment within the National Drug Plan is a tender system, and the business houses in Barbados have an opportunity to tender as well and I do not believe that they are of that kind who will tender with drugs that are inferior, because they are the people

who have traditionally brought in the drugs and sold them on the local market.

In addition to this, we have an advisory body which consists of doctors and pharmacists who are there to advise the Government and the Minister responsible with respect to the type of drugs that should come into the island, and we are always there looking and exploring the possibility to see whether we can get good and reasonable drugs. What is creating the problem is the fact that the profits have gone down considerably because of the cheap drugs which are now coming to Barbados.

I have made the point before, and I want to repeat it again — there is no point arguing as to whether or not the service is a free service, or whether it is coming into being as a result of a health levy which will be taken by the National Insurance Board. The whole problem is this. The money must come from somewhere. If the old age pensioners are getting their electricity paid, it will have to come from a source. It will have to come from the revenues of the country, it will have to come from the Consolidated Fund. If you are getting free medicine in the country, it must come from somewhere. If it is not coming from the Consolidated Fund, it must come from somewhere, and the people who are paying the levy are the people best able to pay the levy, because they are the people who are working.

Phase I of the National Health Service when it comes into being will deal with the people over 65, the people who are indigent and the children as well, and at a later stage — and I hope in another year or year and a half — after we have seen how the system is working we will then phase in probably the remainder of the population, or nearly all the remainder of the population. It has to be done in gradual stages so that you will be able to learn what is going on, to understand it and to phase in the system well.

We hope to accomplish by the year 2000, and long before — I believe, it can be done — the question of health for all. The Alma Ata Conference in Russia in 1978 in its Resolution on Health implored all Governments to ensure that there is health for all people in the world by the year 2000.

3.20 p.m.

At the rate we are going in Barbados this can be accomplished by the year 1990 or even before. The Government in its plans to bring better health to all people is hoping that by 1984 all homes in Barbados will have piped water and that will lead towards better health standards for the people in this community. It is unfortunate that a Bill as innocent as this one would have led to such a fierce attack upon the medical system in this island, and on the introduction of the National Health Service and the National Drug Service. One would have

thought that we would have been able to confine ourselves to the matter before us in this Bill which seeks to amend Cap. 47 of the National Insurance and Social Security Act. Instead, opportunity was taken to have a wide ranging discussion on all matters including law and the whole gamut of the Government's Health Service.

What I will do however — despite the fact that I deplore the method in which it was used in dealing with this matter — is to look carefully into the points which were raised and to investigate any allegation which might have been made in connection with the Hospital and the question of drugs. And, if I find that there is anything wrong with respect to the system of the purchasing of drugs, then I will rectify the matter. All in all we are still looking for better ways and means of giving the people the best possible drugs available, and also the best possible form of administration of medicine in this country.

I support this Bill in its present form because it seeks to rectify a matter which was complained of and to put the law in its proper and true perspective. I do not think it is necessary to speak any longer since I have tried to explain the main points to do with the Ministry of Health, and I hope that as the honourable Member said, when we are dealing with the Estimates, opportunity will be given whereby we can deal at length with these matters. Certainly the ball will be in the court of the Opposition not to take up too much time on other matters and to give full opportunity to have a full-scale debate on health and the National Health Service particularly with emphasis on the National Drug Plan.

Mr. A. TRUSS: Mr. Speaker, I rise in support of this Bill and to correct one or two points which the honourable Member for St. Michael South Central incorrectly made. It is true that the Democratic Labour Party was responsible for the introduction of the National Insurance Scheme, but it was the brainchild of the Barbados Labour Party in the late 1950s. It was in the Manifesto of the Barbados Labour Party, 1961, but not in the Manifesto of the Democratic Labour Party for 1961, and though it was introduced by the D. L. P. after winning the election in 1961, I do think that the Barbados Labour Party should be given some credit, for it was one of the very good things which we thought about and which we considered good for the people of Barbados in 1961, but having lost the elections, the Democratic Labour Party was then able to introduce it.

The National Insurance Scheme is perhaps one of the largest schemes in Barbados, because it touches the lives of 125 000 persons that are working. Our educational system is another very large system, but that system only touches the lives of those people who go to school. Our transportation system again touches the lives of only those persons who are forced to take buses. Our

electoral system, an extremely large system again, is one that only touches the lives of those persons who are over 18 and eligible to vote. Our income tax system is another system that only touches the lives of Barbadians who work. But the National Health Service, Sir, touches the lives of every single Barbadian. It is a vast complicated system. You are actually born into the system, and the first phase of such a system is the Drug Plan.

I have listened attentively to the honourable Member for St. Michael South Central, and though he may speak with a certain amount of forcefulness and recognising of course that he is speaking on a subject of which he is very familiar because that is his profession, one must not take too lightly the criticisms which he has made. But by the same token, Mr. Speaker, one must not forget that he is a representative of the Democratic Labour Party and therefore will oppose sometimes for the sake of opposing. The question sometimes for myself is to determine whether or not the honourable Member has a point or whether he is playing politics.

The difference, as far as I can see, between drugs that are brand name and drugs that have a generic name is basically very simple. The honourable Member must remember that in a generic drug, unlike a brand name drug, there is no fancy bottle, there is no fancy label, there is no cotton wool, there is no unbreakable cap or security cap as such, there is no unbreakable bottle and there is no advertising. All of this comes to approximately 65 per cent to 70 per cent of the drug when marketed. The generic drug when wiped of all these things, Mr. Speaker, makes it possible to bring to the people of Barbados — and not only to the people of Barbados, but to people all over the world — a cheaper health service. Health systems use generic drugs all over the world. Barbados is not the first and certainly will not be the last to change the system.

The honourable Member for St. Michael South Central mentioned Valium as being a tranquiliser of course. Valium is a brand name tranquiliser just like Coca-Cola is a soft drink and Phensic is an aspirin. But the content of Valium is apo diazepam, and apo diazepam is the generic name for the very same tranquiliser which some people bottle, put on a fancy cover, a fancy bottle, a piece of cotton wool, a fancy label and spend millions of dollars in advertising — apo diazepam which they call Valium. The same apo diazepam; without all that, stripped naked of all this advertisement, is available on the market and serves the same purpose as Valium. The price of Valium is \$81.79 per thousand, Valium as I said is apo diazepam, and apo diazepam, the generic name, is \$5.00 per thousand. For \$81.79 per thousand for Valium you can get the same apo diazepam for \$5.00 per thousand.

In addition, Sir, Barbadians suffer from hypertension a great deal. There is a drug that is known as

Aldomet which doctors prescribe for people who suffer from hypertension. Aldomet is also a brand name product. The generic name for Aldomet is methyldopa. Methyldopa and Aldomet are the same drugs. One is stripped of the advertisement whereas Aldomet is advertised with the fancy labels and the whole works. Aldomet costs \$293.96 per thousand and Methyldopa which is the same as Aldomet costs \$97.20 per thousand. These are the advantages. So you must be able to give the other side of the picture, Mr. Speaker.

If we are trying to achieve a national health service and the first step to such a service is a national drug plan in an effort to bring to Barbadians not cheaper in terms of qualitative differences but cheaper in terms of money, if we are trying to bring to Barbadians cheaper drugs of the same quality as the brand name drugs, are we to be accused by saying that we are selling the people of Barbados short?

3.30 p.m.

As I understand it, Sir, in addition to saving all the money they would save from fancy advertising and the fancy packaging, the Drug Tenders Committee as a result of bulk purchasing and alternating deliveries on a quarterly basis, is able to make significant savings as well. When the honourable Member for St. Michael South Central spoke, I wanted to ask if he was aware, as a doctor, that brand name drugs are still available in Barbados.

If the person who can afford it prefers to stick to the name drug, he can go to any pharmacist right now and find any brand name drug in Barbados. This Government has not in any way restricted the importation of brand name drugs, Sir. The druggists can normally call the doctor or consult with him if he does not have the particular generic type drug that is prescribed and the doctor can recommend another type of generic drug. But if the doctor does not wish to have the prescription adjusted or altered in any way, he can specifically write that the pharmacist must not in any way substitute any other drug other than the one which he has prescribed for his particular patient. Now this is very important, Sir, so if the people who go to the honourable Member for St. Michael South Central can afford to pay for the brand names, the honourable Member for St. Michael South Central in his capacity as a doctor can write on the prescription that no substitutes must be made and that person can pay and get whatever they want, Sir.

Additional savings have been made in drugs because this Government, the Minister of Health, negotiated with the importers and retailers of drugs and were able to get them to reduce their mark-up from 50 per cent to a much lower and acceptable mark-up. I believe it is 30 per cent or 33 1/3 percent.

In addition, Sir, prior to 1976, it must be remembered that the Democratic Labour Party had a tax of 15 per cent on drugs. We have erased that tax. There is no longer any tax, any duty on drugs so when the honourable Member for St. Michael South Central says that there was a time when the Democratic Labour Party was in power that there were giving away drugs, I am not so sure about that, Sir. I am not so sure about that but I know that the Democratic Labour Party charged 15 per cent duty on the importation of drugs prior to 1976. That is a fact and we have since erased that duty so when you take 15 per cent off the top, then another 15 per cent off the wholesalers and retailers and then you take 30 to 60 per cent off the fancy bottles and the caps and the advertising paraphernalia, you bring the basic drug in the name of a generic drug to the people of Barbados, the same quality, Sir. The same quality, Sir — that must be emphasised — to my knowledge the same exact quality as the brand name drug. I do not think it is fair to come in here and criticise this Government for what it is trying to achieve for the people of Barbados.

Mr. Speaker, my contribution is very brief. This is basically what I have to say on the matter except in closing, let me say that the Drug Formulary is published every six months and if the honourable Member for St. Michael South Central is aware that certain drugs are presently being imported that should not be imported — and he, as he has specified in here, has gone so far as to even sample them — I would recommend to him that as a doctor he should write to the Drug Formulary Committee, present his case to them and if in truth and in fact what he is saying stands up, I am quite sure, Sir, that this Committee will remove the drugs which the honourable Member thinks are not in the best interest of Barbadians.

Mr. L. A. WEEKES: Mr. Speaker, Sir, this Bill is of some concern to myself like the honourable Member on this side who just spoke on the Bill. I believe that there might have been some kind of misunderstanding in the very early stages in implementing what they called the Drug Plan and certainly if there was no clear picture in the early stages, we are likely to find some of the problems which we envisage will come along as the plan comes into force.

I believe in the very early stages it was thought that we could bring to Barbados one large drug firm and supply the service with probably from Aspirin to antibiotics, probably liniments to lotions. Now this was not like some local industry providing a kind of food supply for the country.

Drugs, to my mind, is a very serious business and all those who enter into it should be very concerned and that is why we on this side are not wanting to prevent the plan from coming into operation but we cer-

tainly want to give as much advice and probably caution as we go along.

I think the main contention to me is that if you are going to supply drugs for the curative aspect of it, then you must be very careful. We have to look at the process in which we go along. The *modus operandi*, in my view, is what is important. Most generic drugs are usually supplied by firms and manufacturing companies who have a very strong commercial inclination. In truth and in fact, Sir, you will find that some of these drug companies, even in foreign countries, cannot supply the country from which they are manufactured with the same drugs and so they have a tendency to look to the underdeveloped countries where much knowledge and inexperience in dealing with drugs is probably not evident and they are then flooded on the market.

There are some instances where we get the information very late and some of these drugs might have been manufactured ready for production and you will notice that some of them say — "For Export Only." It is against this background that we have to look and see why brand name drugs have gained such a reputable name. It is because that these firms spend lots of money in research and in research you need the kind of highly trained personnel that will go through the kind of training, the kind of research and the kind of testing that would make them available and very safe for human use. This does not mean that some generic drugs are not made by some reputable firms.

Mr. Speaker, the levy itself will find its way in supporting some of these drugs that possibly could be detrimental to some people as well. Therefore, Mr. Speaker, what we have done is to remove the original idea of bringing to Barbados one large firm that would manufacture these drugs but we have shifted it to the other countries overseas and we ended up with the same results. I say this to give a background as to how we are going to develop the Formulary which we have and to make sure that it produces the results that is so desired.

If, Mr. Speaker, you look at the Formulary, the drugs themselves are many and the difficulty that will bound to arise from time to time, is that if you have too many acknowledgeable drugs in the Formulary, you will also find that at some point in time there will be a shortage. Now out of that will also arise another problem. You will also destroy the psychological effect that is so necessary in giving the confidence to those people who are taking the drugs as well.

What usually happens is that in the Hospital itself, you have say, penicillin by six different people. When the prescription is first supplied, once any of those

penicillin drugs are on the Formulary, it is obvious that the person would get one of them. But if it runs out, it may have a different colour, a different mark and then, the patient gets this medicine and as soon as they get home, they start to realise that they are taking something quite different in look to what they have been taking before. And, we who dispense the medicine are always called to ask if the doctor has not made an error. Now, you know this is a very serious thing because the doctor and those people who work in the medical services must work together and that is one possible danger or difficulty rather, that is likely to arise.

3.40 p.m.

Mr. Speaker, Sir, I believe that for this Plan to succeed, we need to take a further look at its implementation, we need to educate the people a little bit more about what is really intended, so that, much of the doubt which will arise, from time to time in providing this service, will gradually wear away.

I hope that the Hon. Minister will take those few remarks and possibly try to correct any difficulty that he himself might have some evidence on and try to put it in its right perspective.

Thank you, Mr. Speaker.

Mr. SPEAKER: If there is no other honourable Member who wants to make a contribution to this debate, the Hon. Minister may wind up, if he so desires.

Hon. H. B. St. JOHN: Just two points, Sir, that I think that we should state and it arises out of the speeches of the honourable Member for St. Michael South Central and the honourable Member who just spoke. I think I will deal with the speech of the honourable Member who just spoke first.

In the Industrial Development Corporation, Sir, for many years, they looked at the question of active companies here for the purpose of manufacturing drugs. All of the studies showed that due to the smallness of the market here, and even assuming the CARICOM Market, that there was only a limited range of drugs which could be economically manufactured in this area. I heard the honourable Member say that one of the objects of the Drug Plan was to induce a single manufacturer here to manufacture the totality of the requirement of drugs in Barbados. I must correct the honourable Member in that respect. I am sure that he made the statement not with any intention of misleading anybody but probably, from information which he himself gathered. That is not correct. There is a limited range of manufacturing capability within the Caribbean. And, even if we reach the ideal range, there will always be still a number of drugs which, because of economic circumstances and cost, will not be manufactured here.

Dealing with the speech of the honourable Member for St. Michael South Central, I do not know whether the honourable Member has really given a detailed study of this matter, as one would expect. For the honourable Member to say that the cost of the Drug Plan was \$8 million and that it could be done for \$200 000 is a very serious thing because it is an accusation of gross wastage on the part of this Government. And, when we study the Budget Speech and look at the actual facts of the situation, I think that we must draw to the attention of the honourable Member and the public the real purpose of the speech that was made by the Rt. Hon. Prime Minister.

When the Rt. Hon. Prime Minister spoke of \$8 million being a capital grant to start the National Drug Plan, he was referring to the requirement to purchase the totality of the drugs which were being purchased under the National Drug Plan. He was not referring to the fact that there was an additional cost of \$8 million because you would have to deduct what was the pre-existing cost of the purchase of drugs at the Queen Elizabeth Hospital, at the District Hospitals and in the other areas from that amount because, after all, the National Drug Plan is only an extension of the pre-existing free services which were available before. And, all honourable Members would remember and know that in Barbados, there has always been available to people who cannot afford to pay a level of medical services — at the Casualty, among the old people by the District Medical Office as it was called under the Vestry System and under the Local Government in Cumberland Street, in Christ Church at the District Hospital or at the Almshouse — and all over Barbados and those drugs were purchased before. But, there was an element, in the Budget.

The extensions under the National Drug Plan as I understand it, related to the people who did not go to Casualty, did not go to the District Hospital but went to their own private people and there were — under the new rules of eligibility I think it is 65 and over, there were the young children and people suffering from the persistent complaints, I think it was diabetes and a few other categories..... (Aside).....asthma and a few other things. So, we must not look at it, as though, to start off this service you are spending \$8 million additionally. You must look at it and find out what was the cost before. Look at the range of the National Drug plan.

We also must remember that the Government removed completely, the duty on all drugs. You must remember that too. So that, it is very important that we put this matter in its proper perspective. Now, to the quality of the drugs. I do not believe, Mr. Speaker, that the Honourable House of Assembly is the proper place for any honourable Member, particularly an honourable Member who has professional expertise in this area, to put forward their point of view on this.

If the honourable Member feels that he has a contribution to make, in this respect, he should go through the normal and proper channel. He is a member of the Barbados Association of Medical Practitioners. As I understand it — and correct me if I am wrong — the Barbados Association of Medical Practitioners has members on the Drug Purchasing Committee — the Tenders Committee for drug purchases — as well as the pharmacists. So there is a channel of communication through which any person who has experience in this area can make known their representation. Now only if after having made the representation through this Committee that something is not done, that I believe the Honourable House of Assembly is a proper place for a Resolution to deal with that.

But, the honourable Member says that we should not politicise this. The last thing in the world the Government would want to do is to politicise something when, that Government, when it was in power and this Government when it was in power before 1961 and since 1976 — all of us I believe have one aim; that is to improve the delivery of medical care to the public of Barbados at the least cost with the best quality. So, there is no question of politics in this.

3.50 p.m.

