
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday 26th January, 1982.

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); 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. H. deB. FORDE, Q.C., M.A., LL.B.; Hon. Miss B. A. MILLER, (Minister of Education); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Hon. V. L. JOHNSON, M.A., (Minister of Labour and Social Security); Hon. DeL. O. BRADSHAW, (Minister of Housing and Lands); Mr. L. L. SISNETT; Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P. (Edin.); Mr. R. E. BRATHWAITE; Hon. Dr. D. G. BLACKMAN, (Minister of Transport and Works); Mr. L. A. WEEKES; and Mr. W. O. FRANKLIN, A.I.A.S., J.P.

Prayers were read by Archdeacon F. A. CAYLESS.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, January 12, 1982.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move, Sir, that the Minutes for the Meeting of January, 12, 1982 be taken as read.

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

The Minutes of the Meeting of Tuesday 19th January, 1982.

Hon. L. S. CRAIG: I beg to move, Mr. Speaker, that the Minutes for the Meeting of January 19, 1982 be taken as read.

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

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

PAPERS

Hon. V. L. JOHNSON: Mr. Speaker, Sir, I am commanded to lay the National Insurance and Social Security (Non-Contributory Old Age Pensions) Regulations, 1982.

GOVERNMENT NOTICES

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

A Resolution to approve the compulsory acquisition of land at Kellman's Land, Upper Carlton, St. James.

A Resolution to grant the sum of \$2,828,493 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. 16 which form the Schedule to the Resolution.

A Resolution to grant the sum of \$935,934 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. 17 which form the Schedule to the Resolution.

A Bill to amend the Barbados Citizenship Act.

FIRST READING OF BILL

On motion of Hon. L. S. CRAIG, seconded by Hon. Miss B. A. MILLER, a Bill to amend the Barbados Citizenship Act, was read a first time.

ORAL REPLIES TO QUESTIONS

Hon. L. S. CRAIG: Sir, I beg to give notice that the Reply to Parliamentary Question No. 3 asked by Mr. L. E. Sandiford.....

Mr. SPEAKER: No, the honourable Member for St. Michael South.

Hon. L. S. CRAIG: Sorry, by the honourable Member for St. Michael South is now ready.

Sir, at this point I should also mention that I am aware of the fact that we should say St. Michael South, but since it is printed on the Notice Paper as Mr. Sandiford I would hope — I know this is not the Business of the House — that in future, Sir, that those persons who are concerned will make it possible, Sir, to do it in the correct manner, Sir.

ORDERS OF THE DAY

Mr. SPEAKER: Government Business is the Instant Order of the Day.

Hon. L. S. CRAIG: Mr. Speaker, before we commence Government Business, I would like to inform the House that the Official Report which is known as Hansard, was handed to me this morning. I am quite sure that Members of Parliament have also received one for the proceedings of Tuesday, January, 19, 1982.

Quite a number of criticisms over the years, Mr. Speaker, have been made about the Printery, the Printing Department and the staff of Parliament and those persons who are concerned with getting the Official Report early should be happy about this new situation.

I think, Sir, many years ago the Official Reports took as long as a year and sometimes 18 months, if I can remember correctly, Sir, before you could get them. I think, Mr. Speaker, this new situation is very commendable.

12.30 p.m.

It is a Herculean effort and one which I think Mr. Speaker that the persons involved, the members of the staff, the Reporters, the Printing Department and Mr. Mackie Holder, the Government Information Service, all of these persons, Sir, who are involved in having this Report laid exactly one week after the proceedings

of our last Sitting, Sir, is something of which all of us in Barbados can be justly proud.

I know that at Whitehall, Sir, the Report is laid the day after because they, of course, have the facilities. And, I am reliably informed that this is probably the first time in the Caribbean that the Official Report has been laid — has ever been printed Sir, not "laid" — has ever been printed and be ready, Sir, for our next Sitting, Sir.

I think, Sir, that there is not enough praise which one can shower on all those persons who are responsible for it. And I, on behalf of the Government — and I believe I can say on behalf of the honourable Members of the Honourable House — would like to salute all of those persons who are involved in it and I sincerely hope that they would go from strength to strength, Sir.

ORDERS OF THE DAY

Mr. SPEAKER: Government Business is the Instant Order of the Day.

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

COMMITTEE OF SUPPLY

HEAD 16 PRIME MINISTER'S OFFICE

Subhead 1 General Administration

Subhead 2 Central Emergency Relief Organisation

Subhead 3 Prime Minister's Official Residence

Hon. H. B. St. JOHN: Mr. Chairman, Sir, these are for small sums of money which arise out of the introduction of the Transport Levy and the Health Services Contributions. Obviously, at the time when the Estimates were prepared, these matters were not within the knowledge of the Estimates Committee and of this Honourable House. Accordingly, it is necessary to supplement the Estimates to make provision for these sums which have to be paid over to the National Insurance Board in accordance with the terms of the levies.

I beg to move, Sir, that Head 16 stand part.

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

Rt. Hon. E. W. BARROW: Mr. Chairman, I would like to ask the Hon. Minister whether a Bill, an Act, has been passed which authorises the imposition of either one

of these levies and if so, what is the date on which it was enacted or they were enacted so that we could be guided in our deliberations. Before I make any further contribution, perhaps, he could assist me by referring to his files.

Hon. H. B. St. JOHN: Mr. Chairman, Sir, the Government has indicated, quite clearly, Sir, that the Health Levy and the Transport Levy would be collectable by the National Insurance and that a Bill would be brought to Parliament dealing with the disposition of the Transport Levy under a separate authority for the provision of certain Capital elements of the Expenditure on transportation for Barbados. Now, I believe, Sir, that subsidiary legislation has been laid and if my memory serves me correctly, the National Insurance Act itself has been amended to authorise the act — I am not talking about the transport — the National Insurance Act has been amended to authorise the collection of the levy.

The disposition of the levies is a different matter. The Bill for the creation of the Transport Authority to deal with the disposition of the levies that have been collected by the National Insurance Board is not before the Legislature at the present moment. I understand that that matter will be before the Legislature shortly. New Regulations were Gazetted on January 25. It is a supplement to the Official Gazette of January 25 and, I believe that — if my memory serves me correctly — if I can get the latest amendment to the National Insurance and Social Security Act, I will avert the Rt. Hon. Member's attention to the provisions of that Act. But, the authority for collection of the levies, I understand, can be found in an amendment to the National Insurance Act. If that is wrong, then the position will be that the Bill is not before the Legislature. But, in any event, the Government regards this, as being part of the provisions which the Government intends to bring into operation to cover part of the deficit which has arisen resulting from the increased cost of providing for the subsidy to transport in Barbados in the case of the Transport Levy and in case of the Health Levy.

On many occasions, and particularly in the last Budget, the Government made it clear that part of the cost of the provision of that component of its National Health Service, namely the National Drug Plan, would be financed by way of increased contributions collectable by the National Insurance to be paid over to the revenue. So, there is no big thing in this. This is a matter of Government policy announced in the Legislature on numerous occasions and this is part of the implementation machinery. If my information is incorrect in respect of the Bill, I give the honourable Members on the Other Side the assurance that the legislation will be brought by the respective Ministries before this Honourable House very, very soon, and in any event we will be back with this one. It is as simple as that.

Rt. Hon. E. W. BARROW: Mr. Chairman, I wish it were as simple as the honourable Member is trying to make out. The honourable Member of all people should know better.

I question first, of course, the whole idea of the violation of the Constitution of Barbados where all monies raised in support of the Government should be paid into the general revenue, into the Consolidated Fund.

12.40 p.m.

In September last year we were informed without the batting of an eyelid that new authorities, at least one new authority, would be established to receive taxes paid by the people who live in Barbados, whether they are citizens or not, whether these people were subject to the imposition of personal taxation or not, people who might work for as low as \$5.00 or \$10 a week if such persons exist, people who were outside the net from 1920 of the Income Tax Act would be called upon to pay levies, which was the euphemism for taxes, and we were also told that the National Insurance Board would be substituted for the Commissioner of Inland Revenue, and being relieved of that responsibility now is being given the responsibility for the collection of property tax, because we have several agencies now, in violation of the Constitution of Barbados which would be responsible for the collection of taxes, and these taxes — whoever collects them — will not be paid into the general revenue, but into special funds.

Ever since the 19th Century, a long long time ago, certainly long before you and I were born, Mr. Chairman, the idea of appropriating specific taxes except in local government for specific purposes was abandoned. Certainly when Barbados accepted the Independence Constitution in 1966, it was made abundantly clear that all monies raised for the support of the Government — well to the Crown in its right of Government of this country of Barbados — would be paid into the Consolidated Fund.

Now in 1967 because of the delay of the Laws, we introduced and passed in the Legislature of this island an enactment entitled "The Provisional Collection of Taxes Act," and I should like to read for the benefit of the honourable Member — the Minister of Trade — the provisions of this Act, because certainly in respect of one of the levies — and he cannot give me any assurance in connection with the other levy in relation to National Insurance, and I am not dealing now with the question of the Constitution of Barbados, I am dealing now with the Statute Law of Barbados — he cannot give me any assurance at all. It is not a simple matter because the law has made specific provisions, and you cannot now back-date it.

On October 5, 1981, as a result of a budgetary proposal, it was deemed that these levies would take effect.

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

The law relating to this particular matter is as follows. It is Cap. 85 of the Laws of Barbados, Mr. Chairman. The Interpretation Clause says: "Budgetary proposals means any proposals made to the House of Assembly by or on behalf of the Minister responsible for Finance for the purpose of raising revenue to meet public expenditure".

Section 3 of the Act says "Subject to this Act, where (a) the imposition of a tax; or (b) an increase in the rate of an existing tax, is contained in any budgetary proposals, then from the date specified by the Minister in such budgetary proposals (hereinafter in this Act referred to as the specified date) — (i) the imposition of such tax shall be as effective as if an enactment had been made or passed imposing such tax and the tax shall be payable as from the specified date;" I just want to go back for your benefit, Mr. Chairman, and read the definition of "tax", and it cannot be evaded. "Tax" includes all assessments, charges, duties, fees, rates, impositions and other levies (however called) the proceeds of which are payable into the Consolidated Fund as part of the revenues of the Island.

Now you cannot approbate and reprobate. You cannot evade this by saying you do not intend the money to be paid into the Consolidated Fund because you are using the Provisional Collection of Taxes Act to justify it, and the Constitution of Barbados says that all monies must be paid into the Consolidated Fund. Therefore when a substantive Bill comes here to the House, the constitutionality of such a Bill paying money to a National Insurance Board or any Transport Board will have to be charged without an amendment to the Constitution of Barbados. As the Law stands now, all monies must be paid into the Consolidated Fund. One of the Boards does not even exist, therefore where is the money going? Who is collecting the money? On behalf of whom is it being collected?

Now the Law goes on to state this: "the increase in the rate of the existing tax" — and that also means the imposition of a new tax — "shall be effective from the specified date and the existing tax shall be payable at the increased rate as from that date."

Now this is important. "Any tax" — and tax includes levies — "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 is not made or passed within four months of the date on which the budgetary proposals are made to the House of Assembly." And I go on. "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 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." And it goes on further. "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."

There is only one Section which says that nothing contained in the Act shall be construed as affecting the powers of the House of Assembly.

The position is this: prior to the enactment of the Provisional Collection of Taxes Act, no person in Barbados was liable to pay any levy or any kind of tax in this Island unless there was a law passed by both Houses of Parliament and assented to by the Governor or Governor-General.

You could not wake up and read in the newspapers that people, citizens of Barbados arriving in this country, would have to pay for the privilege of coming into their native land. It is not possible even now, because for that to be done there would have to be a budgetary proposal. And without any digression on that particular point since it is relevant, I see there have been certain shiftings and changes and saying that: 'Oh, the airlines will have to pay and not the people coming in anymore', and that kind of thing. It is an illegal act to ask any citizen of Barbados or anyone else to pay any imposition which it does not constitute any part of the Budgetary Proposals or which have been passed by both Houses of Parliament and assented to by the Governor-General.

12.50 p.m.

The purpose of the Provisional Collection of Taxes Act was to make it possible or to prevent.... let me put it the other way, Sir, let me put it the negative way. Let us say that you increased the duty on cigarettes. In order to prevent people from taking advantage of the announcement that the duty on cigarettes is going to be increased, we did what they have done a long time ago in the United Kingdom. We passed the Provisional Collection of Duty Act so that the Minister of Finance can say, as from this afternoon the duty on cigarettes has been increased by so much an ounce or kilogram of tobacco as the case may be.

That was the real purpose of it, since if you have a lot of Budgetary Proposals, the House of Assembly could never get through all the Bills even if you sat for 72 hours non-stop, so the idea of the Provisional Collection of Taxes Act was to stop the elites hoarding, and profiteering and that sort of thing and also to permit the Government to take advantage of the increased revenue immediately. But there was a safeguard that if within four

months you did not bring down the enabling legislation, not only would the tax, or the levy or the imposition or whatever it was cease to have effect but you had to refund. Even if the next day you brought in legislation, you still had to refund the people. That is how the Law reads "All that they have paid before."

The purpose therefore of my question to the Minister — I do not have a perfect memory, I have no recollection of any such Bill being introduced or passed in this Chamber — was to find out if he knew that there was any such Bill which authorised the imposition of these so-called levies, the very nature of which is questionable. What we called "the barefoot tax" — the Highways Tax that people walking in the road barefoot have to pay. Whereas before only motor vehicles — not even bicycles — of a certain weight using the highway would have to pay the tax, we now have a Highway Tax that people using the road barefoot have to pay and the man in the street is calling it "the barefoot tax".