I hope that it is looked at in this light because the doctors, the pharmacists, all have members on the committee that draws up the Formulary, they all have members on the committee that does the purchasing. As a matter of fact, the professionals are in a majority on that committee, the non-professionals — the administrators and the economists — are in a minority on that committee, so that the Government is not trying to tell people who should be competent in this area how to do their job. We are relying upon the judgment and good sense of those people, so the honourable Member's quarrel could not be with the Government, it is the people who are supposed to be able to have expertise in this area that the honourable Member is quarrelling with. The politicians do not develop the Barbados Formulary, it is the doctors and others, not us; it is the pharmacists who are part of that, not us; so I think we should look at it in that light.

Now, Sir, on this question of the levies. This Government has never said that the totality of the cost of delivery of medical services in Barbados will come via the national insurance levies or national insurance contributions. We have never said that. What we have said is that the extension of the scope of medical services which are delivered free at the point of delivery will be financed partially through the National Health Levy.

When you look at it, in all societies in the world today, the cost of health is a major item of expenditure in the average household budget. If it was not so, it would not be part of the cost of living index in every country. Some societies organise it in a way in which it is still at the private enterprise level, and it is done

through negotiations between workers and employers in a medical health scheme that there are independent profit-making private organisations in some parts of the world who in return for an insurance premium every month, will give you total coverage, or there are other methods of doing it where you have a comprehensive State scheme which is financed by a deduction from their wages.

Even in countries like the United States, which has a combination of both State and private sectors, you still find that there are deficiencies. Nobody has reached, as far as I have been able to read, no State in the world has defined the most perfect scheme in this respect. Some people like the Insurance Scheme, some people like the National Health Service Scheme. Barbados is steering its way, having regard to the fact that we always had a proportion of our population who went to an institution, the Queen Elizabeth Hospital, and other institutions and got free medical attention, but we were advised — like the honourable Member's Government too, they were advised too — that the Casualty at the hospital is not the proper place to deliver certain types of medical care, that they could be better delivered outside of the atmosphere and all that of a Casualty. That is where the polyclinics and all that come in, all part of a national scheme to deliver the best medical care. So I think one should put these things in perspective.

If the honourable Member has specific complaints in relation to drugs, I am positive that those whose duty it is to administer the purchasing of these drugs are obliged to listen to the complaints and to investigate them.

Now, on the question of standards, the honourable Member is worried about the question of standards. My understanding of the situation is that the criteria for eligibility for purchase under the Barbados scheme is proof of eligibility for sale in the domestic country from which the goods come.

The question of quality control and standards is always one that purchasing countries have to look at, and that is one of the reasons why we have introduced new labelling laws — to prevent false advertising and things of that kind; and the doctors and pharmacists on the special Tenders Committee which was created specifically to ensure an efficient system of purchasing should be aware of these matters.

So that rather than being critical, rather than giving the impression, perhaps unwittingly — because in the honourable Member's enthusiasm to put forward his point of view it may not occur to the honourable Member that by putting forward his point of view in the manner in which he is putting it forward that he is doing great damage to the whole concept of the integrity of the National Health Service — rather than do that, I exhort the honourable Member to make his specific areas of

concern known to the people of his own ilk, professionally speaking.

Do not bring it in the House of Assembly, because as soon as you do that you will politicise it, and we do not want to politicise the National Health Service. After all, you say that you are interested in it, we are doing something about it. Your interest may have been an academic interest, our interest is a practical interest. That may only be the slight distinction, but the point is that we both have interests. There are no votes to be won on this, we passed that in the sixties. That sort of thing went out with the Mottley era. All people now take it for granted that it is the duty of the State to ensure in countries like ours that health service is beyond controversy.

I just wanted to make these few remarks so as to remove some of the impressions. Sometimes I am convinced that when the honourable Member is speaking, that he is so concerned with what he is saying, and in putting forward his point of view, that the consequences — as the lawyers would say, the *mens rea* — are not there. He would do all the damage to the concept, but it is just a question that in putting forward his point of view he is so anxious to get it forward, whatever language comes to his head he expresses it through that. It does not matter to him what the consequences are. The thing that matters is that he, the honourable Member, is before the stage, the honourable Member is acting. I am not accusing him of insincerity, Sir, I am accusing him of the inability to control himself. He honestly believes what he is doing, but he just cannot help doing it wrong.

Mr. L. E. SANDIFORD: Mr. Speaker, I just make a brief intervention on this particular matter. I think the House has had a reasonably full debate on this Bill that is before us, and I think the House and the country will be a richer place for the very powerful speech made by the Member for St. Michael South Central.
4.00 p.m.

I think it is one of the benefits of having persons with different skills and expertise in this Assembly to speak on the matters that come before us. On that side of the House we have been enlightened, and the country has been enlightened, by speeches on various matters relating to law, to business, to agriculture and so on. From this side of the House — again as an Assembly — we are enlightened and the country is enlightened by having speeches by experts on matters relating to law, to medicine, to the practice of land surveying and so on, and that is the purpose of an Assembly.

I merely rise to correct any impression which may be formed that the honourable Member for St. Michael South Central was in some way improper in drawing attention to some of what are considered to be defects in

the health provisions. He spoke eloquently and he spoke with knowledge, and I believe it is a fact that some of the points that he was making were telling points that have caused a certain amount of consternation on the part of the Government benches. But I would like it to be considered — and indeed accepted — that Members of Parliament are elected to this Chamber to speak from their experience, from their knowledge on the matters that come before this Chamber, and that is all the honourable Member for St. Michael South Central did today. He spoke from that background.

Mr. SPEAKER: I wonder if the honourable Member is speaking to this Bill.

Mr. L. E. SANDIFORD: Mr. Speaker, I merely wish to get that on the record and erase any feeling that it was anything improper on the part of the honourable Member.

Hon. V. L. JOHNSON: Mr. Speaker, if you sat around and you did not know what the subject under discussion was, after listening to the honourable Member for St. Michael South Central, you would probably come to the conclusion that the matter under discussion had something to do with genocide, because he spent his whole time talking about people dying, people taking wrong medicines and all sorts of statements calculated to strike fear in the hearts of us — that what we have really done in the Barbados Labour Party's programme of distributing all services to all our citizens was merely to make it more possible, if you will, for people to be slaughtered by the wayside.

Medicine, Sir, is an emotional topic. It is emotional because so many of us fear the uncertainties that illness tends to bring along with it, and when they listen to a man who is learned in the discipline of medicine.....

Mr. SPEAKER: I take it you mean the honourable Member. When you listen to an honourable Member.

Hon. V. L. JOHNSON: Not necessarily, Sir.

Mr. SPEAKER: You are referring to an honourable Member on this occasion, and I insist that you state "when you listen to an honourable Member."

Hon. V. L. JOHNSON: All right, Sir. If you listen to an honourable Member who coincidentally happens to be schooled in the discipline of medicine, one tends to believe that his words have more serious import because of the fact that he brings this body of knowledge to the subject under discussion. But, Sir, it is quite unfair — I do not want to say unprincipled, because that would be unparliamentary — but it is quite unfair for an honourable

Member that fits the description which I have just set out to come in here and talk about generic drugs as if this is a new calamity that has befallen mankind.

Every reputable institution concerned with the administration of health services generally throughout the world has come to recognise that generic drugs hold the key to the provision of health services at a substantially reduced rate. In effect, Sir, the selling of drugs and the marketing of drugs, is just like the marketing of any other commodity backed up by large advertising bills, a lot of television propaganda etc. That kind of approach to marketing medicine and marketing drugs will ultimately lead, as the honourable Member for St. Michael Central has so ably demonstrated, to inflated costs of the commodity. It is precisely for that reason, Sir, that a National Health Service Programme such as we are conducting in Barbados is necessary, because when drugs are marketed, the average citizen has difficulty buying those drugs and the poor amongst us have no chance at all of buying those drugs because the price is way too high and is completely out of his range. It is a luxury that he cannot afford, and we have determined that drugs or the availability of medical services must not become a luxury in Barbados. Everybody in this country, rich or poor, must have equal access to good and proper medical health services.

Now if the honourable Member for St. Michael South Central — as I am sure he can — wishes to buy drugs by their brand name, he is free to do so. That is a luxury he can afford, but for this Government, concerned as it is with bringing our bill for the provision of medical services into control, we will go about the job in a way that other countries before have gone about it, then I can see nothing at all wrong with it.

The United States Army is probably one of the biggest users of drugs anywhere in the world, and if you were to go into the Drug Formulary of the United States Army you will hardly see a brand name drug. They use the exact drugs that are currently being introduced into Barbados now. And they have been using them for years because they recognise that that was one way of controlling their medical bill. And here in Barbados we hear a man who is a medical practitioner getting up in here telling us that he has seen people with 20 different generic drugs and the high blood pressure was at the point of getting out of control and he controlled it magically with one drug.

That is not a commentary on the generic drugs; that is a commentary on the doctor who was looking after that patient, and what he needs to do in these circumstances, is to report that kind of malpractice, because that is how I would describe it, and he has a responsibility not to come into this House and talk about it. He has a re-

sponsibility to go to the Medical Council and report whoever that colleague is of his who gave the patient 20 different kinds of drugs endangering his life when he has no business to do it.

4.10 p.m.

That is unethical and the honourable Member who respects the code of conduct by which doctors are governed has a responsibility and a duty to go and complain about it.

Dr. R. C. HAYNES: Mr. Speaker, on a point of order. The remarks made by the honourable Member reflect and suggest impropriety on my part. Firstly, I did not say 20 different types of drugs. I said 20 tablets which is not the same thing and secondly, it is not only a question of generic drugs, but a question of who makes them and where they are marketed. A generic drug made by a reputable firm in the United States is quite different from a drug made here in Barbados.

Mr. SPEAKER: Point taken. Your point is well taken but the Minister's remarks do not reflect on your conduct in this Honourable House.

Hon. V. L. JOHNSON: I have the honourable Member's words and I was very careful to write them down and I did not hear anything about 20 tablets. I do not have that here but the point I am making, Sir, is this — that it is not correct to come into the House and to suggest that generic drugs in some way or another has anything to do with the fact that the person had 20 drugs or 20 tablets, whatever. It is immaterial. What is significant is....

Mr. SPEAKER: In other words, the Minister did say that you are guilty of misconduct, but not misconduct in this Honourable House. That is the point we are making.

Hon. V. L. JOHNSON: The honourable Member said that he tested the drugs by taking some himself. At least he took a pill, a tablet, a particular brand name except that it was not a brand name, it was generic, to find out whether or not it would cloud his vision as it had been clouding the vision of people who had been taking it. He did not specify whether he was talking about his mental vision or his optical vision. He did specify? The honourable Member does not need to take any drugs to become glary-eyed. He comes in here week after week and demonstrates that he has the capacity to be glary-eyed on a number of topics and today was no exception.

He said he looked into a microscope to test this drug and he was able by looking into a microscope

— I was under the impression that drugs represent a chemical formulation but he tells me he looked into a microscope and he saw right away that the Valium was different. But, Sir, if it looked different, it does not mean that it was chemically different. There are a number of drugs; some drugs are red, some drugs are green. That is part and parcel of the whole marketing package. Some are round and some are square but they have the same chemical components in the same quantities. The fact that they might look different to my eyes does not represent any significant factor and the honourable Member is a physician and he should know. He cannot come into the House of Assembly and tell people that he looked into a microscope at a drug and because he looked into a microscope it has no business in the Drug Formulary in the QEH.

We, Sir, in this House deserve much better than this. We deserve an honest approach to sensitive issues such as we are trying to deal with today. To come in with this inflammatory rhetoric merely because he happens not to support, perhaps, the methodology or whatever it is he is quarrelling about is not good enough. It is not good enough to come and say, therefore, because you might not support the methodology that the whole principle is wrong or cock-eyed.

The Barbados Labour Party chooses to go about the implementation of a National Health Service in the way it has gone about it. The principle in the end will be to guarantee a proper level of health service to all Barbadians. That is the end product. That is what we are aiming for. You may not agree about how we go about reaching that end. The means may not be what you like, but the point is, can you really quarrel with the ends? I submit that you cannot quarrel with the ends and even if you quarrel with them, the man and woman in the street who would die because he did not have access to medicine, will appreciate it because he can now walk in with confidence into any of the several clinics that form part of the new and modern network of the health services in Barbados assured that he does not have to walk with his bank book to get a prescription filled.

Now, Sir, he talks about drugs being in short supply. Mr. Speaker, Sir, I wanted to buy a product from the lumber yard and when I went they did not have it. It has nothing to do with the fact that I wanted pine or fir. That is an accident not of the product; that is an accident of the stockist. That has nothing to do with the product and if you do not place orders in time, in as much as we are ordering from abroad, if you do not place orders in sufficient time, that is a management problem. That has nothing to do with the job. If you do not place orders in sufficient time whether it is a generic drug or a brand name drug, it is going to be in short supply. If you want an Aspirin and you do not

order it in time, you will run out. It is as simple as that. If you want Valium and you do not order it in time, you will run out. That is a simple principle of management. It has nothing to do..... (*Asides*)

The Minister does not order drugs and I heard the Minister get up and say that he is not aware of any shortages, and this is something else too. How come the honourable Member for St. Michael South Central out of all of us in here is the only one who knows that somebody dropped dead up in Oistins from some drug.

In 1976, in the early part of 1976 or the latter part of 1975, a young boy from the Farm Housing Area went to the Casualty of the QEH. At that time, the Democratic Labour Party was in power because at that time it touched me. He went to the Casualty suffering with pains in his side. The doctor sent him home. The boy was vomiting. The mother was concerned later on in the night and she brought him back again. The doctor sent him home again. That little boy went back home and died that night. I know about it. His mother knows about it. His father knows about it. A life, a little young life, just like that, gone because of the Barbados Labour Party Drug Formulary? No, because of the fact that the QEH under the Democratic Labour Party has never been able to attain a level of service that would be commensurate with the expectations of all of us here in Barbados.

People are not just dying now, if you say they are dying — and they die for a variety of reasons — it is unfair again to come in here and say that because a drug does not have on a brand name that that is the reason why they die. More deaths happen in this country from malpractice of doctors than from anything else. I say so and the sad commentary in Barbados is that when it happens other doctors would not come in and speak. They go silent and a lot of people get hurt. They get maimed and a lot of sad things like this happen because of the closed-shop that medicine practices.
4.20 p.m.

I am not commenting on the competence of doctors in general. I am saying that there are a lot of things that happened, in the field of medicine because it is one of those esoteric — almost, you might call it — disciplines. People are mystified by it and they are afraid or feel powerless to take any action. They describe the Health Service Levy as a straightforward tax. Call it what you will. It is a means for which we will be able to provide health care to Barbadians.

Mr. Speaker, Sir, I do not think that we need to spend a great lot of time dealing with this subject. The Barbados Labour Party Government is seeking to amend the National Insurance and Social Security Act, for the

purpose of enabling the Government to collect the Health Service Levy and that is what is before us. I believe that all honourable Members on both sides, on calm and dispassionate reflection, will be able to conclude that this is a forward looking measure. It is a progressive measure that will redound to the benefit of all of us — even honourable Members on that side.

Sir, with that in mind, I am happy to be able to fulfill a promise which we made only a few short weeks ago that we would come back here and put the collection of the Health Service Levy back on all fours and we have done that, today, by the introduction of this amending measure.

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

On the motion of Hon. V. L. JOHNSON, 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.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 inclusive were called and passed.

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

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

Hon. L. S. CRAIG: Mr. Speaker, you would recall, Sir, that notice was given, under 22 1(b) for two Resolutions, Sir, which I now propose to take, Sir that is a Resolution for \$2,114,594 to be taken from the Consolidated Fund.

I therefore beg to move, Sir, that this item be the instant Order of the day.

Mr. SPEAKER: Order No. 1 is the instant Order of the day.

Order No. 1 was called — To move the House into Committee of Supply to consider the grant of sums of money for the service of this island.

On the motion of Hon. L. S. CRAIG, seconded by Hon. L. B. BRATHWAITE, Mr. SPEAKER left the Chair

and the House went into Committee of Supply, Mr. ODLE in the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee of Supply.
4.30 p.m.

SUPPLEMENTARY ESTIMATES 1981 —82, No. 19

Head 13 — Services Commissions — was called.

Rt. Hon. J. M. G. M. ADAMS: This is very petty, Sir, this is a new post which has been created, Deputy Chief Personnel Officer, and he has been given a commuted travelling allowance in lieu of travel. It is \$180 a month, and the sum sought, \$2 460, is required to meet this allowance for the balance of the financial year.

I beg to move that Head 13 stand part.

Hon. V. L. JOHNSON: I beg to second that.

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

Head 14 — Establishments — was called.

Rt. Hon. J. M. G. M. ADAMS: Sir, there are a great number of temporary employees in the Government. Temporary posts fill temporary places and it is not always possible to estimate accurately how much money will be needed to service the temporary posts in the course of a year. The system is that generally all temporary posts are met from this vote which is under the control of the Chief Establishments Officer.

At the start of the year — I am speaking to Item 2 in particular, Sir — it was estimated that \$2.8 million would be sufficient to pay the salaries of these temporary officers. We were particularly hopeful that this would remain sufficient, since the Government has been engaged on an exercise of reducing the temporary staff either by placing the posts on the Unestablished List or establishing the posts entirely and making holders into fully fledged established public officers. Of course, in some cases where it has been shown that the need for a temporary post has come to an end, the post will be terminated. However, the work of examining all the temporary posts in Government has not proceeded as quickly as I would have hoped.

We have dealt with temporary positions in many areas. Some have been dealt with by a complete reorganisation in the service for which the posts were provided; for example, the Water Authority where there were many

posts carried there for many years, posts of Clerical Officer, persons who were required to deal with the writing out of bills and accounts by hand. The accounts of the Waterworks have now been fully computerised and handed over to the new Water Authority, so those temporary posts have vanished from the temporary posts list.