There is no deduction because they have children or because they have insurance policies — like with Income Tax — if you work for \$10 a week, suppose you worked occasionally as a gardener and you only worked say, for two hours a week and you get \$10, you have to pay "the barefoot tax." That is a phenomenal tax that we have introduced here in this country. We really are scraping the barrel but that is another aspect of the matter altogether.

What I am challenging here right now is that the Minister must tell us what enactment there is on the Statute Book which authorised the collection of this because he is on borrowed time right now and if his time has expired, there is a date in the Addendum which I should like to ask the Minister to check. I would like to ask the Minister to produce the statement made by the Minister of Finance because the date given in the Addendum is October 5, and my recollection is that the Budgetary Statement was made in September and not in October.

I have no recollection — and again, my memory may be imperfect, but these are things which the Minister, as a lawyer, should check for himself — of the Minister of Finance saying that the levy — I have no recollection but my memory is not perfect and therefore I would like to be corrected on these things — would take effect on October 5. If he said that, it is a very strange date. I can understand the 5th of November because that is Guy Fawkes Day and you can blow up Parliament on Guy Fawkes Day, Sir. You can do anything to the Constitution but the 5th of October is a date that have no relevance at all. It certainly was not the date on which the Budgetary Proposal was made so I would like to ask the honourable Member to check that.

Now every time anybody gets up on the Floor of the House to point out certain errors and omissions, they take it as a personal attack. It is no personal attack. The House of Assembly should not be exposed to making errors of this kind and therefore unless we can get satisfactory answers, even although he says it is a small matter of \$564.00, if it is a violation of the Constitution, I certainly could not support it.

Dr. R. C. HAYNES: Mr. Chairman, the last occasion on which I adverted to this matter to question the legality of it in a *sotto voce* remark, when I threatened that this matter might well occupy the attention of the Supreme Court of Barbados, the Deputy Prime Minister at that time indicated that the Supreme Court was not sitting so I could do what I liked. That was his attitude at that time and I am very pleased to see today that the Leader of the Opposition who is the most knowledgeable lawyer in this Chamber has been able to get up and deal with this matter in a very fundamental manner.

Now, terrible and serious issues are raised here, Mr. Chairman. I quote from the House of Assembly Debates, September 15, 1981. Under page 102 this is what the Minister of Finance of this country had to say. He said, referring to this that "he did not consider my statement last week a Budget of any kind. I thank the honourable Member. Neither did I. I did not say it was the Budget. I believe the *Nation* Newspaper had a headline "Mini-Budget next Tuesday"."

In his own statement made in this Honourable Chamber he said that that statement did not constitute Budgetary Proposals. Now the Provisional Collection of Taxes Act, Cap.85, I think it is, of the Laws of Barbados would authorise the collection of that money for a period of four months subsequent, before legislation is brought into Parliament provided the money is paid into the Consolidated Fund of this country.

When I stated, Sir, that the money would have to be paid into the Consolidated Fund in accordance with the Laws of this country, this is what the Minister of Finance of this country had to say and I quote on page 104 of the same document:

"It is also not true that the levy is going to be paid into the Consolidated Fund. It is going to be paid over to a Board. It will never go into the Consolidated Fund. This is one of the rigid conditions that we have set for it. It will go for the purposes of improving roads and buying buses."
1.00 p.m.

Now Mr. Chairman, the Rt. Hon. Minister of Finance not only denied that his statement constituted budgetary proposals, but further proceeded to indicate that he was prepared to violate the Laws of Barbados by paying that money into a fund, or, over to an authority which today does not exist in Barbados.

I am pleased to say that the National Insurance Board has sought legal advice and whereas they have gone ahead and collected the money, they have refused to pay the money over to anybody until they get some kind of direction and I want to reiterate that it is vital that the Government respects the Laws of Barbados. My own research as a layman, Mr. Chairman, reveals that under Section 107 of the Constitution of Barbados, there is a provision for a Consolidated Fund and, subsequent subsections of that Constitution indicate quite clearly the procedures that you must go through in this Parliament in order to move money from that fund. That was supplemented for the reasons explained very ably, by the Rt. Hon. Leader of the Opposition, by the Provisional Collection of Taxes Act.

There has been no enabling legislation, none whatsoever brought before this Honourable Chamber to allow the Rt. Hon. Minister of Finance of this country to take that money out of the pockets of the people of Barbados and I would say this, Sir, this is not the first time that it has happened. In respect of the Unemployment Levy which came into effect in June of last year, more than four months elapsed before there was any kind of enabling legislation brought before this Parliament.

Now Mr. Chairman I want to make another very important point here. Apart from the Consolidated Fund and the Provisional Collection of Taxes Act, when National Insurance and Social Security was introduced into Barbados, before any money was taken out of the pockets of the people of this country, a National Insurance and Social Security Act was passed and that provided, not only for a Board, but, for the establishment of a fund and a legal framework in relation to payments and disbursements from that fund before a single cent was taken out of the pockets of the people of Barbados. Described Sir, in that piece of legislation, are clearer benefits, clearer purposes for which the Act was established, for which the imposition was made on the public of Barbados, for which a fund was established, not as a tax, but, as a trust fund for certain, clearly defined benefits as defined by the Laws of this country.

What do we have now taking place? We have a situation where because many people in this country would be too poor to pay income tax — and you are trying to rake every single cent off them — the National

Insurance Board is being used as a tax collection agency, for the purpose of paying money into a fund or over to an authority which does not exist in Law. My contention, Sir, is that it is a breach, not only a breach of the Constitution, not only a breach of the Provisional Collection of Taxes Act but it is a breach of the spirit under which the National Insurance and Social Security Act of this country was passed to make it a tax collecting agency, when, in fact, its sole purpose should be to collect money that would go into a special fund which would have special benefits, in the short term or the long term. All of those benefits are set out very clearly in the Act, whether it be sickness benefit, death benefit, burial benefit, maternity benefit or what you like.

We have the tragic situation where the National Insurance Board does not have the staff at the moment to cope with the existing problems that they have and, people have been known to go on maternity leave and go back to work without receiving their benefits. Full 50 per cent of the people who fall sick in this country and go off work they cannot get benefits at a time when they need their money and yet, we find this kind of perverse — I repeat perverse — abuse of the National Insurance System, because it represents the only system which will have access to the pockets of each and every person, no matter whether they earn \$1.00 a week, \$2,001 a week or \$506 a week. If they earn a \$1.00, or \$506.00 a week, the National Insurance Board can have access to it and that is why it is being done that way.

But Mr. Chairman there are many other serious problems related to this whole question of levies and I want to say this. It is another example of a regressive form of taxation because the levy is not payable on your total income. It is only payable on the insurable part of your income. Therefore, the man who earns up to \$506 a week now will face the full impact of the levy. But, the \$100,000 a year Rt. Hon. Prime Minister of Barbados will not face the full impact of the levy because only a proportion of his income would be subject to that levy.

I want to go further. When the Honourable Minister gets up to let us know what amount of money he expects to get from the Transport Levy — because the figure of \$8 million that I heard being bandied about here very much off the cuff in September would have changed substantially now since the amount of the contributions increased from \$1,000 a month to about \$2,000 and increased from \$230 a week to \$506 a week — We want to know what would be the anticipated increase in taxation because if you are going to levy a tax, this Parliament and the people of Barbados must know how much money you expect to derive from that particular bit of taxation.

But Sir, the reason for the establishment of a Consolidated Fund and the reason for the establishment of legislation such as the Provisional Collection of Taxes Act has a much more fundamental significance. It means that when taxes are levied and taxes are paid into the Consolidated Fund of this country, the Government can only get to those funds, after Parliamentary scrutiny. They either have to come here, at the time of Estimates or they have to come at the time of Supplementary Estimates in order to subject that expenditure up front — not behind — up front to Parliamentary scrutiny. What Sir, is the danger of these levies? Let me tell you what the danger is.

1.10 p.m.

The danger is that taxation can be placed on the people of Barbados, the money can be put under an independent authority and Parliament itself would have no say in the disposition of those funds except after the money has been spent, because the only route that you would have to bring it to parliamentary notice is through the Public Accounts Committee, and the Government controls the majority of that Committee and we have not been able to get the Committee to meet because one or two people would not turn up so far this Session of Parliament.

Now, Sir, I speak with authority at all times, and I am going to refer you, Sir, to a recent issue of *'the Parliamentarian'* — and I know you are very interested in these matters — where there was a specific comment on this kind of funding and these kind of financial malpractices. This one took place in Trinidad in relation to their special oil funds. I adverted to it in this House before and it was not taken seriously but then I came across this report a few months ago after I made that statement: "Parliament votes money into some 46 of these funds under general headings, but thereafter its scrutiny is substantially reduced. The Government can subsequently make major expenditures from these funds without Parliamentary concurrence. Expenditures are subject to investigation after the fact by the Auditor General and the Public Accounts Committee, but this is not an involvement in policy making."

Not only on legal grounds, but on the grounds of proper financial practice we object to these levies, and we stand on good Parliamentary ground because if you believe in open Government, if you believe that there should be proper scrutiny of all Government expenditure by Parliament, then I cannot see how you can support this, because you must know deep down in your hearts that it is bad financial practice. What is happening here is that because Government has not got a cent, and because it has been borrowing money in order to pay the Civil Servants of this country, despite recent denials at a conference, when the latest statement by the Accountant General points out that even the \$US 30 million OPEC

loan was used for general budgetary purposes. There is a note inside these that the \$60 million was used for general budgetary purposes.

Mr. CHAIRMAN: You have one minute.

Dr. R. C. HAYNES: I will be back. I am talking all day on this.

Mr. CHAIRMAN: You only have one minute.

Dr. R. C. HAYNES: Now before I continue along that line, I wish to repeat that monies have been borrowed domestically and externally for the purposes of paying civil servants in Barbados, and it is quite inaccurate for any one to say that this is not the case. The Deputy Prime Minister will get up in due course I am sure and let the country know that when the money goes into the Consolidated Fund, it goes for all budgetary purposes, whether it be for paying civil servants or otherwise.

Sir, I now get back to the Transport Levy, and there are many other aspects of this matter that I wish to deal with today.

Mr. CHAIRMAN: Your time is up. You will have another chance.

Dr. R. C. HAYNES: Fair enough. I will take my 15 minutes and I will rest at this point. I have a lot more 15 minute periods today.

Hon. H. deB. FORDE: Mr. Chairman, it is a pity that the historical research which is done by members of this House and done sometimes by the commentators of public affairs in this island is of a limited nature; and it is a pity too that the memories of some of the leading public figures in this island including the Rt. Hon. Member for St. John are so short and imperfect in many regards. I recall that prior to the passage of the Act to which the honourable Member refers — the Provisional Collection of Taxes Act which was passed by this Honourable House in 1967 — the Advocate as it was then called, edited by Mr. Dugal Smith — and I rather suspect at the time that two of the distinguished reporters of the Advocate, Mr. Neville Martindale, and Mr. Tony Vanterpool, were some of the outstanding young Press men of the day, and their memory like mine is probably not as short as that of the Rt. Hon. Member for St. John — I recall vividly, carried an editorial which was highly critical of the Democratic Labour Party Government of 1961 — 1966, because that Government was proceeding by budgetary proposals to collect revenue in this country without having the necessary statutory legislation. The only justification given then, as I recall it, by spokesmen for the Democratic Labour Party Government was that there was a practice and a custom in Barbados.

I recall the editorial very well, Sir, because the editorial was followed by a series of editorials like "Oops Mr. Tudor Your Slips are Showing". It was at the very time that the Democratic Labour Party Government was blowing hot and cold up on the issue of trade with South Africa, and a picture was taken showing goods imported from South Africa in the stores owned by the relative of the then honourable Member, Mr. Cameron Tudor. So I am going to put this in time so that there can be no mistake about what we are talking about.

Now the honourable Member gets up in here today and makes it appear as if he himself has fundamental objections to breaches of the Law and that this Government — I am going to come to more recent times too, you know, Sir — has come into this House and done something so extraordinary, something never heard of in the history of the country since the settlement of 1627, that this is the first time it has occurred, when the Right Hon. Member presided over a Government that did the same thing on several occasions. Let me deal with him.

Mr. Chairman, prior to the 1976 Elections the records in the Attorney General's Department will show that on several occasions the Rt. Hon. Member for St. John as Minister of Finance made budgetary proposals and did not on several occasions get the necessary legislation here in time — within the four month period called for under the very Bill he passed in 1967. *(Asides)* Get up and talk after me and let me bring chapter and verse. I came in here waiting to hear the point today because the honourable Member for St. Michael South Central can be forgiven if he comes in and pretends that he was not part of the Government and he was a civil servant then, although he was a leading member of the party and a strong adviser of the party.

The point remains and I think the Right Hon. Leader of the Opposition knows this, and I concede he is one of the best lawyers in Barbados, I am not conceding that he is the best in the House today; his memory may be faulty, he has long passed his pristine glory, but he has been an outstanding lawyer and an outstanding politician too — let me say that right away. But he is such a skillful politician that he will make hay whilst the sun shines in order to pretend to the public that his party is blameless in this type of way in relation to treating legislation. And it is this that I talk about, the credibility of politicians. He has seen the rain falling today and leaking through the house of the Barbados Labour Party, but he turns a blind eye to the cracks in his house, the bad precedents that he set, the breaches of the Laws of Barbados up to 1976 that occurred under the Democratic Labour Party. Tell the public about it. The then Leader of the House, the Hon. Sir Edwin Talma for whom I have the greatest

respect would on many occasions get up when we attacked and say — because I remember, Mr. Speaker, used to attack; Mr. Speaker, particularly — you will understand that the Attorney General's Chamber, the draughtsmen are busy and these things take a little time and he realised that these things would happen.