There are one or two posts in some areas. In new services such as the Security Guard Service, a number of established posts have been provided, so that the Security Guard Service is no longer a temporary service in its entirety. And where appropriate, Unestablished positions have also been provided, and this process will continue when after a few more years we see the real need for Security Guard services in the various Departments of Government.

Nonetheless, Sir, it has not proved possible during the year to entirely eliminate those posts that we think may be redundant or to avoid the creation of a few new posts. These things arise sometimes very suddenly. You are starting something major, so you create temporary posts, perhaps even at Permanent Secretary level you may find that this has to happen. You have a number of projects which are too much for a Department to run by itself, so you create a new temporary post of Permanent Secretary. Almost invariably you appoint somebody who is already a Permanent Secretary to it, but in those cases normally this vote would not attract the salaries but it can happen throughout the whole service that a temporary post is created and funds have to be found.

This has happened during the year, Sir, and for this reason we find that we need another \$356 000 to supplement the vote of \$2.8 million to meet the demand of temporary officers to the end of the year. I should not believe the vote is already burst, but I have little doubt that if we do not pass it very quickly that some temporary officers will find that they may have to wait for their money.

The other part relates to utilities, Sir. I do not think anybody will really need a long address on the subject of utilities. You pay a utility bill as and when it comes. We have had a lot of trouble, we have inherited bills from the Telephone Company for overseas calls that go back to 1971. The Waterworks has never been able to send out all their bills until the computerisation exercise and perhaps has exposed some very old bills that the Government owes, and although the cost of electricity has been falling during this financial year — a fact that is very difficult to get the public to believe, Sir, although it is true — if you do not pay electricity bills and they come all at one time by way of arrears, the fact that they are fewer arrears than there would have been a year ago does not help you if you need the money, and we need to supplement the utility vote also.

I therefore beg to move, Sir, that Head 14 stand part.

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

Mr. L. E. SANDIFORD: Mr. Chairman, just a brief contribution here. The Prime Minister in his very inimitable manner has spoken about temporary posts, and of course I believe he has spoken in the way he has spoken so that the issue may be fudged and we may gloss over and perhaps even not remember that there is considerable disquiet in the public service of this country about persons who hold temporary posts, who are in considerable anxiety as to when they may be required to vacate those posts. Some indeed have already been asked to vacate those posts, and generally speaking, there is a considerable amount of disquiet in relation to temporary posts and to persons who have been sent home.

I believe the Prime Minister and the whole front bench and back bench of the Government are fully aware that all is not well within the public service of this country. (*Asides*). I know, I saw a very massive demonstration by the National Union of Public Workers representing members of the public service — I do not know how many were in permanent posts and how many were in temporary posts — (Rt. Hon. J. M. G. M. ADAMS: None were in temporary posts). None in temporary posts, but they were demonstrating about matters which concern them very deeply.
4.40 p.m.

I would like the Prime Minister and Minister responsible for Establishments to give this House some breakdown as to the number of persons in temporary posts who have been asked to vacate these posts, who have been sent home and who are therefore no longer employed by the Government. I believe on a matter like this the Prime Minister should come to the House and give the necessary background information. At a time when it is very difficult to make ends meet, we have persons being sent home, and I would like the Minister to indicate whether there is a definite policy on the part of Government to retrench workers in the public service, not to fill vacancies when they occur, and generally to take other steps in order to reduce the cost of the public service. I think that on this particular matter it will be appropriate for the Minister of Finance and Minister responsible for Establishments to clear the air on this particular matter because he can take my word for it that there is concern. It reaches not only into the Government Departments, but into perhaps Statutory Corporations as well, and I am calling on the Minister responsible for Establishments to make a statement on this. I will put it no stronger than that at the moment.

Mr. M. A. KING: Mr. Chairman, I rise to make a short comment on Head 14, Item 5, Utilities — the provi-

sion for utilities is also inadequate and needs to be supplemented. It seems to me, Mr. Chairman, that over the past few weeks a number of old age pensioners in the country have had their electricity services terminated because the light bills had not been paid.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, on a point of order, by definition an old age pensioner is not going to be a temporary employee of Government.

Mr. M. A. KING: Mr. Chairman, I see Item 5 of Head 14. Surely I can speak on this. I think reference may have been made by the Rt. Hon. Member for St. Thomas in his opening remarks. We are dealing with Head 14.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, it is the Government's utilities bills, not all utilities services at large. Anything the honourable Member would like to ask me about the telephones, water, electricity and natural gas bills at Government headquarters — which are the items covered here, he can ask; but we have no old age pensioners at Government Headquarters.

Mr. M. A. KING: Mr. Chairman, as I understand it, the Government pays the light bills for old age pensioners, but I am sure the Prime Minister would take this opportunity to explain or give the House the assurance that the light bills of pensioners would be paid and that the services would be reconnected as soon as possible.

Mr. CHAIRMAN: I cannot allow that at this time. We are not dealing with that at all.

Dr. R. C. HAYNES: Mr. Chairman, I shall be very brief on this occasion. There seems to be a resolute and determined effort on the part of the Government to ensure that nothing relating to the consumers whether they are old age pensioners or otherwise will be discussed here today. But, Sir, I should like to make this point.

Hon. L. S. CRAIG: Mr. Chairman, I think it is very improper for the honourable Member for St. Michael South Central to say that there is a resolute attempt to stop members from discussing anything about old age pensioners and electricity in here today. When you are not in the Chair it is Mr. Speaker, and therefore what the honourable Member is implying is that Mr. Speaker is resolute in his approach to stopping him from discussing a matter which he wishes to discuss. I think it is highly improper, and I would ask the honourable Member to withdraw it and get on with the debate as we know he is capable of doing. He is going to talk about the country's economic position and we are well aware of this. Start all over again.

Mr. CHAIRMAN: The honourable Member may continue and try not to be out of order.

Dr. R. C. HAYNES: I should like to ask the Rt. Hon. Prime Minister and Minister of Finance why it is that in almost every supplementary that has come before this Honourable Chamber we see substantial increases for the cost of utilities.

Mr. CHAIRMAN: I believe you should deal with this Head.

Dr. R. C. HAYNES: I am dealing with utilities. This is a supplementary.

Mr. CHAIRMAN: You are dealing with this supplementary.

Dr. R. C. HAYNES: Now we have been told that the cost of electricity has gone down. We know that there is a very significant relationship between the cost of electricity and the cost of water since a high proportion of the cost of water is due to the electricity used for providing that water. I am concerned, Sir, that we should be paying an increase in utilities to the order represented here in the Schedule to the Resolution, in a situation where we have been told that the cost of energy, and the cost of electricity in particular, has fallen. We know that it is no fault of the Natural Gas authorities that the price of natural gas has gone up.

Mr. CHAIRMAN: I just want to point out to the honourable Member that the amount here may well reflect a reduced cost. You are in order to ask the Prime Minister if that is the case or not.

Dr. R. C. HAYNES: I am going to get on to that.

Mr. CHAIRMAN: You are suggesting that this is an increased cost and you want to know why it is; because of the reduction in the cost of electricity, there is a corresponding reduction in the cost of water.

Dr. R. C. HAYNES: He has come for a supplementary of \$22 927 and the only reasonable conclusion that I can come to is that the Government has been rather unsuccessful in its energy conservation policies, because we have heard about steps that Government has been taking to reduce the cost of utilities by energy conservation. Nevertheless we see a supplementary here today following on other supplementaries.

Now, Sir, what are the components of Government's energy conservation in respect of the Bill that it has to pay in any one year? One would like to have some

answer to that. One would like also to have some idea of how much greater would be the overall bill for utilities this fiscal year as compared with last year if the honourable Member has the information available to him, and also what is to be done in order to keep the utilities bill down as far as Government is concerned?

Now, Sir, I have available to me a proposal which was so illconceived in relation to Government's efforts to reduce the utilities bill, a proposal to ENERG by the Ministry of Trade and Industry — I will make it a document of the House — signed by P. Redman and it was such an inept proposal that it was dispatched from Barbados on August 20, 1980, arrived at ENERG on September 2, and on that same day it was disposed of as being a totally ill-prepared document.
4.50 p.m.

I believe, Sir, that the heading referred to — it is a letter from the Government requesting aid from a United Nations agency. You can have a copy of it if you want it but I believe, Sir, that if the proper approach is made in the areas.....I am trying to advise the Government of the areas in which they can reduce the cost of electricity and therefore the cost of utilities having established that electricity is a basic factor in the cost of utilities in the Government and it is a point which the Hon. Prime Minister has correctly made on several occasions.

Now we get a situation where you have a request for technical assistance in relation to the technical and economic feasibility of the utilisation of rum by scientists from distilleries for biogas production. Another one is the utilisation of existing windmills in Barbados; another one — a multiple cell digester for serious fermentation; another one — the use of low cost materials for building collector panels; another one — the technical and economic feasibility of producing and utilising low cost, small-scale sabaneous rotor windmills for energy on small farms and small rural districts — also applicable to Government buildings that would be, Sir; another one — solar ambient collector compressor machine; another one — building cooling using cold sea water very relevant to keeping the cost of air-conditioning down; ocean wave energy proposals, ponds and all that in the North Coast; solar pond generation of electricity.

I do not wish, Sir, to go into the technical details of all these proposals because they are largely scientific and quite clearly there is a distaste in this House for the discussion of scientific problems although the question of scientific problems have reached the highest level of Parliament through Select Committees. Many Parliaments have Select Committees to deal with scientific matters.

But, Sir, the point I want to make is that we in Barbados produced this document which was virtually thrown out of the window because on one major ground

that it did not relate, Sir, to our major source of energy in this country. I would advise the Government, if they seriously want to reduce the cost of utilities, to look at the United Nation Conference on renewable sources of energy and one prepared, for example, by Great Britain and Northern Ireland, one prepared by the Sudan, one prepared by Iraq, one prepared by Norway, one prepared by Israel, one prepared by Sweden, one prepared by the Federal Republic of Germany, one prepared by Rumania, one prepared by Iran and they would have the means of understanding how to prepare a proposal that would be acceptable to those agencies of United Nations that deal specifically with energy and also provide assistance with energy.

I believe that those costs can be reduced. I believe that Barbados has the possibility for energy diversification and if you may permit me, Sir, to make this point. I feel that one of the main activities of the Barbados Light and Power Company should be to assist in the research of alternative sources of energy and provide the facilities to make sure that those outputs of energy can go into a national grid because you must build on something and you just cannot put up a whole set of proposals in isolation.

I would recommend, Sir, — I have not read from these documents so I do not have to make them documents of the House, I merely quoted but there are very interested and I will make them available to the honourable Member for St. James North so that he would be able to fill in the serious conceptualisation and the serious lack of knowledge on.....

Hon. L. S. CRAIG: On a point of order. The honourable Member does not have to make those documents available to me. What he is reading there are some 70 countries that put in those documents. He only is a show-pig, playing that he has something. Seventy countries put in those documents in Nairobi at a Conference and you can go to the Ministry of Foreign Affairs and get those. You are not saying anything. You are a show pig this evening. That is all you are, a big bundle of papers and documents, what documents?

Mr. CHAIRMAN: Order, order.

Hon. L. S. CRAIG: They have them licking dog up there with people writing on them.

Dr. R. C. HAYNES: It does not matter where I got them from. It does not matter where I got this submission from but what I am saying is that a comprehensive review of these documents that I have put in my suitcase would contain the germinal seeds for effective orientation in relation to energy in Barbados.

Hon. H. B. St. JOHN: No, Sir. Once again the honourable Member is grandstanding today. The Government of Barbados, over the course of the last five years, has been vigorously pursuing all sources of alternate energy which are capable of application in Barbados — even if they may not at the present moment be economically feasible but they show potentials for economic feasibility in Barbados.

The National Science and Technology Council was created in Barbados during our time. This Government was the Government that introduced by way of an amendment to the Tax Laws of Barbados the eligibility for solar water heating for tax deductions. As a result a great impetus was given to the manufacture of solar water heating units in Barbados. We already talked about the experimentation that we have been encouraging in relation to solar cooling as part of our thrust in relation to alternate energy.

As a result of a suggestion not only by UNDP but by the World Bank in the form of Dr. Byer, an Energy and Natural Resources Unit was created, at first in my Ministry and now in the Ministry of Finance and Planning. We trained a number of economists and other members in the Government Service. Mr. Ishmael Ashby was the first one. Dr. Tudor was specifically picked because of his interest and the papers that he wrote in relation to the potential for wind energy and other alternate sources in Barbados and I will give the honourable Member the history of some of those country papers. Doctor Tudor was picked as the head of the panel — a Barbadian.
5.00 p.m.

Now Sir, we have pursued the conceptualisation down to the point of semi realisation because, as a result of the background work that was done here, the Inter-American Development Bank has a programme with us to test the feasibility of wind energy in Barbados. We have done work, in relation to the utilisation of the bagasse capability in Barbados, and two factories, I believe, are now fitted with the alternators that can make use of the surplus steam that can be generated by more efficient utilisation, so as to put it into the national growth.

On the question of solar power, the Israelis have done a lot of work on that. We investigated the question of using a solar pond specifically at the airport because we were told that you need large, large square metres of land for a solar pond. When that was investigated, it was proven that the place that it was situated was not quite economic yet. Do not say that we are not aware of these things. A total comprehensive energy study was done, in Barbados, as to the respective utilisation of the total energy here in Barbados.

A project is going on now with the World Bank in Barbados in respect of the second stage of that project which is the implementation of a programme of energy conservation here. We have a committee that comprises of people, not only from the professional association but the great energy users.

I would stop now, if the honourable Member who just spoke, who is so *au fait* with all of this, can tell me the distribution of energy users in Barbados because he does not know about these things. All he is doing is grand standing around here that Barbados is not doing anything. You know, the more you provoke this Government, the more we are going to expose your lack of knowledge of what is going on in this country.

Now, Sir, it is all right to have all of these countries papers. But you have to have potentiality to use the ideas expressed therein. We have been looking at the question of alcohol with sugar cane. The Sugar Producers Research Unit has a gentleman up there, Dr. Brooks, who follows this conference after conference, and up to now, all the economics show that it is still more economic to put the residue in rum, than put it in motor cars. But, it is not only sugar cane that you can get alcohol from. You can get it from yams and sweet potatoes; you can get it from cassava. (Dr. R. C. HAYNES: Starch.) Well, each one of those comprises starch — unless you are saying that Barbados can grow corn.

The honourable member is saying that Barbados has the land area to grow starch. Arrowroot starch or corn starch? Tell me now. Tell me now because I mean starch. All of these products that we talk about, yams, sweet potatoes and all of that have starch. (Dr. R. C. HAYNES: What is whiskey made from.) Well, you are an expert on drinking whiskey so you would know what it is made from. It is no use getting in here, trying to befool the Press. That is all the honourable Member is doing — trying to get headlines, in the Press; "Haynes suggest this", when, in truth and in fact, there is nothing novel about what the honourable Member is bringing forward.

There is a specific programme and what we have done is to select those areas where we feel they have some possibility of application in Barbados. I do not want to raise a hornet's nest, but the honourable Member should know that part of the studies that went into the type of electricity generation that we should have in Barbados — according to all of the evidence — was that we shifted from a high speed diesel or medium speed diesel to a low speed diesel. Now all of this is part of it and this conservation programme will reach its heights now that its various assessments have been done.

So, do not suggest to the public of Barbados that the Government is doing nothing in this area, when we

are doing so much, at the agricultural level, the tourism level, at the transport level. The conservation policy will be coming to the fore, and in the other areas we are doing the experimentation. Do not say that we have thrown documents through the window. The Government of Barbados had a country document itself and Dr. Tudor and others were part of the panel. There is a man called Dr. Gibbs from UNDP. I think he is Dr. Bernard Gibbs or whatever his name is — he is either from Grenada or one of these islands. He works with UNDP. Dr. Trevor Byer works with the World Bank.

Now, it may be true that more people may have wanted to go to the conference. Mr. Chairman, I have a fair amount of experience now in this Government, of how some people will operate. Some people, if they do not go to a conference, feel very annoyed and they like passing out the information of others because they did not go to the conference. Well, the Ministry of Finance and the Standing Conference Committee sometimes tell them, "Look, when we look at the agenda of the conference, we really do not feel that we can really benefit from this. Get the papers of the conference and read it so as to keep yourself up to date on these matters." Well when the papers come, they get vexed that we did not send them to the conference, so give them to the honourable Member. That happens to us, it happens to us. I think that they should bring the papers and in the future try and convince the Standing Conference Committee which comprises mostly Civil Servants. There are no politicians on it.

I well remember what the Rt. Hon. Leader of the Opposition used to say about conferences and he knows very well. It was he who set up this Standing Committee on Conferences because he used to be besieged with the same requests. Some people once they hear conference, Oh Lord, they see themselves there trotting up and down the conference with the big badge, with "Barbados" on it and things like that. Do not tell the people that the Barbados Government is not serious about the utilisation of alternate energy. Do not tell the people that we are not doing something about energy conservation because we have specific programmes dealing with and the Inter-American Development Bank, UNDP and the World Bank, are involved and the assessment was done as part of a Caribbean Community Project. The project that Barbados was recommended to do was an assessment of the energy use within Barbados.

We had a very good young lady, she was well trained and unfortunately for domestic reasons she has migrated to Canada. (Dr. R. C. HAYNES: She was frustrated. She was frustrated.) A very, very good lady. She was an Energy Economist of good quality, Mrs. Redman — that was her name. She married somebody who went to Canada. You would want the lady to stay here and her husband in Canada and I do not know whether the honourable Member

likes that situation. I do not know, but commonsense would tell me that if her husband is in Canada, the best place for the lady would be in Canada.