1.20 p.m.

The allegation was not the sort of allegation being made by the honourable Member for St. Michael South Central — that anyone wants to have access to public funds to use them in any scurrilous or dishonest manner. That allegation was never made. That is why I want to recall, because people must do their research in here and people must do their research into the public domain, they recognise what we are talking about. The honourable Member should sit.....

Dr. R. C. HAYNES: On a point of order. The honourable Member has said that I said that someone intended to collect public funds to use them in a scurrilous manner. What I said was that the manner of collection is unlawful and that there are great doubts about the whole question of setting up funds and he understands perfectly well what I meant and that kind of debate and technique is quite unworthy of him.

Mr. CHAIRMAN: No point of order.

Dr. R. C. HAYNES: That is no point of order but let the honourable Member perform a little better.

Mr. CHAIRMAN: Please, please. Please take your seat.

Hon. H. deB. FORDE: Let the honourable Member get up 50 times. He can get up 50 times. The more I provoke him the more I know how weaker his arguments in this House are. Let him get up 50 times because I am going to deal with every point about levies, his objection to levies and the nature of levies and really show that fundamentally and in principle the honourable Member is mistaken about a lot of things and if he understands Constitutional Law, customs and principles, he would appreciate, as I am sure the Rt. Hon. Member for St. John appreciates, some of the distinctions which have occurred in this area.

What I am saying, Mr. Chairman, is that in relation to the levies collected by way of Health Levies, the legislation is in place. There can be no doubt about it. The honourable Member cannot contend that any cent collected by way of National Insurance has been collected unlawfully. There is existing legislation in place for it.

The honourable Member can challenge the constitutionality of the Regulations made under the National

Insurance Act. He can challenge the constitutionality of that, Sir, and he can challenge the constitutionality of it up to the Privy Council but there are Regulations made and it is open to him to argue, if he wants to, that in Law he says those Regulations are not made under the proper Act. He can argue that, but the Regulations have been made.

Now, Sir, I want to deal with the nature of collection of taxation without legislation and just to repeat the point I was making. Successive Governments have done it in here. The only reason why the Collection of Taxes Act was passed was after the *Advocate* under Dugal-Smith with a brilliant editorial, exposed the absence of such legislation. Sir Denis Malone, then Denis Malone, who was the Chief Parliamentary Counsel, I remember him even speaking to me about the matter at the time and saying to him, you should really follow at least the English specimen in trying to regularise the position even although Barbados might have had, unfortunately, what they say was a custom and I myself doubted the existence of the custom.

Now, Sir, the honourable Member makes the point in here about the late payment of Maternity Benefits. I will deal with his points point-by-point. Once again this is a matter that forms the subject of a statement in the Manifesto of the Barbados Labour Party for 1976 because under the Democratic Labour Party, having regard to administrative, I am told, bottle-necks, Maternity Benefits were being paid out late.

I understand that all of these bottle-necks have not yet been sorted out although there has been a tremendous improvement in the rate at which disbursements take place and one of the solutions which was being proposed — I saw the correspondence when I was Minister on this — was that the employer should prepare the benefits and then collect it back from the Insurance Funds and there has been a lot of discussion going on between the main Unions on this point, both the Employers and Workers Union to see whether they agree with Government's suggestion on this but the period of time is short. It is six weeks before the lady is delivered and six weeks afterwards during which she has a twelve weeks maternity period and because of that short period for certain administrative purposes, the office finds difficulty in looking after this matter. I believe it should be sorted out.

The honourable Member can be no greater believer in women's rights or in facilitating women that I am, Sir, I do not think he is any better a lover when it comes to women than I am. I do not think he is but let me put it this way. The point is that it is something that should be put right because I believe that every legislator in this House and anybody who is dealing with that sort of situation would want to see an improvement in the position. But do not come in here and put it forward in

the manner in which the honourable Member seeks to put forward his argument in this House as though it is a wicked and nefarious Government — and that is where I am attacking him — which is doing all of these things against the poor people when his Government did the same things and the only conclusion you can lawfully come to is that they were wicked and nefarious at the time instead of giving the public the true picture of it. What the honourable Member must learn is what his Leader has said. He must not approbate and reprobate at the same time. He would not understand that phrase but that is the lawyer's phrase for the two of us, Sir, because he is sure to reply to me. I encouraged him to reply to keep him on his toes a little bit. Sir.

Now the honourable Member tries to describe the collection of levies and the collection of funds as a retrogressive form of taxation and the honourable Member tries to contend that in such instances, all such money should be paid into the Consolidated Fund. Now that is the so-called classic Budget approach to the Pristine Constitutional principle but the intervention of the state in so many aspects of the economic developmental and welfare parts of the lives of the public citizens has meant that there is no longer in any jurisdiction that I know of in any part of the world, any purity of Constitutional theory at this point whereby all monies collected by way of taxes or levies are paid into the Consolidated Fund and I start here with Barbados.

Mr. CHAIRMAN: Two minutes.

Hon. H. deB. FORDE: In Barbados the International Insurance Funds are paid into their own fund and kept separate and apart from the Consolidated Fund. (ASIDES) Sir, my interruptions must not count as part of my time and if the honourable Member is going to talk *sotto voce* all the time — they are not part of it. There have been certain levies which have never been paid into the Consolidated Fund in the history of this country between the 1930's and up to this date. The honourable Member knows that is right.

The important thing to ensure is that those levies are properly audited, an account is given of them to the House and to the public at large, that there is no dishonesty and corruption with the use of the funds and that they are used for the purposes for which they are intended. I know that just for a while that there is no way of having Parliamentary scrutiny of funds being expended except it is paid into the Consolidated Fund. 1.30 p.m.

There are several Statutory Boards whose affairs could have taken and still could take closer examination than the Houses of Parliament have chosen to give unto it, but, it is because honourable Members of Parliament have not been using all of the other methods

of querying Ministers, ferreting out debate and having a discussion on the matter that we have failed, if you like, to scrutinise from time to time the matters that come before the Honourable House.

I have been in this Honourable House now, going 11 years and the Public Accounts Committees have never functioned properly in that 11 years on either of the two parties whether they have been in Opposition or not. The sort of scrutiny demanded has never been there, and the sort of pre-Estimates Committees that exist in jurisdictions such as those.....the Rt. Hon. Leader of the Opposition has returned from sitting on a very important Parliamentary Committee which dealt with this issue. He will find that in the United Kingdom even in Jamaica, and in a few other Commonwealth jurisdictions, the scrutiny of the Consolidated Fund is closer because of the number of Committees other than the Estimates Committee which sit at different times. Here, in this Honourable House, all you get is a general debate. Very little scrutiny goes on on anything in the Consolidated Fund, and the nature of the debate is no different to the nature of the debate that goes on in relation to a levy such as this.

Mr. CHAIRMAN: Time.

Hon. H. deB. FORDE: If the honourable Member wants improvement, let us discuss seriously in this Honourable House, having Committees functioning properly and often and having estimates being subject to greater scrutiny than we are allowed to do on the Estimates that come to this Honourable House. I will speak again. I am not finished yet. I have a lot more to say, on this.

Hon. H. B. ST. JOHN: Mr. Chairman, Sir, it is quite obvious that the honourable Members, on the Other Side, are looking for issues to keep themselves before the public eye.

The fundamental position in this matter is this. The Barbados Labour Party is committed to widening the scope of Social Security in Barbados. We are committed to the provision of an up-to-date modern, and efficient transportation service. It is well known that the provision of public transportation in any community can be provided in only one of two ways. One is that if the provision is treated, in a normal, commercial way, the fare levels must be sufficient to generate revenue to cover all expenditure, not only on revenue accounts, but on capital accounts both for the provision of updating rolling stock and for the provision of creation of capital infrastructure to house and to service that rolling stock.

Now if the Democratic Labour Party wants the public to understand that it is their policy, their policy, that the fare levels of public transportation in Barbados

should be such as to make provision for that purpose, let them come out and tell the people that they will raise the bus fares in Barbados to \$1.50 a trip. If they want that, let them come out and say that. The Barbados Labour Party's stand on this is very clear, that we feel that there must be an element of Government subsidy, because we believe that adequate public transportation should be a charge, on the community, as a whole. We believe that there is bound to be a subsidy element.

We have explained in here many times, many times — that as a result of the inherited deficiencies that we had in the Transport Board, as a result of the fact that under the Democratic Labour Party regime, no adequate provision was made for the provision of a sufficient number of rolling stock in Barbados to carry out the job, as a result of the purchasing of bad equipment like the Seddon buses, which were purchased through the agency of the late Mrs. Rock, God rest her in her grave She was a good business woman and she exploited to the hilt, her connections with the Democratic Labour Party and she foisted upon this community, a group of buses which from the very moment they were put in service in Barbados were defective, in that they were unsuitable for the roads and conditions in Barbados. One hundred and twenty-five of those units break down every day in the provision of normal service.

When the now Hon. Minister of Health was Minister of Transport, when we first came in, we had to come to this Honourable House with a Resolution to get money for 50 new units, 25 of those were bought ready-built in England and the other 25 — I believe, my figures are subject to correction — the chassis were bought and they were assembled here, in Barbados. Year after year, since then, we have been indulging in a renewal programme of the fleet. And, in addition to that, the price of diesel fuel from 1979 has gone up greatly and we have pointed out that there is a limit to the amount of subsidy. One year, it was \$6 million. It went to \$10 million. I believe, it is now \$15 million. Is that correct? It is now \$15 million. And the Barbados Labour Party Government has confronted the public with these facts and, as men who were not afraid to deal with a situation, we have put forward our proposals. We raised part of the bus fares and we have introduced a Transport Levy for everybody. We have done it. That is our method of coping with the subsidy.

Now, it is their privilege, their right, to say that they would have done it otherwise. If they want it out of the general revenue and if they want to increase taxes to do it, it is a matter for them. But, this is our policy and we will implement this policy. What is more, the public invested us with the constitutional right, so to do. So do not let us make any mistake about that. We can argue on this before the public. You had all opportunity, all opportunity in June last year to argue, to argue about everything, and the public rejected you for the next five years.

So be it. Argue still. You are not going to raise any eyebrows over here. You are not going to bring any grey hairs over here, because you are arguing now and whatever you say now, is still going to be subject in the next five years to the final argument.

This principle of the method of financing a deficit is not only a problem that we, in Barbados have to grapple with. Anybody who is familiar with what is going along in the rest of the world would know that this is a common problem in the world. As a matter of fact, in London recently, the Greater London Council had to deal with this. Their methodology was to finance it out of the general rates. They were taken to court and the House of Lords said that the general rates was not the proper method of doing it, that the only way under the terms of the London Transport Act that they could do it was to raise the bus fares.

1.40 p.m.

Now Honourable Members are saying take us to court. If the court says we cannot do it this way, raise the bus fares, the Democratic Labour Party will be responsible for that. I invite you. The honourable Member behind says he wants a brief, not an unpaid one though; he wants one to get paid in.

The position, Sir, strictly speaking, is that the principle of the creation of a fund for specific purposes has been indulged in by Governments on many occasions. There has always been a question by academics as to the deprivation of parliamentary scrutiny as to the disposition of the fund, but Sir, it is obvious that in the enabling Statute you will meet the objections of that point of view by ensuring firstly that the purposes for which the fund is created should be very, very clearly identified. Secondly that the people who have to administer the fund will be people in whom the public have confidence.

We have gone on record in here as saying that not only will the transport Minister have appointees on this Authority, but also that the third estate, that the workers through their representative.....(*Asides*) I agree it is the first estate. All of us in here are workers too. The honourable Member obviously thinks of himself in that light. But the position is that we do not have anything to hide in this. We came to the House and said that this is an integral part of our policy. We have a position here where we want to improve tenantry roads in Barbados, where we want to improve the bus services, and we said that part of these funds will go to capital equipment and capital rehabilitation of the rolling stock and buildings of the Transport Board. Part will go to the improvement of the road system in Barbados, and the Honourable Minister of Transport has repeatedly said that it is their aim not only to see that this money goes to repairing potholes, but it should also go to bringing new tenantry roads into existence.

Now again that is part of the philosophy of the Barbados Labour Party. We wish to improve the quality of life of our people. Is the Democratic Labour Party against that? We passed the Tenancies Bill to ensure that everyone who is living in a tenantry in Barbados had the right to purchase the land under certain conditions, and we have said that it is part of our policy that both the rural and urban tenancies must be improved. We are saying that we want to see people walking to their work or driving to their work on proper roads. Now if you disagree with this philosophy, it is a matter for the Democratic Labour Party to get out there and tell the public that they are against it. We have nothing to hide. No Minister will be able to handle this money. An Authority will handle it. The Auditor General will be dealing with it. The honourable Member will be able to ask questions in relation to it, but I believe that what is worrying the Other Side is that they hadn't thought of it. We do not want it to get mixed up with the Consolidated Fund, because when the late Sir Winston Churchill was a Minister of Transport in England, he created a fund for certain purposes and they amended the law and put it in the general revenue, and if you look at any of the books on public finance, you will see that they drew attention to the dangers of having taxation which was devised for specific purposes being mixed up in the Consolidated Revenue, because very often the purposes for which the tax was originally charged get mixed up with the other general charges, and that is why we want the tenantry roads; we want new buses.