But we have another gentleman, Mr. Cox, who was her assistant and Mr. Cox has just been awarded a scholarship to do the same training. These are the limitations that we have. We have three posts of Director and Senior Technical Director and Technical Officer, in the Energy and Natural Resources Unit and up to now, we cannot attract people of the right engineering. We have upped the salaries, we have regraded them. As far as energy is concerned, the Government of Barbados, when energy was down at us we paid for a man to do a Masters in Petroleum Engineering. He signed a bond with the Ministry of Education. He asked for a year to do practical and he has disappeared and nobody can find him. We only know that he is working with an oil company in Texas. That is the difficulty that you have, in small countries like this.

But do not try and give the impression that nothing is being done if so much is being done.

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

Dr. R. C. HAYNES: Mr. Chairman, just to reply very briefly to a few words by the honourable Member; very briefly.

Firstly, he says that I, this honourable Member, that I am ignorant of what is going on in Barbados. The only problem, is that he has made that speech about six times in this Honourable House over the past two years. So if I were ignorant, having heard it six times, on six occasions, then, I should at least have some information on what was going on. The same speech, Mr. Speaker.
5.10 p.m.

The second point, Sir, in reply to the charge of ignorance. Nowhere in my speech did I say that the Government was doing nothing, and this is where the Hon. Deputy Prime Minister displays his best skills in debate when he attributes to your statements and then argues against the statement that he made rather than against the statement that you made. This is a technique that he uses week after week. I said no such thing. What I said was that the proposals and requests for aid were despatched very hurriedly, because they did not form part of a serious, comprehensive and meaningful proposal in relation to the existing base of energy in Barbados.

I did not get that from any civil servant. I got that from attending a conference on energy to which I was invited in my own right as a member of Her Majesty's loyal Opposition so it is nothing to hide. I do not accept documents from civil servants like that, indeed, Sir,

that is in documents which arrived at my home. So long as I believe that they come from a source which a person should not be using based on his position within a Ministry, I automatically tear them up and never speak on the subject, so let us get that part straight. I never discuss anything with civil servants or anything like that to compromise the position of a Minister, because one day the Democratic Labour Party might form the Government and the person who does that under the Barbados Labour Party will continue to do it under a Democratic Labour Party Government, and I never get involved in that. You can believe it or not. (Hon. L. R. TULL: We know you, you know, and I do not believe it). That is your business.

Now, Sir, the honourable Member made a very good point about the installation of high speed two-stroke engines. He said he did not want to raise any problems, I do not want to raise any either, I just want to reply to what he said. I would just like to inform him that the same engines could have been installed at U.S. \$400 on a turn-key basis using the same low grade, low priced fuel, and that under the present arrangements there is very grave doubt whether the World Bank's requirements for going out to tender were observed and that Barbadians will be paying four times as much for the installation, and the calculations are that it will cost the Barbadian public U.S. \$100 million over the next 20 years if a different kind of two speed engine had been used instead of the one being currently installed in Barbados. The basic principle was right, but what has happened is that instead of getting the most effective and the cheapest form of engine — bearing in mind that the depreciation of plant anyhow would be about over a 20 year period — we are paying probably four times the cost for the same machinery that could be obtained.

Now, Sir, I cannot refer to rates or anything like that, but it should be obvious to everyone that when that capital cost is capitalised over a five or ten year period, and when you add to that such matters as Deferred Taxes and Investment Tax Credit, that the people of Barbados are going to be properly soaked over the years — and quite unnecessarily — because of smart accounting devices and the choice of an engine which could have been delivered on a turn-key basis at one and a half per cent lower interest rather than the present engines being installed in Barbados.

Sir, one other cautionary note. The World Bank has occupied too high a role in the determination of our energy policies. I believe even the Rt. Hon. Prime Minister who would have welcomed a debate today — provided it did not compromise the situation in relation to the PUB — would accept that the intervention of the World Bank in the energy affairs of this country has proved to be disastrous not only in relation to the Barbados Light and Power Company, but I ask you to exercise great care

in World Bank intervention in some of the projects you mentioned. I would just ask you to check and see what has happened in Mauritius, check and see what has happened in Fiji, and then you might get some idea of what the World Bank can land small countries in in relation to alternative forms of energy. Check those two things very carefully. I will say no more, Sir, because I do not want to tread on forbidden territory.

Rt. Hon. J. M. G. M. ADAMS: Sir, I want to make a few replies before I wind up. I had better handle Item 2 very, very quickly. I cannot help the honourable Member for St. Michael South, he will have to make that a substantive Parliamentary Question. I believe that some temporary posts have been terminated. If a post is terminated and somebody, is working in the post, naturally they no longer have a job, but the honourable Member should recall that in many cases, persons working in temporary posts are already civil servants and they get a promotion into a new post created for a new service, so when the post is terminated they go back to their original position.

What I will say for the future is that virtually all temporary posts that are vacant are very shortly going to be terminated. Some will be terminated which have staff in them, but the Government unfortunately is being counselled on all sides to reduce its expenditure, and to reduce expenditure sometimes you have to reduce a service temporarily. Which better service to reduce temporarily than a temporary service? That is a much wider subject which I will deal with at another stage.

Some extraordinary topics have come in that I would like to say something about before the honourable Member for St. Philip North addresses the Committee. There is a very simple answer to the question about the utilities in respect of this particular Head. The whole amount was not envisaged when the Estimates were drawn that Government Headquarters would have to pay as much as \$25 000 for connecting up with the sewage scheme.

5.20 p.m.

The Sewage Scheme was never supposed to go as far as Government Headquarters, and was extended up Bay Street to reach Government Headquarters for the headquarters, for the St. Michael's Infirmary and for some benefit of some of the constituents of the honourable Member — the Deputy Leader of the Opposition — and that \$25,000 is virtually responsible for the whole of this supplementary.

What the honourable Member for St. Michael South Central says is also true, that it is extraordinary that at a time when the cost of electricity has been reduced that we are still getting increased electricity bills. In respect of this particular vote, the Chief Establishments Officer has

apparently checked the figures and he has discovered that the consumption of electricity at Government Headquarters has increased, and there is some small component in it of that increase, but in general you can almost be sure that when any old premises of Government comes for a supplementary for utilities, it is because the amount of the arrears have not been satisfactorily calculated.

All Government Departments virtually are in arrears of electricity payments. The honourable Member for St. Lucy made a fuss with the Government very properly because I believe the Light at the Half Moon Fort Fishing Shed was turned off for non payment, and I had to hustle approval through for a supplement to the Ministry of Agriculture and Fisheries to get enough money to pay some of its arrears.

I have to blame the utilities companies partly. They extend to Government these long arrears and then they cannot justify the arrears years after when they are demanding the money. It is worse with the telephone calls. An overseas call is made from the Ministry of Education in 1972 to Nairobi or to Montevideo and nobody can ever trace who made the call, and ten years later it is still unpaid, but it is still going forward in the arrears, — (*Asides*) That is just an example — and suddenly the Telephone Company quarrels. (*Asides*) No, the honourable Member for St. Michael South did not make telephone calls to Montevideo or Nairobi; he used to make visits to those places. Suddenly the arrears build up and the Telephone Company decides that it is going to threaten. They cut off my phone once, Sir, the telephone for which the Government pays for the Prime Minister, an ex-directory phone at my home. One morning I picked it up and I got nobody and reported the telephone out of order, and then there was a great flurry. (*Asides*) I did not mean to give the honourable Member a number that was not functioning, but the General Manager was ringing to apologise for having cut off my phone. Well there it is. I am sure that if I had known I might have been able to find the \$20 to \$30 to pay the bill as telephones are very cheap in Barbados still. Well not still, they are now.

The Hon. Deputy Prime Minister when taking estimates in one department, could not believe some of the utility backlog with which he had to deal — things going back to 1973 and so on. So the question asked by the honourable Member for St. Michael South Central has also been asked in writing by me of many public officers. I do not think that it represents any particular malpractice on the part of either Ministers or senior public officers; it just represents a slip shod system that the utility companies themselves are as much to blame for as the Government in not insisting more punctually upon the payment of their arrears.

On the matter of energy, the honourable Member is really very unfair — the honourable Member for St. Michael South Central — to the present Government. And I feel it very acutely because I have never known of the Democratic Labour Party showing any interest in the subject of science and technology except for a small period when they had to buy Mr. Doc Husbands to secure a parliamentary majority, and they made him Minister of Science among other things, and when he went out of office. I do not ever recall hearing a Minister with the title of Science in his portfolio or addressing the House on any matter of science or technology.

Our Government on the other hand, soon after we were elected, created a National Council for Science and Technology and asked the Vice Chancellor of the University Campus at Cave Hill, a distinguished chemist in his own right to be Chairman of that Council. The membership of the Council includes theoretical scientist from the University, practical engineers and scientists who work at the Barbados Light and Power Company and in other parts of the industrial and scientific regime within our economy where their experience will be useful.

We have engaged the services of Dr. G. V. Smith whose name appears on the document which is being brandished by the honourable Member for St. Michael South Central — a document quite freely available from the Ministry of External Affairs. We have engaged Dr. Smith. Dr. Smith is a person of great technical competence, intellectual capacity, and I am glad to say independent spirit because when he feels that the Government is not giving enough support to particular ideas in the scientific and technological sphere, he has not been afraid to go on the television and give his thoughts, and I do not in any way criticise him for it. I think the Government is better off having Dr. Smith and the work of the Council could not be carried on without him.

We are making serious efforts to improve science and technology in this country. To go outside the National Council, I could mention the work done by Dr. Colin Hudson for the sugar industry; to mention the fact that we have developed sugar cane machinery which is useful on the poor terrain and small fields in Barbados for which sales have been solicited from countries all over the world. We have even had the South Africans trying to buy some of our sugar cane harvesting equipment, and we had to refuse a visa to representatives of the South African sugar industry that wanted to come here to see how we are doing it.

Within the context that the honourable Member himself raised, he seems to think that the document which he got has been rejected at the level to which it was addressed or at some level. I am totally at sea to know how he could look at these items and say they have

been thrown out the window when for example the matter relating — it is headed "The Utilisation of Existing Windmills" but if one looks further down and further on the paper one will see that we speak of wind power generally.

The work on wind power is starting this year. We have obtained the technical cooperation from the Inter-American Development Bank and we are also obtaining funds to build a pilot windmill which will probably be situated at Springhead, St. James. That turns out to have the most favourable area for wind energy generation. I say probably.

These things can change at the last moment, and in Barbados this paper which is two years old is produced as if it is fresh and new. We have gone so far beyond this paper that the things he said he did not get, the studies he said we did not receive, have already been carried out, and the work arising out of the studies is now in its preparatory stages. These are our suggestions which were intended to go into the Country paper to be presented at the United Nations Energy Conference in Nairobi for funding.

We have the honourable Member for St. Michael West pouring scorn on the wind energy scheme. We have already put the buoy into the sea. The waves have been measured, the preliminary force of the waves appears to be sufficient to make the project viable, but as I mentioned elsewhere, apparently some boat went out to the buoy and destroyed it and we are having to put another one in to carry on the studies over a further period of months. So it is far from the truth that the technical efforts of the Government are so amateur that they are thrown out when they appear before the international agencies.

5.30 p.m.

Indeed I would have thought, Mr. Chairman, without being unduly boastful that Barbados must be considered by the people responsible in developmental agencies for the technical and scientific research as one of the leading areas — certainly the leading small country in the world — in attempting to apply technology to the problems of energy.

We have a new Government Analyst Laboratory, a new Barbados National Standards Institute and Laboratory; funding has been obtained for a central agronomic laboratory and there is independent funding for sugar cane technology, plus a new levy in the sugar producers which will produce a \$1.5 million a year to be used on research and development. We have paid out some of the money already, Sir, and we intend to pay out more. All of these things must surely interest the most science conscious Government in Barbados for a hundred years, certainly since the original sugar cane technologies that eventually lead the world were

developed right here in Barbados, and even more — the most science conscious country in the Caribbean.

I can really add nothing to that. The interventions of the World Bank were disastrous in their effect on the Light and Power Company. I do not want to go on a long, perhaps irrelevant, speech on this but we have the low speed diesels. We are getting the low speed diesels. There is such a glut again in the world of the fuel oil which is to be used in those diesels that again fuel oil prices during the winter in the United States has fallen by five cents a gallon and at the weekend, Sir — I was in New York at the weekend — I took note that for the first time in many years the prices of oil — of Saudi like crude it is called the standard grade — is now falling below \$30 a barrel. The Iranians were offering on Saturday a cargo of oil for \$29.35 a barrel. To me this shows the wisdom of investing in the low speed diesels that you use the residual fuel oil.

As far as the intervention being disastrous in the economic events, I can safely afford to tell Barbadians that if the World Bank had not put in the sea funds for the \$200 million which were needed to expand the electrical generated facilities in Barbados and if the Government had not guaranteed those funds, the Electric Company could not have got the money and by next year and year after, you could expect in this country to have the electricity cut off for an hour or two hours every day. You had a choice. You either do not have 24 hours service of electricity everyday or you pay for it and the choice was a perfectly straightforward choice.

Some countries chose to have their electricity cut off and other countries chose to pay one cent or two cents more a unit for it. Fortunately Barbadians it seems, are in a position to pay one cent or two cents more to have a regular and efficient supply but I do not want to deal with that at length, Sir. I know the honourable Member for St. Philip North wishes to speak on this subject.

Mr. W. O. FRANKLIN: Mr. Chairman, it is quite obvious that the cost of energy will continue to be a large part of the cost of utilities in the Government now and in the future and naturally a conservative conservation programme for energy would have to be on going.

It is heartening to hear from the Hon. Deputy Prime Minister the efforts that have been made in this but I must say that I seem a little bit alarmed that we seem to be overlooking a basic conservation technique in Barbados and that is at the very stage of designs of building. Mr. Chairman, if you have a look at the new Post Office Building that is nearing completion, I wonder what is going to be the cost of energy for that building. We continue to have architects designing in Barbados as if they are designing in temperate countries — meaning that buildings are going up that must be 100 percent air-conditioned in a country where you have North East

Trade Winds for almost the year round. And I am saying that the people in the Ministry must start to read up the science of Cost Control Management and things like this, because it is absolutely necessary, Mr. Chairman, for us to tackle this subject head on.

There is a considerable amount of planning going on in the Government buildings and the time is ripe where, in the brief to architects designing for Government and otherwise, it must be specifically written in their briefs that the building must be designed to be as conscious of the use of energy as possible. And not only that, but some machinery must be set up where the technical personnel are available to Government at the stage of the design to examine all new buildings for Government to make sure that they are as economical on energy as possible.

It is something we cannot overlook any longer, Mr. Chairman, to believe that you can continue designing buildings for 100 percent air-conditioning as if we are living in the Sahara or some place else. It is a basic technique on conservation and we seem to be missing the point here and we are looking at all of the advanced technologies in the 21st Century and we are missing out on the basic thing that we can catch on right now on the designs of buildings to be energy conscious. I sincerely hope that the Government takes this very seriously into consideration when they are looking at the new designs for buildings like the Justice Hall and all new designs in the future because energy is going to be at a substantial price to us and we must do whatever is possible to keep it down. Thank you.

The question that Head 14 stand part was put and resolved in the affirmative without division.

SUPPLEMENTARY ESTIMATES 1981-82 No. 20

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I don't intend to say anything on this, the Addenda speak for the two Resolutions now before the House and the one that is forthcoming. The Health Service Levy and the Transport Levy have to be paid by the Government as an employer, collected by the Government and paid by the Government.

This amount is to supplement the current Estimates — what is needed for National Insurance, Health and Transport. There has already been a debate about most of these Items in here today, Sir. We have the Bill now passed and therefore we introduce the Resolution for the necessary funds and I beg to move that Heads 11 — 50 stand part, Sir.

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

Mr. B. M. TAITT: Mr. Chairman, Sir, I think it is necessary at the outset to indicate that we on this side will

find it impossible to support this Resolution in its present form. This question concerning the acquisition of supplementary funds for the payment of.....
5.40 p.m.

The Rt. Hon. Prime Minister said that the Addendum is explanatory and, I agree with him. It says that in September 1981, the Minister of Finance and Planning introduced in the House of Assembly, the Health Service Contribution and Transport Levy which became effective on October 2, 1981. And this supplementary — and the reason why we indicated he might move all the Heads from 11-50 — is because what one says for one — in this context — goes for the others. We are very glad that it is going to take the form of a single vote, so that we would not waste the time of this Honourable House.

I was saying, Sir, we will find it impossible to support this supplementary in its present form. We will not fail to support it because we do not believe that there could be a supplementary, for any purpose, under the sun. What we are not able to accept is that this Honourable House ought to perpetrate an unconstitutional act, by engaging in a further vote concerning an unconstitutional matter. It is our contention, on this side, Sir, that the question of the Transport Levy — the manner in which it was done — is a matter which is *ultra vires* the constitutional provisions of the Barbados Constitution.

Mr. Chairman, it may very well be that the Rt. Hon. Prime Minister and the Government is labouring, under an illusion concerning the powers of this Parliament.

The Constitution in the United Kingdom has assigned no limits to the authority of Parliament over all matters and persons within its jurisdiction. A Law may be unjust. That law may be contrary to some principles of Government, but Parliament in the United Kingdom is not controlled in its discretion and when it errs, when it makes a mistake, its errors can only be corrected by itself. That, Sir, is the position which can be found in the 18th edition of Erskine Mays Parliamentary Practice.