We just put 30 buses in the fleet, and the honourable Member must know that he does not see letters in the newspapers anymore about it because the service has improved. Twenty-three more are in the island. Where are we going to get the finance from? I should deal with this question about borrowing money for paying civil servants. Whenever money is borrowed in Barbados, it has to be borrowed pursuant to legal authority and the legal authority, Local Loans Act, Special Loans Act, whatever Act it is, says it goes into the general revenue. Civil Servants' salaries are charged on the general revenue; capital expenditure is charged on the general revenue, but the honourable Member is not making any big point because we on This Side have said quite openly — we do not have anything to hide — that in the current fiscal year, revenue has not grown to the same extent as current expenditure, and also that we have had a capital expenditure programme of the order of about \$150 million. The budget is \$200 million. It will probably come in around \$150 million. Part of this expenditure is the subsidy. We have to meet it and this is the provision for meeting it. So I do not have any worry as to the legal authority. We must have an enabling Act to deal with the creation of the Authority and to deal with the National Insurance and Social Security provisions. The same thing applies to the drugs.

We have said as a matter of policy that we will have a National Health Service, but that the National Health Service would be integrated into the Social Security Scheme. That is a matter of policy. I do not know what the Democratic Labour Party's policy is on that. I know that the quality we propound in our manifesto — not only in the last one but in the previous one — was endorsed by the electorate. If we are the ones who are temporarily, however temporarily, invested with the totality of the instruments of power and we go and tell the people that if they elect us to power we are going to introduce a National Health Service, we are going to have the National Health Service free at the point of delivery of care, and we are going to finance it as part of the National Health Service, the methodology of introducing that is through legal instruments, and we have given the House the assurance that the legal instruments will come. But the money is in the National Insurance hands, not in my hands, not in the Government's hands. It is not in the Consolidated Fund. It does not have to be in the Consolidated Fund because we do not want it used for purposes for which it was not intended to be used, and this is the point.

This is part of the Labour Party's platform for improving the quality of life of the people of Barbados. Make all the noise you want; bring all the legalism you want. The fundamental point is that when we get out there and we put our side of the story, the public will understand our side because our aim is the improvement in the quality of health care in Barbados. You are talking about a \$100,000 Prime Minister. What about the \$200,000 doctors that we now have to save the public from, from those monstrous charges that the \$200,000 doctors put on them?

Dr. R. C. HAYNES: On a point of order, what about the \$350,000 lawyers in James Street?

Mr. CHAIRMAN: No point of order.
1.50 p.m.

Hon. H. B. St. JOHN: We soon will come with a Legal Services Bill to, so what are you worrying about. The philosophy of the Barbados Labour Party is that all professionals must be three things. One, they must be honest. They must not carry away people's money under other pretenses. That is the philosophy of the Barbados Labour Party first. Secondly, there must have some kind of social conscience and thirdly that their charges must bear some relationship with the general economy of the country (ASIDES).

Do not worry about the Lawyers. Do not worry about them. They have vagabonds among them just like they have vagabonds among doctors. The position is that enabling legislation is coming to create the Transport Authority and to amend the National Insurance Act; to

widen its scope in accordance with this grand conception of Social Security that we have.

There is another area too. There is another area. The Hon. Minister of Labour would tell you that we have been bashing around the idea on the question of damages arising out of the use or resulting from any accident, whether it be a motor vehicle or not. New Zealand has one of the best systems of damage compensation irrespective of fault. Now we feel that that is an area for the next Manifesto, may be. You get what we mean? We are thinking forward. You are out for obstruction; raising a lot of technical points, however valid there may be but the basic position is this — I have just checked — all the legislation, because it is comprehensive and because we want to change the scope to allow the expansion of the scheme in areas of Parliamentary approval, will be before the House at an early date but I dispute that it is illegal to collect the money.

I dispute that, because the National Insurance Act itself says that the Board can receive money. The Board is entitled to receive money but it cannot pay it out. I cannot pay it out. I can trap you there now. You check that. You check that point. So there is nothing wrong with the Board collecting it, absolutely nothing wrong with the Board collecting it.

Now, if you are going to be so irresponsible, if the Other Side is going to be so irresponsible as to be promoting to the public to stop paying the contributions, you will not be hurting me. You will not be hurting anybody but the principle of the funding of the Unemployment Insurance, the principle of the funding of the National Health; you will be destroying it. You will pay for that. You will be paying for that. I know you do not like that.

Dr. R. C. HAYNES: On a point of order. The honourable Member has decided that because we have drawn to the attention of this House that the provisions of the National Insurance and Security Act do not provide for the collection of money for transport purchases, namely the purchase of buses and repair of roads, because we have established that legal point that it means that we are trying to sabotage the country or words to that effect.

I want to point out to him that there is no provision in the National Insurance and Security Act for the National Insurance Board to collect money other than for the purposes spelt out in that Act or by a subsequent Amendment to that Act and there has been no amendment to that Act that makes a Transport Levy.....

Mr. CHAIRMAN: No point of order. It is a speech the honourable Member is making. We cannot have it.

Hon. H. B. ST. JOHN: He has missed the point. The point I am making is that it is not illegal for the National Insurance Board to receive the money. If I voluntarily go and put \$1 million into the National Insurance Fund tomorrow morning, they are perfectly legally competent to receive it.

Dr. R. C. HAYNES: On a point of order. Sir.

Hon. H. B. ST. JOHN: No, no, this is no point of order. I have sat down and listened to him.

Mr. CHAIRMAN: I cannot have two honourable Members.

Dr. R. C. HAYNES: Mr. Chairman, I have risen on a point of order. The National Insurance Act provides for voluntary Contributions and it is lawful for it to receive it under the National Insurance and Security Act and that kind of twisted argument is quite unjust. What it does not make provision for....

Mr. CHAIRMAN: The honourable Member will have a chance to speak. Please take your seat. You will have a chance at a later time.

Hon. H. B. ST. JOHN: Sir, I do not understand. He has missed the point. I challenge the honourable Member to demonstrate where the National Insurance Board is prevented by the Act from receiving money voluntary as a gift, as a voluntary payment, as a gift in anticipation, as a payment in anticipation. They cannot dispose of the money.

Mr. CHAIRMAN: I cannot have interruptions please.

Hon. H. B. ST. JOHN: They cannot dispose of the money except for the purpose under which the Act allows them. They cannot dispose of the money. They cannot bring a case against somebody to collect the money but if the people give them, they can take it.

The basic position is that so great is the trust and faith of the people of Barbados in its Government that when the Minister of Finance says as part of a policy which they endorsed, they endorsed....

Mr. CHAIRMAN: I cannot have interruptions please.

Hon. H. B. ST. JOHN: This part of the policy programme.

Mr. CHAIRMAN: Order. Just a minute. We have the Reporters who will have their work to do and I am afraid you must think in terms of them and we cannot have that.

Hon. H. B. ST. JOHN: They are not disturbing my mind. It is crystal clear on this point. We are implementing a policy that has been endorsed by the electorate. We are doing that.