But even in the context of the United Kingdom Parliament, that Parliament recognises some limitations on its powers. In the Statute of Westminster 1931, in the Act passed in 1947 granting some powers to the dominions, and more recently, the Act passed after 1957 which gave countries like Barbados in 1966, constitutional.....(Asides) (Mr. L. E. SANDIFORD: Major speech being made.)

One minute, Sir. Somebody over there is saying that you do not know law, the next minute, they are saying that you are showing off. You do not know

how to please them. I think the Rt. Hon. Prime Minister is listening. I am addressing my remarks to the learned counsel on the other side. (*Laughter*).

Rt. Hon. J. M. G. M. ADAMS: If the honourable Member wants me to listen, he will have to start all over again. (*Laughter*).

Mr. B. M. TAITT: Sir, we are not on a moment of levity but you and I know..... I think that was a good stroke. It is clear that he is listening, Sir. It is clear that he is listening. He is listening.

Anyhow Sir, in the 1957 Act for some of the dominions and subsequently all of those territories that got independence did have a measure of limitation imposed by the United Kingdom Parliament by itself because it sought to share what was its ultimate power with those countries.

Mr. Chairman, the British Constitution is, perhaps, unlike any other constitution in the world. It is unwritten and although its principles can be found in a number of documents which are well known, the fact is that the British Parliament can change its own Constitution and, in a sense does so every time it meets, and every time — even by simple majority — it passes a Bill or any Act or any Resolution. It can, in fact, change the Constitution.

Professor Dicey..... (Hon. V. L. JOHNSON: Who is he? I want to know.) in the law of — how would you know? — in the "Law of the Constitution," at Page 88, indicated that the difference between a written and an unwritten constitution indicated that, and I may quote in part from him.....

You see, Sir, it may suit some honourable Members, on that side to attempt to indicate that this is a matter of levity. This is a serious, fundamental matter that we are accusing the Government of and seeking to show that the Government, acting within this Parliament has already acted in an unconstitutional way and if we agree to this Resolution, we are showing that we would be perpetrating an unconstitutional act. (Hon. V. L. JOHNSON: What are you talking about? Let me hear what the Professor said. Carry on.)

I believe that honourable Members on that side, accept that what they have done is unconstitutional and I believe that honourable Members on that side, who are serious, will wish to pay attention to the point. (Hon. DeL. O. BRADSHAW: Is he a law lecturer?) There is no law which Parliament cannot change. That is the United Kingdom Parliament. That is Dicey acting in an ordinary legislative character. (Hon. V. L. JOHNSON: That is a term paper which he handed in last week.)

A Bill for reforming the House of Commons, a Bill for abolishing the House of Lords, a Bill to give London a municipality, a Bill to make valid marriages celebrated by a pretending clergyman who is found after their celebration to have not had the orders, a Bill to make the honourable Member over there sensible even though he may not be..... (*Asides*)..... all of these fall equally within the context of Parliament.

Secondly, there is, under the English Constitution..... (*Aside*)..... no distinction — no, Professor Dicey — no distinction between laws which are not fundamental or constitutional and those laws which are fundamental or constitutional. And, thirdly, there does not exist...I beg your pardon. (Rt. Hon. J. M. G. M. ADAMS: Tell us how the House of Commons could change the head of the Commonwealth?) How do you do what? (Rt. Hon. J. M. G. M. ADAMS: Tell us how the House of Commons could change the Head of the Commonwealth.) Do you want to hear that? (Hon. L. R. TULL: Yes.) In a few minutes. I would first tell how you have managed to confound them over there and allow them to agree to let you come down here in an unconstitutional manner. (Hon. DeL. O. BRADSHAW: You do not sound good). When I am finished that, I will answer your other question. (*Aside*) Mr. Bradshaw, man, this has to do with a serious matter, behave yourself man.

Mr. CHAIRMAN: Please, please.

Mr. B. M. TAITT: Do not let people feel.

Mr. CHAIRMAN: Order, please. Please address the Chair.

Mr. B. M. TAITT: Do not let people feel that you are ignorant. I know that you are not ignorant. Mr. Chairman, the point that is being made here is that.....(*Aside*) Mr. Chairman, am I going to get protection from the Chair?

Mr. CHAIRMAN: Please, please. Let us have less interruptions.

Mr. B. M. TAITT: Because they know that I have the capability of being, at least as vagabondish as they are, and they know that there is no necessity to try to suggest that what I am saying is to demonstrate my knowledge because that has already been demonstrated. (*Aside*)

We are setting out to demonstrate that you have made an unconstitutional action disobeying part of the laws of Barbados and that it is necessary for the people of Barbados to become aware of it. You have come to this Honourable House, if we may cut straight to this matter, you have asked this Honourable House and this

Honourable House agreed, with division on this side, to pass legislation which is clearly unconstitutional and which you accept is unconstitutional and you want to perpetrate that, by coming down here now and seeking to get a supplementary as if nothing had happened. Mr. Chairman,.....

Rt. Hon. J. M. G. M. ADAMS: On a point of order, Sir. The honourable Member can say whatever he likes about the law and the Constitution. He can bore us with Dicey to the end, but he cannot say that we have induced Parliament to pass a law which is unconstitutional. That is a reflection on a vote of Parliament and it is, in fact, accusing Parliament itself, of breaking the Law. 5.50 p.m.

Mr. B. M. TAITT: Mr. Chairman, he is perfectly right, except this. He has not told you that if what I am saying is correct, if the Act was unconstitutional I could not be reflecting on a vote of Parliament, because if in fact it turns out to be unconstitutional it would be null and void and therefore could not exist and therefore I could not reflect on it. Do not let him get up and try to give you impressions. We are saying that if and when this is tested before the courts it will be found to have been null and void, and the fact that the physical action took place is totally immaterial to the argument. So I am not reflecting on Parliament, I am indicating why we are unable to support this particular measure before the House, and in order to do so it is necessary to lay the groundwork. (*Aside*). Tell him not to cause me to say the wrong things.

Mr. CHAIRMAN: Please address the Chair and ignore the Asides. (*Asides*). Order, please.

Mr. B. M. TAITT: Mr. Chairman, we thought, for example, that it would be offered that what we are saying is not valid, and that is why for the record we are laying out carefully and very methodically the basis on which we contend that this matter is unconstitutional.

Mr. Chairman, the Barbados Constitution is a written Constitution. (*Asides*).

Mr. CHAIRMAN: Order, please. We are having too many interruptions. I will allow two minutes more of your 15 minutes.

Mr. B. M. TAITT: As the first Member on this side, I thought it was customary to have half hour, Sir. Mr. Chairman, with the greatest respect, we are doing from Heads 11 to 50. We are entitled to 15 minutes on each Head.

Mr. CHAIRMAN: The honourable Member knows the position. He can talk and come back, but I must stop

him at a certain time. Carry on and do not question the Chair.

Mr. B. M. TAITT: With the greatest respect, Mr. Chairman, we are doing from Heads 11 to 50 with the leave of the House. If the position is that one is only allowed to speak for 15 minutes.....

Mr. CHAIRMAN: At any one time.

Mr. B. M. TAITT: Then it would be 15 minutes, theoretically, per Head. If we operate on the basis.....

Mr. CHAIRMAN: Please carry on with your speech, all this has nothing to do with the debate. You just carry on and when the time comes you will take your seat and if nobody else wants to speak I will let you speak again. You will not be denied anything, I can assure you the Chair has no intention of muzzling the Opposition.

Mr. B. M. TAITT: Mr. Chairman, I was saying that this Constitution of Barbados is a written Constitution and it therefore falls into the category of Constitutions like the United States Constitution which had a similar history to Barbados, having been at first a common law country. It however became an independent country with a written Constitution, and with a written Constitution it built into its Constitution the right for an Act of Parliament to be challengeable in the courts. In the case which is well known to everybody, called Marbury and Madison, it was held and it has been followed by Chief Justice Wooding who has indicated in a similar case in Trinidad and Tobago an interpretation which is persuasive authority for the interpretations of Constitutions like the one in Barbados. The Constitution of Barbados, therefore, Sir, is open to the interpretation which allows the challenge of an Act of Parliament.

We are contending that the Act of Parliament which sought to introduce the Transport Levy was contrary to the Laws of Barbados, contrary to the Constitution of Barbados. We are saying that Parliament so having acted, to come now for a supplementary provision to pay that particular requirement is a continuation of that bad Act in law which was perpetrated at the very beginning. We are saying that all those persons from whom money has been collected during the last few months, that that money was collected illegally. We are saying that the Government has established no authority for collecting a single cent on the basis of any law in Barbados, and therefore anyone who has paid a single cent of that levy is free to call on the employers who deducted that money to give them back that money, because it was taken from them illegally.

The Government does not have licence to take money from people illegally any more than ordinary citizens do, and no matter..... (*Asides*)..... If you believe in retroactive legislation, but you cannot make an unconstitutional Act retroactive. The only thing I think ought to have been retroactive when I look at the behaviour of honourable Members over there, I believe that birth control pills ought to have been retroactive. That is what I believe ought to have been retroactive, birth control pills, then we would not have been visited by some of the misbehaviour which we are having to observe today. That is the only thing I consider that could be properly retroactive in this Hon. Chamber.

Mr. Chairman, it is clear that the honourable Members accept what I am saying but do not wish the record to be clear. They do not wish the basis on which the unconstitutionality of the Act can be established to be decided. That is all it would mean. I would merely say this, that they have responsibility as members of Parliament to wish to do things in a proper and legal way. They have responsibility to the people of Barbados if they wish to collect a levy on transportation to do it in a proper and legal way.

You know, Sir, there was a Governor General in Trinidad and Tobago who believed that he was above the law, as it were, because he was the Queen's representative, and Chief Justice Wooding had to remind him that when he is acting in his capacity as Governor General he is only a servant of the Queen, and that the only institution that has prerogative in the courts would be the Sovereign herself. This Parliament here, Sir, is a Sovereign of the people, it has been established by the people, and therefore although those Ministers may be in the Cabinet, and although those Ministers may be carrying out the responsibility of the Executive, when they come here in their capacity as members of Parliament they are acting as representatives of the people, or they should be so acting. 6.00 p.m.

They are given no more power and the Parliament given no more power than resides in the very first law in these laws, Sir, the Constitution of Barbados, and Section 1 of the Constitution of Barbados is a very straightforward section: "This Constitution is the supreme law of Barbados and, subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void."

What this says, Sir, is that this Parliament is required to pass laws in accordance with this Constitution, not outside of it, not near it, not around it, but within the four walls of it, and while it may come as a surprise or shock to some honourable Members that their power is not total and absolute, that they have to pay attention to what is enshrined in this document, it does not come as a

shock to thinking people, and that is why we dare to raise a question of this kind. We are not raising it merely for political purposes; we are raising it because there are some of us who believe in the rule of law, and we believe that any small encroachment on the rule of law, no matter how tiny, is the beginning of the demise of the rule of law.

There are some of us who believe that Government should be of laws rather than laws of men, and that it is our duty and our responsibility to defend to the utmost that concept of the rule of law. It may very well be unfashionable to certain honourable Members or to certain people in this community. It may be considered old-fashioned to even raise it, but it is the basis on which this thing we call democracy in Barbados has been allowed to function, and if it is to continue, if this country is to be a democracy 15, 20, 40 or 100 years from now, the actions taken by this Parliament and Parliaments to follow in this day, must fall within the four corners of the constitution, and must relate to the concept of the rule of law.

We are therefore saying that where the instrument designed for the collection of taxes requires that a certain time must not elapse before a certain legislative action is taken, and where that time has elapsed and that legislative action has not been taken, then the provisions of the Act must be carried out.

The Provisional Collection of Taxes Act says that any taxes which have been collected during the period in question are capable of being returned. It says further that any action by the Government which does not fall within the time, any action that is taken by the Government when the legislation does not fall within the time, that action falls to the ground. The fact that in an earlier piece of legislation here today the Government was allowed to pass retroactive legislation must not be misunderstood. A clause in the Bill we passed today — I am not reflecting, I am making a statement of fact — a clause in the Bill we passed today for the collection of the Health Levy made that Health Levy collection effective from October, 1981.

Now we did not raise a question on that because we believe even though it falls into the category of inefficient legislation, even though the Minister admitted that the error was not designed, we recognised that in a matter concerning the health of the community, even though we take the position that we have taken, we would not wish to carry it to the extent as to confuse the administration of the National Insurance Scheme. Nor indeed would we wish it to be suggested that we were reflecting on the competence or the quality of the persons who have effectively carried out our National Insurance Scheme so far.

When we come however to what has been termed outside as a barefoot tax, where people are being called upon to buy taxes for transportation, a transportation which remains a secret so far, when we are called upon to pay that levy, when we disagree with it in principle, we disagree with it politically and we see that moreso than the Health Service legislation this one is clearly unalterably unconstitutional, then we feel that the time has come for us to cry halt. We did. We divided on it here before. We were assured then that we were wrong. I spoke to the then Attorney General who was tentative in his feeling about the matter and who, I have reason to believe, has subsequently come to accept better opinion, that what they did was incorrect, was ultra vires the Constitution; and now they come here today to seek to supplement and ask us to concur in that Resolution.

Mr. Chairman, on the question of retroactive legislation — retroactive punitive or retroactive money-collecting legislation — I need only remind you that it was a mere statement of an intention or capability to do such which caused the breakdown of the Federation which honourable Members of this Chamber on both sides have indicated they are firmly committed to.

The Federation of the West Indies can be said to have fallen to the ground because of a statement alleged to have been made in Jamaica that the Central Government, the Federal Government, would be capable of legislating, and it was interpreted in a number of quarters as his having said that the Federal Government could pass retroactive legislation. He didn't even pass the legislation; he didn't even have a chance to draft retroactive legislation. The mere suspicion that the Federal Government might consider passing retroactive legislation led Jamaica to take a decision which in turn led to the demise of the Federation of the West Indies. (*Asides.*)

One honourable Member says that is too simplistic. The honourable Member is probably right in terms of detail, but I am sure that simplistic as it is the honourable Member would have difficulty contending that it does not form part of the major reason for the breakdown of the Federation. It may have provided the lever for a position already held. That is not the issue and that is not what I am contending, Sir. I am only trying to point out by use of that example that the question of retroactive legislation has ever been a sore point in constitutional, in political and indeed in sociological terms for people not only in developing countries but in developed countries as well.

It is a well known principle of Government that there should be no taxation without representation, and it is an equally well known principle that is accepted everywhere that there should be no retroactive legislation concerning taxes. The reasons are clear and obvious and need not be repeated, and so when this Government

comes before this Honourable Chamber to perpetrate an Act which does not in our view conform with the requirements of the Constitution of Barbados, we on this side will find it impossible to support these supplementaries. Therefore, Mr. Chairman, we will be voting against providing sums of money to pay for the national insurance collection of a transport levy which has been illegally imposed, which has been imposed ultra vires the Constitution of Barbados. We will be unable to support this.

6.10 p.m.

Mr. P. M. GREAVES: Mr. Chairman, I would like to speak on Head 41, Subhead 20 that deals with the National Insurance Head, I think it is. Now this morning the Hon. Minister in introducing a Bill stated that the old people's pensions have been merged with the National Insurance Scheme and earlier this afternoon the honourable Member for Christ Church West Central attempted to raise a matter which I think should be raised in this Chamber and it relates to the payment of utility charges on behalf of pensioners.

Probably at that time it should not have been raised but I think this is the appropriate time to raise it. Yesterday two such pensioners visited me in my office and I would not be surprised if similar pensioners have visited other Members on both sides of this Chamber and presented me with bills which the Welfare Department undertook to pay — provided, of course, that those bills did not exceed \$40. If they did the Welfare Department would pay the first \$40 of those bills and the pensioner would have to stand the expense of the existing over \$40.

Now those pensioners have been alarmed because they have received warning. I myself have seen such a warning and those pensioners have been alarmed that those Utility bills had not be honoured by the Welfare Department, as in fact the Department has given them the word that it would do. This, Mr. Chairman, would affect constituents of us all in here and I would like the Hon. Minister responsible — I am not sure which Minister is responsible, if it is the Minister responsible for Labour or whoever — urgently to alleviate the anxiety of the pensioners because they feel that at any moment their water or their electricity might be cut off and they have been warned.

I have heard the Prime Minister said here this afternoon that his telephone was cut off. There is no reason to believe that the water service or the electricity service of those pensioners will not be treated in a similar way and I understand that there are 5 000 such cases. I may be wrong on this but clearly that represents a considerable amount of money. One pensioner showed me a bill outstanding for \$140 that had not been paid for by the Government over a period of time. I am,

Sir, urging the Minister to do something about that very quickly.

Now we are here, Mr. Chairman, and I want to say something in support of what the honourable Member for St. Michael West has been saying here this afternoon. To some extent, at one time, I thought it was being treated here lightly. I got the impression eventually that it has not been treated so lightly because it is not a light matter. Here we are appropriating sums of money in an enactment that is not an enactment.

The authority for the collecting agency of Government to collect this money would have to be the Act that was passed this afternoon – at least as far as the National Insurance is concerned. The Transport Levy Bill has not been passed yet but we are here passing this law. What happens, Mr. Chairman, if the Senate refuses to pass it? – the Bill that was passed here this afternoon. What in fact would we have been doing here?

For the Bill to be law it has to be passed in this House of Assembly, it has to be passed in the Senate and assented to by the Governor-General. Only one step has so far been taken. It is not a money Bill and only one step so far has been taken and that is that that Bill has been passed in the House of Assembly. The Senate has not yet been called to vote upon it and the Senate has in its power to turn it down if it feels like doing so, but yet we are here supplementing a vote, using that same law to supplement that vote.

What is the legality, for the honourable Member for Christ Church West raised it as a matter of Constitution. I am questioning the legality of our passing these appropriations here this afternoon.

The Provisional Collection of Taxes Act, Sir, gives the right to the Government to collect such monies within four months after the statement is made by the Minister of Finance. More than four months has elapsed and the law specifically states I did not wish to go through all this because it has been gone through by the Honourable Member for St. Michael West but I am being invited by the Prime Minister to go through it all over again and he is inviting me to do this, because in fact – what are we doing here? We are either collecting under Provisional Collection of Taxes Act and if we are not doing that then we are doing it under the retroactive legislation passed here this afternoon. Now, which one are we acting on? Are they one and the same or are they different instruments? Do they tie in or are they completely separate and apart? If they are, how does one reconcile with the other?

They just cannot be reconciled, Mr. Chairman, however we look at it which ever way we look at it, whether under the Collection of Taxes Act, it is wrong

because four months has elapsed. If we are doing it under the Act passed here this afternoon which is not the Provisional Collection of Taxes Act – it might not be. I do not know the House has not been told that – but it will still be wrong because it has not been passed in the Senate. However we see it, it is wrong, Mr. Chairman, I would like to know the authority for this here this afternoon.

Hon. H. B. St. JOHN: Mr. Chairman, Sir, the authority for appropriating this amount of money is the Resolution itself. Why is the honourable Member confusing himself? Parliament has power by the Resolution to appropriate money – the honourable Member must know that – for the service of the island, for the service of the island. The people on the other side are entitled to object to it. If you object to it we are entitled to be in favour of it. It is not the law.

With all due respect, this is a Supplementary Resolution which in due course will be embodied in an Appropriation Act as is usual after so do not talk that. Parliament has full authority under the Constitution of Barbados to appropriate any money. If the Government wishes to give a voluntary gift for any special project in Barbados are you telling me on the other side that the Government cannot bring down a Resolution here and supplement a particular Head for a voluntary gift? What foolishness are the honourable Members talking?

Mr. CHAIRMAN: Order, please.

Hon. H. B. St. JOHN: There is full authority under the Constitution for a Government to supplement any service in Barbados. Do not come to me with that so when the honourable Member ties himself up – the last speaker – ties himself up, it is a lack of knowledge of the Constitution.

Mr. B. M. TAITT: If the honourable Member would give way on a point of elucidation.

Mr. CHAIRMAN: Order, please. How many honourable Members can speak at the same time? I cannot have it please.

Mr. B. M. TAITT: If the honourable Member would give way.

Mr. CHAIRMAN: Order, please. Does the honourable Member give way?

Mr. B. M. TAITT: Yes. He gives way. He is a decent parliamentarian, Sir. Mr. Chairman, the honourable Member is responding to a point that was not made at all. 6.20 p.m.

The honourable Member is saying, if the Government is — these are his words, Sir — if the Government wishes to appropriate money to give a gift to an institution in Barbados that it has power to do so. That is true, Sir. That is not what we are contending at all. He is saying that this forms part of an Appropriation Act which is to come and it will be a total Appropriation Act. That too, is correct. What we are saying — and I think the honourable Member understands what we are saying — is that the levy, the levy is not being collected. What has been collected already was not collected according to law. That is what we are saying.

Hon. H. B. St. JOHN: Sir, the honourable Member is now trying to answer the nonsense that the honourable Member spoke. That is what you are doing because the honourable Member for St. Michael North who spoke, said that this Resolution was illegal because it could only be legal, if it were pursuant to a pre-existing law..... (Mr. P. M. GREAVES: That is correct.) and we have not passed a pre-existing law therefore, this is illegal. (Mr. B. M. TAITT: That is right.) But that could not be so, because the appropriation of money, in Barbados can be done..... (Mr. B. M. TAITT: For a purpose.)..... on a supplementary..... (Mr. B. M. TAITT: For a purpose.)..... show me, in the Constitution where it says what the purpose is..... for the services of the island.

And, this is what we do. We bring this Resolution down and, it is perfectly within the competence of Parliament to pass this Resolution. This Resolution will form part of a series of Resolutions which will be embodied in a final Appropriation Act which has been going on right through the history of Parliament. After you have the Estimates, Supplementaries are brought down; they are finally appropriated. And you talk about Constitution breaking? Mr. Chairman, let me remind the honourable Members on the other side that between 1961 and 1967, the Democratic Labour Party never passed the final Appropriation Bill in their Parliament and they had to come before this Honourable House, after years, after years and pass one Omnibus Bill. I can go through the Laws and show you that. (*Aside*)

Now, Sir, ...

Mr. CHAIRMAN: Order.

Hon. H. B. St. JOHN:..... I refuse to argue. What is the Constitutional appropriation? Look, Sir, the services of this island..... (*Aside*).

Mr. CHAIRMAN: Please.

Hon. H. B. St. JOHN:..... the services of this island..... Why do not the honourable Members instead of blowing a lot of hot air in here, go to the Law

Courts which are there for challenging the Constitutionality or unconstitutionality of a Bill? Do not talk about it. Go and challenge it..... (*Aside*) and, you will be dealt with there. That is the proper place to deal with it. You know very well that you are only misleading — people are only misleading people — when they say that Parliament cannot pass a Supplementary appropriation.

I have been in this Honourable House longer than any honourable Member, on the other side. I have seen all governments come in this honourable House and appropriate money for services which were not even envisaged, when the Estimates were passed because they were new services. I have seen that done, all the time. Because the authority of Parliament is not eroded. The authority of Parliament is respected and it is respected because we have to come here and go through the constitutional form.

Why are they objecting to us? This is not a payment made by Government for these services without authority. The authority is the Resolution which is almost the authority and the subsequent Appropriation Act. (Mr. B. M. TAITT: You collected the money.) So, what are the honourable Members talking about?

Now, when they come arguing about the constitutionality of the amendment to the National Insurance Act..... Sir, really and truly, this Parliament has power to pass Bills which subsequently become Acts and if the honourable Member can go in the Law Courts and prove that the Acts are outside of the scope of the Constitution — or that they break the Constitution in the sense that they interfere with the fundamental right of the Constitution — he is entitled to do that.

But the fact is that we bring in an Act of Parliament and that it is passed in this Honourable House, it gets the requisite majority, is certified by the Speaker and it goes to the Other House and it is signed by the Governor General. Only then, Sir, only then, can the constitutionality of that Act be challenged in any place. This Honourable House has no power to preside upon the constitutionality or unconstitutionality of a Bill. That power resides in the Law Courts of Barbados and the Law Courts of Barbados alone. (*Aside*) So do not be premature. Old Lord Cooke said, "Do not leap before you come to the style." That is a good rule.

Mr. B. M. TAITT: If the honourable Member.....

Hon. H. B. St. JOHN: Do not leap before you come to the style.

Mr. B. M. TAITT: If the honourable Member would give way.

Hon. H. B. St. JOHN: Giving way about what now?

Mr. B. M. TAITT: On a point of elucidation.

Mr. CHAIRMAN: The honourable Member does not.....take your seat.

Mr. B. M. TAITT: On a point of elucidation, Sir.

Mr. CHAIRMAN: Let him talk. He has given away.

Mr. B. M. TAITT: Mr. Chairman, the Honourable Member is extremely good. He always takes points which have not been put.

The unconstitutionality which I have argued has to do with the Act which went through all the processes which he is now adumbrating. The Act which came here, which we divided on, was passed in this Honourable House, was not required to be passed in the other, was signed as required. That is the unconstitutional Act which I am speaking about. (Hon. DeL. O. BRADSHAW: It is not an Act, a Bill).

What we are saying here is that the appropriation to pay money which has been required to be paid unconstitutionally — is repugnant to us. The unconstitutional Act was the Act which came here before on which we voted, "No." It is a fact that we could argue in the Law Courts. It is a fact that we will. (*Aside*)

Hon. H. B. St. JOHN: Well, if the honourable Member.....

Mr. CHAIRMAN: Order.

Hon. H. B. St. JOHN:.....is so committed to his view that it is unconstitutional and he said it has been passed already and has come into law how come he has not challenged it? He is only blowing hot air. He had full opportunity, full opportunity to challenge it. I would have expected that he would have carried his argument to the logical conclusion and I would have heard that the Hon. Attorney General has received a writ challenging the constitutionality of that Bill. But, it has not been done because the honourable Member, on further reflection, obviously understands now that if he does that, he would expose himself to the cost. That is the whole thing.

As far as, this Honourable Chamber is concerned, the Honourable Chamber can only deal with matter related to the procedure for the passage of a Bill or the procedure for the passage of money. If they want to challenge the constitutionality, wait until when the Governor General signs it and go before the Law Courts — which I know that they would not be going there. They would not be going

there. There is nothing at all, it is specious reasoning to suggest that Parliament cannot pass a Bill imposing a levy. It is specious reasoning to suggest that.

There is nothing in the Constitution which prohibits Parliament from passing a Bill to impose a levy..... (Mr. B. M. TAITT: Nobody said that.)..... nowhere..... (Mr. B. M. TAITT: Nobody said that.) and this is exactly what we did. We are passing a Bill to impose a levy and once we carry through the manner and form as described by the Constitution, which is, a majority in this honourable House, a majority in the Honourable Senate and assent by the Governor General, that becomes an Act and Law of Barbados and that is the authority.

There is no law here which says that it must be done in any other manner and we will go through the procedure of the forms. If the honourable Members want to vote against it, vote against it. I know that the Speaker would be able to certify passed by a majority of the Honourable House of Assembly. And, once he certifies that — and, there is no suggestion at all, absolutely no suggestion that this requires a special majority, absolutely no ordinary Bills do not require a special majority — it infringes none of the fundamental rights, in the Constitution; absolutely none of the fundamental rights. It does not divide people and property without compensation. Not one of those specially entrenched provisions of the Constitution does this seek to infringe. So, what is all of this hot air about unconstitutionality? (Hon. DeL. O. BRADSHAW: That is elementary stuff.)

Mr. Chairman, Sir, I hope that honourable Members would really, really not use the Honourable House of Assembly for purposes for which it was not devised. (*Applause.*)

Mr. CHAIRMAN: This matter has been very well ventilated, on both sides of the Honourable House.

Mr. B. M. TAITT: Mr. Chairman, there is a point which needs to be clarified.....

Mr. CHAIRMAN: Sure.

Mr. B. M. TAITT: Unless the honourable Member's statement be taken out of context, the honourable Member said that no law has been broken. There is a Provisional Collection of Taxes Act; that Provisional Collection of Taxes Act sets a time — four months — within which any — it gives the Rt. Hon. Minister of Finance the power to impose a tax on the country. But it requires him, within four months to come to the Legislature.

6.30 p.m.

When he does not come to the Legislature within that four months, it also prescribes what can happen, or what ought to be done. We are saying that where that has occurred — and where it has occurred through an instrument of the Government — that it is an unconstitutional act to collect money on those terms. That is what we have been saying, so for the honourable Member to talk about procedure and say that once a Bill passes through the House and it has been signed by both Houses and signed by the Governor General that it is an Act is true, but it may be an unconstitutional Act. You can only discover if it is unconstitutional when some competent authority so declares it, and it is true that the competent authority is the courts. What nonsense is this to get up and make statements of fact as if somebody has been contending them?

Now, for him to suggest that an Act passed two or three months ago, ought to have been challenged in the courts by now, or failure to have done so is some indication that one agrees with it, is the most arrant nonsense I have heard coming out of the mouth of an intelligent person for a very long time. (Hon. DeL. O. BRADSHAW: What is the difference between illegal and unconstitutional?) Yes, illegal and unconstitutional are one and the same when referring to constitutional matters. *Ultra vires* is also under the same thing.

Mr. CHAIRMAN: The honourable Member is not addressing the Chair, I think he has finished his speech. (*Asides*). Order! No interruptions.

Mr. B. M. TAITT: The fact is, Mr. Chairman, that the Honourable Member who rebutted on the other side tried his best to take the issue in different directions. The question is very straightforward, and one stresses it because one does not wish it to be missed. The monies collected for the so called Transportation Levy under the Act that is alleged to have been properly passed, were collected illegally, wrongfully, without authority, without any basis in law. That is the position. (Mr. CHAIRMAN: And it can be proved in court). It is a position which has been accepted by almost everyone who has a budding acquaintance with the particular area of law, and the honourable Member has not refuted the point that has been made.

When he sought to suggest that we are questioning the right of Parliament to appropriate, I thought that he had really gone as far as he could possibly go in the area of obfuscation. The fact is that appropriation is the power of Parliament, but even that appropriation, according to the Constitution of Barbados, must be done within the four corners of that same Constitution. That is what was agreed upon when we set up this document, that is what is accepted; so whatever powers Parliament may have, whatever powers this Parliament claims to have,

those powers cannot go outside of the four corners of the Constitution of Barbados. (*Aside*). We have discussed retroactive legislation and I will not be moved away. Legislation may validate almost anything, Sir. The question is, do you intend to use that peripheral power or that collateral power to make legal what was illegal?

Mr. Chairman, it is a moot point whether you wish to follow that path, but I contend — I maintain — that a constancy of that kind of approach by the Government means that you continue to make errors concerning the lives of people, and all you do to correct those errors is when it is drawn to your attention that you have committed an error, you come back to Parliament and you write a phrase which says: "that which we did two years ago which was bad, we now make it good." (Hon. V. L. JOHNSON: How many times?) Five times so far since you have been the Government.

Certain remarks made by Mr. B. M. TAITT were ordered to be expunged from the record by Mr. Chairman at this stage.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I will make another point of order. He is engaging in repetition of his own argument. He is irrelevant at this stage. The House is not obliged to hear the same speech twice.

Mr. B. M. TAITT: Mr. Chairman, I do not accept that the fact that the Prime Minister sits in the chair of the Prime Minister that he has any lien on the position in this Honourable House.

Mr. CHAIRMAN: I am Chairman of this Committee.

Mr. B. M. TAITT: That is correct, Sir, that is why I am addressing you.

Mr. CHAIRMAN: Please stick to this and let us get along with the debate.

Mr. B. M. TAITT: He gets up now and says that I am repeating myself when he did not hear the argument put by his side. If he heard it, then he is guilty of being dishonest.

Mr. CHAIRMAN: Please. All that has nothing to do with this.

Hon. V. L. JOHNSON: Mr. Chairman, on a point of order. The honourable Member for St. Michael West has just referred to the Member for St. Thomas as being dishonest. He should be made to withdraw that.

Mr. CHAIRMAN: I would have to check the record for that.

Mr. B. M. TAITT: Mr. Chairman, the honourable Member, the man of God, from St. Michael West Central, I believe he heard what I said. I believe he definitely heard what I said. I say no more, Sir.

Mr. CHAIRMAN: I believe this matter has been fully ventilated. Does any other honourable Member wish to make a contribution?

Mr. B. M. TAITT: What sort of thing is this? Mr. Chairman, just like that?

Rt. Hon. J. M. G. M. ADAMS: Sir, I can imagine what must have transpired at a party meeting of the Democratic Labour Party, because I was out of the island when the Leader of the Opposition originally took the point that the Health Service Levy and the Transportation Levy were now illegal. I got a telephone call in Portugal and they said "Prime Minister, Prime Minister, the Leader of the Opposition...." In fact, they did not say that, they said "Barrow just said the Health Service Levy is illegal." And I said, "In a manner of speaking, if the four months have expired, the levy has to cease until legislation is introduced."

Anybody who has read the Provisional Collection of Taxes Act — which I do not think the honourable Member for St. Michael West is guilty of, I have never known him to prepare the ground work for something he is speaking of, and I have no reason to believe in this case that he has so done — would know that at the end of the four months the tax ceases to be payable. But the next section of the Act says that the tax can be made payable from any date that is specified in the Act.

So I can imagine at the DLP party meeting fulmination by the honourable Member for St. Michael West — fresh with all of a third year law student's acquaintanceship with Dicey on constitutional law. I can imagine the honourable Member for Christ Church West Central sitting at the table in exactly the same attitude that he is sitting in now, leaning forward and laughing at his colleague quietly with his hand over his face. An older and wiser head in the ways of the law, knowing perfectly well that matters are not quite so simple as that.
6.40 p.m.

Even the Attorney General sitting down here made a remark that amused me. He said well you know the honourable Member — he said "Taite" but he meant the honourable member for St. Michael West — he said he is right about everything except that unconstitutional does not mean illegal in the sense in which he is using it.

Now what has happened is this: when you read a book like Dicey about Constitutional Law, the phrase "unconstitutional" is very freely used in such a book although Britain has technically no Constitution, because all the British Constitutional experts tend to speak more

freely about conventions of Parliament, conventions of public life and they use the expression "unconstitutional" when they refer to a breach of those conventions. Now "unconstitutional" meaning "illegal" is quite a different thing altogether.

Lewis Carroll expressed a great truth of the English language in the poem "The Hunting of the Snark" when he put the bellman to say that if I say a thing twice, then it becomes true, and also on another occasion Lewis Carroll put in the words of one of his characters that when I use a word it means exactly what I want it to mean at the time.

If the honourable Member for St. Michael West has the same acquaintanceship with Alice in Wonderland and Alice Through the Looking-Glass and the Hunting of the Snark as he has with Dicey's Constitutional Law. He might have a little more commonsense and a little less legalism and he might bring to a debate in this House a little understanding of the fact that the administration of a country in the modern world is not going to collapse because some civil servants in the Ministry of Finance and in the Attorney General's Office have failed to complete the draft of a law within four months. That is all that has happened.

The Provisional Collection of Taxes Act, Cap. 85, — the honourable Member for St. Michael West Central is reading it, he must turn to the second page and look half way down the second page on the left hand side — provides that a tax takes effect from the date set in the Bill. The date set in the Bill is the date that the subsidiary Budgetary Proposals were announced in Parliament, and that is the end of that. The Constitution does not forbid backdating a tax; it is as simple as that. All the hot air that has been blown would be insufficient to lift the balloon off the floor of the Law Court.

I honestly believe the honourable Member for St. Michael West must have been advising Mr. Vernon Smith, because the quality of his argument is no different from the quality of the case put forward by Mr. Smith and his attorneys in a recent matter in which he was a defendant.

Relating to the appropriation, it is open to Parliament to appropriate.....

Dr. R. C. HAYNES: On a point of order, the matter which the Rt. Hon. Prime Minister just referred to is a matter which is still before the Courts of Barbados, and in the light of several rulings in this Honourable House on other matters before the Court, I think that should be struck from the record.

Mr. CHAIRMAN: I cannot accept that. A comment is not necessarily a reflection on the matter.

Rt. Hon. J. M. G. M. ADAMS: The honourable Member must not feel hard done by. The honourable Member knows that a debate in the House of Assembly

on electricity rates. When a rate case is before the Public Utilities Board is an entirely different matter from my saying that a defendant in a case must have been advised by somebody like the honourable Member for St. Michael West. That is a reflection on the honourable Member for St. Michael West, not on Mr. Vernon Smith or the case.

Now the matter of appropriation. The Deputy Prime Minister has made it clear and I should not have to add to it. If Parliament chooses to appropriate a billion dollars to carry out a purpose for which there is no legal framework, all that would happen is that you cannot spend the money until there is such a legal framework. It is as simple as that. You cannot spend the money. This Resolution is an expenditure resolution to spend money. It is in any case, Sir, wrong — for despite the parliamentary wisdom of the honourable Member for St. Michael South he does not comprehend in his memory the entire field of taxation and payments to say when he says that you can only levy a tax or you can only levy a payment by a law.

I know this is usually so, but it was pointed out to me recently for example — it is such a small point that it would not have been made — that there is no legal authority for requiring the Governor-General or the Prime Minister or the Chief Justice to pay a sum into the Treasury to represent the value of domestic service received at an official residence. You will search the Laws of Barbados in vain for that, and yet the Governor-General pays \$500 a month. Can you find it? How is it done? It is done by a note in the Estimates in the Treasury. It may not be in these Estimates. It is an old Estimates and it is an old habit. (A VOICE: How much do you pay?) Ask me that when I move into Ilaro Court. I think that the former Prime Minister used to pay \$480 a year, \$40 a month. I think that is the amount that used to be paid. I just gave an example.

There is no legal warrant for the police charging for a report of an accident, yet increases in the price of police reports have been announced in Budgets. There is no law. You can go to the Commissioner of Police and tell him "I want an accident report. A bus hit my car in Roebuck Street and I want an accident report; give me a report!" And the Commissioner will say the police say you have to pay \$10, and you tell him "no, I do not have to pay anything, there is no law that says so." Do it and see if you would get the report.

If honourable Members reflected on how many services you pay the Government for and how many of those services are similar to taxes.....because you have services charged for in legislation and you have services charged for which are not in legislation. So do not let us run away with the use of the word "illegal" and imagine that because we have just passed a Law Exam that we

can pontificate without having seen the inside of a Court Room other than as a defendant, on what the law is.

If the honourable Member cares, I have no doubt that he will go to the Courts and bring a constitutional action and perhaps refuse to pay his National Insurance as a self-employed person. I promise him that I will give him every facility, in so far as it is within my power, to bring such an action. I promise him that I will point out to the Director of National Insurance that he has a duty to prosecute people that do not pay their National Insurance contributions. I promise that. I will help you bring the case before the Court conveniently in due course. (*Asides*)

It is not a matter for the Director of Public Prosecutions or the Director of National Insurance to prosecute, not so far as I know. I believe he would be under the directions of his Ministry, the policy of his Ministry as to whether he prosecutes or not. There are still a number of offences which do have a political element to them in so far as it is the Ministry's policy to decide whether for example revenue offences will be pursued. Read Dicey and read the authorities on that. (*Asides*) Well the honourable Member in fact has summed it up. The first sensible words he has said in the House today so far he said them from his seat; Dicey is an authority on politics and not on law. I thank the honourable Member for St. Michael West for that. I have no more to say and I beg to.....

Mr. B. M. TAITT: On a point of elucidation. The honourable directed his speech to a misunderstanding of a statement concerning Dicey. If he had been here he would have known that the unconstitutional part when I mentioned Professor Dicey, I was speaking about Professor Dicey in relation to the British Constitution. 6.50 p.m.

Mr. Chairman, when I spoke about the unconstitutionality of the Act I specifically referred to the case of *Malbury versus Madison* which is an American case, which is the first case of its kind, which is the basis on which all of the judicial review for written constitutions have followed and so for the honourable Member to give a peroration arising out of the use of the phrase 'Professor Dicey' is quite wrong and quite misleading.

The fact is that Dicey deals with politics as I just said and deals with the British Constitution. (*Asides*) It is elucidation. If he wants to indicate from the Floor of this House that he is going to prosecute somebody for not paying their National Insurance, if he wishes by innuendo to raise questions of that kind, I am willing and capable of discussing that at another time. I know what I am talking about and the record must also show it.

Mr. CHAIRMAN: Order, please. I cannot have that. I must not have these interruptions an honourable Member is on his feet.

Mr. M. A. KING: Mr. Chairman, thank you for recognising me. I had no intention earlier of getting into this debate but the Rt. Hon. Member for St. Thomas has a way of involving one in a debate where one has really to put one's position. He purported to put my position for me. He wanted to speak for me but I think, Mr. Chairman, that I am competent to explain what our position is on this matter.

I would have thought that the matter was so fully articulated by honourable Members on this side, that the points had been so fully elaborated on and I believe that the Rt. Hon. Member for St. Thomas understood quite well the essential points which we on this side made in relation to this measure. But the skilful debater that he is sometimes, he tries to create his premises and then argue from that point, — like the honourable Member for Christ Church East Central when he said for instance that this House has no power to preside over the constitutionality of this Bill.

Now honourable Members on that side make a number of statements which in truth and in fact are quite correct, accurate and precise — and then begin to argue from there that we are sort of not understanding what we are doing.

The essential point of this measure which we take issue with is that we are asking this Honourable House to appropriate money for a purpose which we say the legal framework for is not completely established — that is the essential point. When the honourable Member for Christ Church East Central says that this House has power to appropriate money, that is correct, but what we are saying essentially is that the precise purpose for which the appropriation is being required is not fully organised, so to speak, in law. If that were so, why would we have this Bill before us of which notice was given earlier today to provide for the charge of a Transport Levy on the income of employers and employed persons and for related matters.

We are appropriating money from the Consolidated Fund for the purpose of paying a Transport Levy for which the legislation is not yet in place. That is the essential point we are making and I do not think we ought to confuse ourselves so much about the dialectic argument as to what is constitutional as distinct from what is legal. The basic point is that we are stating that as of this time, this House of Assembly has no right. It has the right... of course if you have the numbers Parliament can do what it likes — I have said that. Parliament can do what it likes. As he said the only thing Parliament could not do was to change a blue

eyed baby into a black one but Parliament can pass whatever law it likes by virtue of numbers. If the Government has the numbers it can pass whatever it likes so all the measures which are here can be passed but we should not lose sight of the essential point which has to be made and we urge that Government in looking at matters of this sort should try and set their House in order. That is all I am saying.

Mr. CHAIRMAN: Sorry it is now seven o'clock. I must report progress and ask for leave to sit again.

Mr. CHAIRMAN, reported progress to His Honour the Speaker. Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

Mr. SPEAKER: It is now 7 p.m. This Sitting now stands suspended until 8 o'clock this evening. 7.00 p.m.

RESUMPTION

On the resumption:

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

Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. J. G. ODLE in the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee.

Mr. M. A. KING: Mr. Chairman, at the moment of interruption, I think I was making the point that what we were complaining of, was that this Honourable House was being asked to appropriate money for a purpose where the legislation was not yet in place for the measures for which the money was being appropriated. And I have made reference to the fact that it would be necessary to bring before this Honourable Chamber, a Bill to authorise the collection of a Transport Levy, just as it had been, for the purpose of the Health Service Levy.

The end result of all of this is that the Bills, whenever they come before the Honourable House in order for them to be effective in relation to what has gone before — in relation to the collections which have been made before — would have to contain a clause which in essence, makes the Bill retroactive, as have been seen in a measure which has passed this Honourable House earlier today. What we find is the end result of this is what I would call absence of good planning in getting the appropriate legislation organised. What we see, as a result of

that, is that legislation which has to come before the Honourable House to correct what has gone wrong before, contains provisions which have an element in them which all the legislators try to avoid — that is, the need to make legislation, particularly in relation to taxation, retroactive. I think all good legislators want to avoid imposing taxes and making the collection of taxes retroactive. Obviously Government can do anything. They have the majority and all the constitutional theorists and jurists tell you that in essence, where you have Cabinet Government and Government has a majority, it can get through what legislation it wants, when it wants to.

But what we are saying from this side, is that every effort should seriously be made to ensure that where the law requires that certain procedures should be followed, that those procedures should wherever possible be followed. We know that there are occasions when Governments are going to have to bring measures in late; but we are saying that that fact should be acknowledged and that, wherever possible, the effort has to be made to get the legislation in place and make sure that things are done as the procedures require them to be done because the moment we begin to be shoddy in our planning, in our organisations and in the administrative procedures — the moment that shoddiness begins to creep in in small matters — you can have shoddiness developing in much more wide and important areas.

Now I heard the honourable Member for St. Michael West Central in a debate earlier, in the session making the point then, in talking about the ends for which the Health Service Levy was being collected, for which the Health Service Levy was being imposed. In talking about the objects like that, he was seeking, or made the point that the end justified the means. That is a bit too wide a statement for us and we would not want to see that you used any sort of strategy even although the end result may be desirable. I remember very well, on a previous occasion when he sought to criticise the imposition of the Transport Levy and the Health Service Levy without the appropriate legislation being in place, we were treated to a long exposition of the benefit which the Transport Levy and the Health Service Levy would have provided for the country and in fact, we were charged with criticising the end result, so to speak.

But we were not criticising the end result. We have never criticised the end result of the Transport Levy from the point of view that the roads have to be repaired; buses have to be provided. In relation to the Health Service, health service has to be provided and all the necessary support services have to be there. So we are not criticising the end.

All we are saying is that where the Laws lay down procedures to be followed, that this Honourable House should wherever possible, ensure that those procedures are being complied with. And, we find it difficult, Mr.

Chairman, to support the situation where we are being asked to pass appropriate monies for the payment of a Transport Levy and, in fact, for a Health Service Levy, where the legislation relating to those particular levies — the legislation for either one — is not fully yet in place. *(Aside)*

Dr. R. C. HAYNES: Mr. Chairman, I should be very brief on this matter. I listen very carefully when I hear the Rt. Hon. Prime Minister speak on any matter of law in this Honourable Chamber. I listen more carefully than most because I saw a performance recently, on television, where, very early in his speech, he talked about impositions on the employers of minimum wages and then with great solemnness, Sir, we proceeded to quote Cap. 329 of the Laws of Barbados, Section 3 — but, quote it in such a way, as to omit the word, “minimum”, leaving the entire country to believe that he had settled a negotiation. But by the following Sunday, he was on his knees begging and crying and begging the parties to — and let us talk of the care with which you have to listen to him. *(Aside)*

Mr. CHAIRMAN: That is not what we are discussing. I am very sorry. Please. We are not discussing.....

Dr. R. C. HAYNES: Now, Sir.....

Mr. CHAIRMAN: Please.....

Dr. R. C. HAYNES: there are several aspects of this illegality that needs to be considered. In respect of a Health Levy, the funds to be derived from that would be paid into the Consolidated Fund, according to the Provisional Collection of Taxes Act. The Transport Levy, however, is not to be paid into the Consolidated Fund, but it is to be collected by the National Insurance Board to be paid by a separate authority.

Now Section 2 of this Bill clearly states that the monies should be paid into the Consolidated Fund. It says:

“A tax includes all assessments, charges, duties, fees, rates, impositions or other levies however called, the proceeds of which are payable into the Consolidated Fund, as part of the revenue of the island.”

It would seem to me —...*(Aside)* the Provisional Collection of Taxes Act —...that there would have to be an amendment to this Act to enable collections for the Transport Levy to be paid to a Transport Authority, so even that constitutes an illegality.

Earlier today, when dealing with another Resolution, the Health Levy, I read Section 3(2) and Section 4

of this Act. And, the Rt. Hon. Prime Minister has sought to confuse this Honourable House because what this Act says — any tax or increase in the rate of existing tax which become payable pursuant to Subsection 1; Subsection 1 — is what enables the collection of the.....

Rt. Hon. J. M. G. M. ADAMS: On a point of order, Mr. Chairman, it would be bad in a lawyer to leave out a word in a definition when he is reading. It is customarily punished by the Court so I am not going to blame the honourable Member. His subject is not Law.

But if he reads the definition, he will read that tax includes all assessment. It does exclude things that are not to be paid into the Consolidated Fund. Read the definition clearly. That word, "includes" has a meaning. It does not say, "tax means." There is a difference between "tax means" and "tax includes." That is a lesson in Law and the honourable Member for St. Michael West could not give you that. He would not be *au fait* with statutory interpretation.

Dr. R. C. HAYNES: I am no lawyer, Mr. Chairman, but I think I have enough commonsense to recognise when the spirit of legislation is being broken.

The other point.....

Rt. Hon. J. M. G. M. ADAMS: If the honourable Member would give way, Sir. Let him read the Transport Levy Act. The Transport Levy Fund means the Transport Levy. (*Asides*) It has not been circulated? You would find that that Act does not say include.
8.15 p.m.

Dr. R. C. HAYNES: On a point of order, the honourable Member is anticipating a matter before the House.

Sir, if you read Subsection (2) of Section 4, what it says is this: "Any tax or increase in the rate of an existing tax which becomes payable pursuant to Subsection (1) shall cease to be payable if the Bill is withdrawn from the House of Assembly or is not passed by the House of Assembly within four months of the date on which it is introduced therein." That says you have to cease to collect. But the Act also goes on: "If pursuant to Subsection (2) of Section 3, or Subsection (2) of Section 4 any tax or any increase in the rate of an existing tax ceases to be payable, then any sums paid by any person by way of such tax or increase in the rate of an existing tax shall be refunded to that person."

The law to me seems to be clear. The Hon. Deputy Prime Minister made the point two Tuesdays ago that the present collections must be regarded as voluntary, and if anyone did not wish to pay them they did not

have to pay them; and he is a very reputable and distinguished lawyer. He took the point that you do not have to pay them, that you cannot enforce them. What we are saying now is, if you bring in enabling legislation to justify what should be considered as voluntary contributions, that you are breaching the spirit of the Constitution of Barbados and the whole principle of retroactive legislation in relation to taxation, particularly when that comes outside of the period prescribed by law, then you must be wrong. You cannot be wrong and strong. Do not try to bamboozle me. I am not a lawyer but I have some commonsense, and I am sure every single Member on that side of the House must realise that something is wrong and that the error is even greater in relation to the Transport Levy than the Health Levy.

That is my simple contribution. The Hon. Prime Minister said that it was due to administrative problems in not bringing the legislation before this House, but he must understand that we have a duty as an Opposition to make sure that the law is adhered to at all times, but particularly when it involves the removal of large sums of money from the pockets of the people of this country. Therefore, Sir, we could not possibly support this legislation, because we would be endorsing and condoning malpractices on the part of the Government, and I do not think that the Government should proceed with this. What they should do is to give back the people the money that they collected between October 5 and now, and start collecting from now on.

I think that natural justice, any concept of social development justice, any concept of the use of law and the use of legislative power, in the interest of justice, in the interest of the country would demand that since Members of this House have recognised a very serious error that is involved here, then I think it is the duty of the Government not to use their majority to break the law, but to recognise that it is an error and give the people back their money or make the commencement date probably three months from now, or something like that. Anyhow, give them their money or do not let them pay any levies for the period which would be equivalent to the period October 5 to February 5 or something like that.

Mr. B. M. TAITT: Mr. Chairman, perhaps after the break in the proceedings we can approach this matter a little more calmly and without the imposition of the Prime Minister's syrupy tongue in the interpretation of the law. I think the Prime Minister, from time to time has tended to suggest that until you have tasted the efforts of a court room that you are not capable of understanding or even of interpreting the law. People who are familiar with the real situation do not take that seriously.

But there is a point which was made which I believe needs to be canvassed in this Chamber. In the course of his submission the right honourable gentleman submitted that if honourable Members believe that the failure of some civil servant somewhere to do his duty in the appropriate time is going to bring Government to a halt, or is going to cause a breakdown in the administration of the community, then those Members are free to find this out and examine it.

Mr. Chairman, I wish to make this point. The administration of justice in the United Kingdom, to take one jurisdiction, which is the basis on which all of us who have had the colonial experience have fashioned our concept of what is legal, what is just and what is required, that is to say, the United Kingdom administration has been replete with a number of statements made in the law courts by the law Lords, by the Appeal Court judges, which specifically reject this concept that a mere failure to follow a procedure is nothing more than a lapse in administrative judgment and therefore ought not to be dealt with or pursued merely because it is that.

Mr. Chairman, many, if not most of the cases which provide the basis for what is now described as administrative law, arise out of precisely the failure of the administrative departments to follow procedure. It is assumed that those procedures have been laid down to protect the community, to protect the citizen. From as far back as 1689, it was established that where the rights of the citizen are concerned, the courts will protect those rights even at the expense of insisting on the most minute, the most picayune following of procedure.

Mr. Chairman, I believe that the Prime Minister was motivated by decisions which have been made in the administration of justice relating to what is mandatory and what is directory. I believe, Sir, that in a number of decisions where the courts in what is called the administering of the Act, or the policy of the Act, deemed that a certain requirement by them of the following of a procedure would result in a greater injustice to the total community by way of administrative difficulty. They have held certain requirements to be directory instead of mandatory. But I think that if the honourable gentleman would examine in more detail some of these decisions, he would see that wherever the rights of the citizen were being held in question that the courts have always invariably — except in one famous case in Guyana— held that those procedural requirements are mandatory.

Mr. Chairman, it is for that reason that the administration in Barbados, at a time not so far away,

determined by the Interpretation Act that where a law says "shall" that "shall" means "shall" and therefore is mandatory.

8.25 p.m.

For the reasons which I have outlined earlier, judges felt that even though the Legislature had used the word "shall" that they could for reasons of policy interpret "shall" to mean "may". We in Barbados put into our Interpretation Act that the word "shall" appearing in an Act must be interpreted to mean that it is mandatory.

It is on this very simple premise or this very simple statement of the Law that in the case of Biggs and the Commissioner of Police, a famous train robber who admitted to have robbed a train of £ 2.5 million was able to go free on a writ of habeas corpus because a very simple procedure which was required had not been followed.

I use that case, Sir, not to do other than to draw to the attention of the honourable gentleman, that procedure is not laid down in Acts of Parliament because the Legislature or the legislators did not have anything else to do. Procedure was laid down in order that the citizen may have the full protection of the law in all matters relating to his existence in the society.

Now when we argued on this question of the collecting of taxes under the Provisional Collection of Taxes Act, we looked at Section 3 (2) which says "Any tax or increase in the rate of an existing tax which becomes payable pursuant to Subsection (1) shall cease to be so payable if the appropriate enactment for the imposition of the tax or for increasing the rate of the existing tax" (listen carefully now, Sir) "is not made or passed within four months of the date on which the Budgetary Proposals are made to the House of Assembly." That is the key to the entire argument. It is not when the Act is passed, it is when the Budgetary Proposals are made to the Parliament and we contend — and we have reason to feel that the other side accepts — that when the Budgetary Proposals were made to the Parliament, that within four months after those Budgetary Proposals were made, the necessary process had not occurred and therefore all monies collected subsequently ought to be refunded. We therefore contend that they were collected contrary to the requirements of Cap. 85. That is the basis on which we make the argument, and we do not believe that this has anything to do with commonsense.

Commonsense may determine when you might move in a Parliament to raise a particular question. Commonsense may determine whether it is desirable to divide on a particular Bill. All of these have to do with

commonsense. But the intricacies of administrative and constitutional law do not require commonsense so much as they require scholarship and understanding, and no matter how the Prime Minister by way of winning an argument might seek to suggest that some of us are devoid of commonsense, he himself cannot deny that scholarship and understanding are the bases on which the rule of law has survived in communities such as ours. It is because persons either steeped in the knowledge of a particular legal principle or interested enough to pursue a particular principle stuck to their position in the face of all opposition were willing in the face of such opposition to stand firm, that we are able to satisfy the democratic principles by which we live. I give you two examples before I sit down, Sir.

There was a time when if a person purchased a sweet drink and that sweet drink had a slug in it, the person who purchased the sweet drink suffered the consequences properly and without any recourse to any remedy because the principle then was — to use the Latin term — *caveat emptor* — buyer beware. Now it may be held to be elementary to make that point but some time in the 1930s, a distinguished judge was prepared to go against the time, and so he held in a land mark judgment that we have to change that particular attitude. (*Asides.*) There is no need to go into that. That is not the point I wish to make. In that situation the then judge was in the majority. Later on during the war when the British incarcerated a man who had been born of German parents and who it was felt to be sympathetic towards the German cause and was held under an order by a Minister, that judge speaking alone believed that the principle of giving a man due process of law was a principle germane to the development and the life of the democratic system. And, he held against his colleagues a position that the Minister had to follow a certain procedure before a man could be incarcerated no matter that a war was on.

Mr. Chairman, some forty years later in a famous case — *Padfield vs. the Minister of Agriculture* — what was a minority during the Forties became a majority opinion, and the Ministers on the front bench might well pay attention to the principle in *Padfield vs. the Minister of Agriculture*. Here it was held by the House of Lords that a Minister when faced with a phrase “as he sees fit” is not entitled to interpret that phrase other than “according to the law”.

Indeed, Mr. Chairman, if I may crave your indulgence, in a case called *Anis Minic*, a landmark case, the principle was cemented when, as I have said before in this Honourable House, an attempt having been made by the British Parliament to impose an ouster clause concerning the right of an individual or a company to seek relief beyond a certain level of the hierarchy of the Court. The Legislature had passed legislation saying it shall not be questioned or some such phrase in any Court beyond this one. The law Lords in the House of Lords said that they

would not allow any ouster clause passed by the Parliament to interfere with their right to review a decision by a tribunal.

Mr. Chairman, I have gone to those lengths to point out that what we are dealing with when we are looking at so-called procedural matters is we are not dealing with simplicity, we are not dealing — as the Prime Minister attempted to suggest — with mere procedure which ought not to be taken seriously. We are dealing with a very fundamental of the democratic system; we are dealing with those procedures with allow a citizen to fight a gargantuan, monolithic and oligarchic Government. And, especially in these days when the Government is made up as it is, the citizen must revert to the rights adumbrated in the Constitution for him. That is why we take the position we take, and that is why in spite of the fact that honourable Members got their priorities wrong and allowed this to come before what they might choose to call the validating Bill, we find it impossible to accept their position and we will have to vote against this requirement.

8.35 p.m.

Mr. CHAIRMAN: The Honourable Prime Minister may wind up.

Mr. L. E. SANDIFORD: Unwind.

Mr. CHAIRMAN: Does any honourable Member wish to speak? I see the honourable Member for St. Michael West.

Rt. Hon. J. M. G. M. ADAMS: Do not mind the honourable Member for St. Michael West. Who you saw first? If you saw me first I would just like to say a very short word. I am not winding up. All these legal lectures — Donahue and Stevenson. Why you did not mention Grant and the *Australian Daily News*? Why leave out Lord Atkin's name?

Sir, first of all I wish honourable Members good because in their days in the House in which on nearly every occasions when Budgetary measures come before the House to be enacted they are retroactive. It is virtually, I would say 90 percent of the time that the enabling Bill comes before the House, in fact, more than 90 percent, it is made retroactive. Retroactivity, the principle of retroactivity, the argument about constitutionality and all that chit-chat really has no application to a case where a tax is announced and on some subsequent date a Bill retroactively enforcing that tax is brought before the House.

As it happens, if you brought a Bill within the time limits for the Provisional Collection of Taxes Act and did not say in that Bill that it dated back to Budget Day, the Bill would take effect from the day it was introduced into the House — not the date it was passed but the date

it was introduced into the House and if it was less than four months ago you would lose the four months. I understand that honourable Members are looking for something and so on and I will tell you something too, Mr. Chairman.

The honourable Member for St. Michael South Central was a layman in these matters but an intelligent layman and he struck some grains of truth when he touched on the duty of an Opposition to assert the rights of the citizen and of the individual against sloppy parliamentary workmanship on the part of the Government. I am not sheltering behind civil servants. It is the Opposition's duty to point out to the public that the Government has a law and it has omitted to observe all the necessities laid down by the law in one regard and so for two or three weeks payment of the tax. It is no more than two or three weeks, Sir.

Payment of the levies is voluntary. It will not be voluntary when the Other Place passes the Bill which we have passed and are going to pass and the Governor-General signs them. It would not be voluntary then. Do not make any mistake about it. A Bill is before Parliament and you have to defeat the Bill inferentially of the Government for those levies ever to be voluntary. There is nothing illegal about retroactivity.

It is normal that nearly all taxation Bills contain a provision for retroactivity. All this about not having retroactive taxes — it only means in constitutional terms not retroactive beyond the day when they were announced in Parliament. That is all that it means in constitutional terms, Sir, not a thing more than that. Retroactivity starts when, without warning, you launch a Bill which creates a tax that people have to pay when at a time when they were carrying on a business they had no way of knowing that the tax was coming.

I have already pointed out to the House that there was one Bill which was intended to be introduced into the House last December. I do not think it has been introduced yet; it is the Banking Act. It was intended to be introduced even though we knew that it would not have time to pass Parliament during December and it was intended to change the licence fees for banks operating in this island. It would have brought in \$200 000. It was not completed in the appropriate Departments before January 1 and it came up to me with provisions bringing it into force on January 1. Now that would have been true retroactivity because it came to me in the middle of January providing for a starting date of January 1. Now that would have been true retroactivity.

I daresay the foreign banks would have paid it in protest if we had insisted, but to my mind that is non-constitutional. Not unconstitutional in the sense that it

is illegal but we could make the foreign banks pay fees going back to 1961 if we cared to, to the year 1900 if we cared. It would not be illegal but that would be improper and I could be no party to that so the Government sacrificed the revenue. We cannot get it now until next year. The banks have a benefit of \$200 000. Which civil servant is responsible for it I believe is a matter of argument between the Attorney General's Department and the Ministry of Finance but civil servants are responsible for it and they have cost the Government \$200 000 a year and the Minister.....

Mr. B. M. TAITT: If the honourable Member would give way. I was merely making the point that in this Honourable Chamber the Ministers have to carry the blame. Outside perhaps we would say civil servants but here the Ministers have to account to us so take the blame.

Rt. Hon. J. M. G. M. ADAMS: Fortunately it is not a matter for which we are accountable to Parliament. The failure to impose a new tax as far as I know has not yet been made a matter of parliamentary reproach. I know honourable Members on the other side were angry when we took off the Sales Tax but I have never heard them say that they were angry with having increased Income Tax, although the honourable Member for St. Michael South Central has come close to saying so sometimes. But we are, so to speak, Mr. Chairman, alone now.

The Opposition has made its point that the Government has been sloppy. I agree that it has been sloppy. The Press is not here that is why I say we are alone. *(Laughter)*. That is why I say we are alone, Sir. They will have to wait until they find it in the debate. We know that this is not a matter of retroactivity because the tax to all Barbadians was a tax the day it was declared and we have made it retroactive not even to the day it was declared. As far as I recall, these matters go back to October 5 not to September, October. They go back to October. Sir, they go back to October 5. Nobody is prejudiced. Everybody has always known there was going to be legislation validating the proposals. There is legislation validating the proposals.

I was not present when the matter was last raised in here but as far as I can judge from hearsay and from reading the Newspapers and what the Leader of the Opposition said, he said all that had to be said and I was told that when he said it he picked up his things and walked out of the Chamber and that was the point and the honourable Member for St. Michael South Central has made the point. He has made it and the Leader of the Opposition has made it. Does it really deserve being made again from 5 o'clock to 9 o'clock.

Mr. L. E. SANDIFORD: Mr. Chairman, I had really intended making a very incisive speech on this matter but after hearing the very disarming, very frank comments from the Prime Minister and Minister of Finance, very frankly I am minded that I should sit down and say nothing on this particular matter because this is a complete turnabout from the types of positions and comments which the Government front bench — they were trying to put the Member for St. Michael West off his tracks when he was speaking and here now we have all kinds of admissions, very frank and yet another justification of the position that the Opposition is taking on national matters.

You know, Mr. Chairman, things turned out to be very ironical. I recall when these levies were introduced, the Minister of Finance himself said that what he was delivering was no budget. The Member for St. Michael South Central got up and agreed with the Prime Minister, apparently, the only things on which they have agreed — *(Asides)* Well, the other way around. The honourable Member for St. Michael South Central said there were no Budgetary Proposals and the Minister of Finance agreed with him and I remember my contribution on that because I said it is very strange you have these two Barbados Scholars here agreeing that it is no budget and I was getting in the lane and I was saying that it was a budget, and I am a Barbados Scholar too *(Laughter)*. But now we have the Minister of Finance here now getting up and saying Budgetary Proposals — subsidiary Budgetary Proposals — and it was necessary to say that because the Provisional Collection of Taxes Act would apply if it is a Budgetary statement. So it is now necessary to say that and when we find ourselves getting tangled up with all of these little parliamentary niceties and parliamentary jitter-bugs, we will end up with all of these problems but there are some fundamental issues involved here.

I would like it to be thought—I am not talking now about Government and Opposition; I am talking about this Parliament, the Parliament of 1981–1986 or thereabouts — that this Parliament of which the Opposition is an integral part, will take all necessary steps to ensure that whatever is done in relation to public funds will be done appropriately and accordingly to Law, as we understand it, because we are fundamentally committed to the rule of law. We are fundamentally committed to the position and the place of Parliament as the place and source from which particularly — the House of Assembly — from which supplies are granted and monies appropriated and we must ensure that whatever we do as that financial source, that we do it under the rule of law, because when once we start to depart, we are heading down the road to unconstitutionality; just as if we are not very careful about husbanding our financial resources, we will go down the road to financial ruin.

8.53 p.m.

And when we speak on issues like this, we are speaking from a point of view of a national interest. It is very easy to commit an illegality. It is very difficult to turn back a country when once you have set yourself on that path of illegality. And do not think that these things cannot happen. You find yourselves in it and, you find yourselves a little further in it and like, whoever it was, in Shakespeare, “I am in this thing, stepped in so far”, I believe it must have been Macbeth, in Macbeth or some*(Aside)* if that were a classic, I would ask him. So that is the position.

We are very concerned about the position and we are asking honourable Members on that side, to recognise — as the Rt. Hon. Prime Minister himself has recognised — that something wrong has been done and do not get up and pretend that nothing wrong has been done. It is wrong and we pointed it out from the start. From the start, we pointed it out. I hope that in future, the Government would pay close attention to whatever is said from this side. Do not believe that when we speak, it is merely looking for an opportunity to score cheap political points because we are even more deeply committed to the maintenance of Barbados.....*(Hon. Dr. R. L. CHELTENHAM: Than who?)*.....as an independent country than anyone else in this country. *(Hon. Dr. R. L. CHELTENHAM: That is not fair. As much as who?)* We are committed to that.

The point we wish to make is this— that the Government must now find the correct legal measures to get out of this legal entanglement. The correct procedures must be found, and I would hope that in this matter, the Attorney General would get up and advise this Honourable House, advise this Honourable House, as to the correct legal measures which should be adopted in this position to get the Parliament.....

Hon. L. S. CRAIG: Mr. Chairman, the honourable Member would find out when we vote later on, exactly what is the Hon. Attorney-General's opinion, and what the Opposition is wasting time on for the last three hours. *(Applause)*

Mr. CHAIRMAN: I.....

Mr. L. E. SANDIFORD: I am winding up now. Just in one minute.

Earlier on in the debate, the Rt. Hon. Prime Minister made some comment about some civil servants in the Honourable Attorney-General's Chamber and somewhere else in some Ministry; and the Honourable Attorney-General's Chambers not doing their duty. And I think, we have got to get these matters sorted out. But I really would not go any further into that particular matter. We have made our point. We will find it impossible to

vote for this Resolution because we believe that there are serious issues involved and we believe that the Government has made serious errors on it. (Hon. L. R. TULL: You will meet me in Court.)

Mr. CHAIRMAN: Let the bell be rung.

The question that these several and related Heads stand part was put and resolved in the affirmative, the Honourable House dividing itself as follows:

Ayes: Rt. Hon. J. M. G. M. ADAMS, Hon. L. S. CRAIG, Hon. L. B. BRATHWAITE, Hon. Dr. R. L. CHELTENHAM, Hon. V. L. JOHNSON, Mr. R. E. BRATHWAITE and Hon. L. R. TULL, Hon. DeL. O. BRADSHAW, Mr. A. A. TRUSS. (9).

Noes: Mr. B. M. TAITT, Mr. L. E. SANDIFORD, Dr. R. C. HAYNES, Mr. W. O. FRANKLIN, Mr. P. M. GREAVES, Mr. M. A. KING and Mr. L. A. WEEKES. (7). 8.55 p.m.

SUPPLEMENTARY ESTIMATES 1981-82, No. 21

Rt. Hon. J. M. G. M. ADAMS: This is the other Resolution, Sir. I beg to move that these several Heads do now stand part.

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

Mr. B. M. TAITT: Mr. Chairman, we merely say for the record that our position remains the same on these as it was on the ones before.

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

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

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

On the motion of Hon. L. S. CRAIG, seconded by Hon. Dr. R. L. CHELTENHAM, the Resolutions were agreed to, the House dividing as follows:

Ayes: Rt. Hon. J. M. G. M. ADAMS, Hon. L. S. CRAIG, Hon. L. B. BRATHWAITE, Hon. L. R. TULL, Hon. DeL. O. BRADSHAW, Hon. Dr. R. L. CHELTENHAM, Hon. V. L. JOHNSON, Mr. R. E. BRATHWAITE, Mr. A. TRUSS and Mr. J. G. ODLE - 10.

Noes: Mr. B. M. TAITT, Mr. L. E. SANDIFORD, Dr. R. C. HAYNES, Mr. W. O. FRANKLIN, Mr. P. M. GREAVES, Mr. M. A. KING and Mr. L. A. WEEKES - 7.

ADJOURNMENT

Hon. L. S. CRAIG: Mr. Speaker, that concludes the business of the House for today. I beg to move that this House do now stand adjourned until Tuesday, March 2, 1982 at 12.00 noon.

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

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