The legislation will come. It is complexed but it will come and I give the House that assurance. The legislation would have to come before the House. I say that, but I also say there is nothing illegal in the National Insurance Fund receiving the money. The Regulations for the Transport Levy, the Health Levy and so forth will come after the enabling Act has been amended.

Mr. CHAIRMAN: I must now.....

Rt. Hon. E. W. BARROW: I am not responding to points I raised. I wonder if he will advise the general public that they do not have to pay the Levy. *(Asides)* This is a serious debate between two serious lawyers.

Mr. CHAIRMAN: The honourable Member will have every right to make his contributions.

Rt. Hon. E. W. BARROW: It is not a speech. He is responding to something that I asked and you are trying to stifle the debate. That is not your function.

Mr. CHAIRMAN: The honourable Member is accusing the Chair of stifling the debate.

Rt. Hon. E. W. BARROW: I am not accusing. I made a statement that you appeared to be doing that.

Mr. CHAIRMAN: Please. Please take your seat. No honourable Member can face that charge. Please take your seat.

Rt. Hon. E. W. BARROW: You face the charge, not me.

Mr. CHAIRMAN: Take your seat.

Hon. H. B. St. JOHN: I will not be so irresponsible. The honourable Member's duty is to be irresponsible, not mine. My duty is to tell them that we are trying our best to move forward this country. We are trying to provide security for the people. We are trying to provide a better bus service and the honourable Member expects me to advocate the removal of the means of so doing. Now I cannot respond to that.

Mr. CHAIRMAN: It is now 2 p.m. Will the Clerk please inform the Chair as to the time. It is now 2 p.m. I will report progress and ask for leave to sit again.

The question that Mr. CHAIRMAN report progress to His Honour the SPEAKER and ask for leave to sit again was put and resolved in the affirmative

without division. Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

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

RESUMPTION

On the resumption:

Mr. SPEAKER: This Sitting is now resumed.

QUESTION TIME

Mr. SPEAKER: It is now Question Time. Question No. 3 asked by the honourable Member for St. Michael South.

Mr. L. E. SANDIFORD: I have already asked the Question as you are aware Mr. Speaker. You have heard it. The question was already asked or am I to ask it again? I am not certain. I asked a question — in order to refresh your memory and the matter was deferred. So, I do not know if we start all over again.

Mr. SPEAKER: You say, the matter was deferred? On what day are you referring to? At a previous Sitting? (Aside). At a previous Sitting. That is the point. That is what I was just discussing with the Clerk because I have the printed reply circulated to me, in my Notice Papers.

Hon. H. B. St. JOHN: Yes, Sir, the reply is as follows:—

Mr. SPEAKER: It raises a very serious, procedural point. How is it that a reply that has not been laid is circulated to honourable Members in their Notice Papers? We have got to know what we are doing inside this Place.

Hon. L. S. CRAIG: I recall that at our last Sitting, Sir, the Hon. Minister was not in his place to give the answer and you, Mr. Speaker had indicated that you would not entertain the answer in the light of the fact that the Hon. Minister was not in his place, the matter was therefore deferred. I can appreciate the problem, Mr. Speaker, which you and the Honourable House are now encountering. I can only assume, Sir, that this is an error and, of course, I can appreciate the problem. Have no doubt Sir, I know the problem which looms and you are trying your very best to keep the Honourable House on as even a keel as possible, but, I believe that this is a genuine mistake, Mr. Speaker. I would be grateful, Sir, if you would use your experience and your counselling, as to how we should handle this matter. I am at a bit of a loss too, Sir. I can only depend on your better

judgement, long standing in this Honourable Chamber and your guidance, Sir.

Mr. L. E. SANDIFORD: I have no supplementaries, Mr. Speaker.

Mr. SPEAKER: Make your point.

Mr. L. E. SANDIFORD: I said, I have no supplementaries to ask on the question.

Mr. SPEAKER: It is not as simple a matter as it might appear. If we continue in this vein, we will one day have a much more serious situation on our hands with which to deal. It is a serious matter. If a document has not been laid, it therefore rests in the hands of an Hon. Minister of the Government. How does it come to be circulated to honourable Members in their papers?

Hon. L. S. CRAIG: Sir, I do not know if possibly the Clerks at the table at that time may have got it, knowing it is always the procedure that when the question — either the person who asked the question or the Hon. Minister is not in his place — is invariably laid. I believe that this is what may have been the problem, that the Clerk or Clerks, Sir, may have misunderstood “deferred” and laid it, Sir. I am not quite sure. But, I have the document here. I was a bit surprised to see it among my papers.

However, Mr. Speaker I sincerely hope that we can overlook this problem. I sincerely hope that it would not happen again and those persons who are responsible for it Sir — have drawn it — I have drawn it to the attention of the Honourable House, you have made your comment and the Hon. Deputy Leader of the Opposition says he has no supplementaries to something which has not yet been asked, Sir. (Asides) Sir, it is now time for Private Members’ Business.

Mr. SPEAKER: (Asides) All I need say, at this stage to each and every Minister is, “Hon. Minister, beware.”

Hon. L. S. CRAIG: Of religion Sir or of Government?

Mr. SPEAKER: The Hon. Leader of the House must come to grips with the seriousness of the present situation.

This brings us to the end of Question Time.

PRIVATE MEMBERS’ BUSINESS

Mr. SPEAKER: It is now time for Private Members’ Business.

Order No. 1.

Order No. 1 was called – To resume debate on the Resolution that this Honourable House of Assembly expresses thanks to His Excellency the Governor General for the Throne Speech so graciously delivered to Parliament on Tuesday, 21st July, 1981; takes note of the contents of that Speech, regrets that the Government is still persisting in policies which are contributing to a serious deterioration in the economic, social, political and cultural position of the people of Barbados and calls upon the Government to establish a highly competent and impartial task force to study the conditions prevailing in Barbados and make recommendations for their amelioration.

3.00 p.m.

Hon. L. S. CRAIG: Sir, I see here that there is an amendment moved by the honourable Member for St. George North and therefore I am asking at this point whether we should debate the amendment. Is that right, Sir?

Mr. SPEAKER: The amendment was moved and seconded, therefore it is properly before the House.

Hon. L. S. CRAIG: Sir, my only contribution to this is that the first Resolution was tabled by the Deputy Leader of the Opposition on October 6, 1981, and on December 1, 1981, the honourable Member for St. George North moved an amendment. I have heard enough from the Other Side and I do not think there can be much more they can say. I know the honourable Member for St. Michael South Central has an epistle. It is a recitation now, and whatever comes before this Honourable House, it is said that Government finances are in a bad position, I told you so, I have received information from so and so. He is now Minister of Information instead of Shadow Minister of Finance. There is very little, I believe, the Other Side can contribute to the amendment, and I would sincerely hope that the question can be put in the light that if no other honourable Member wishes to speak on this, there are two other Resolutions which I think honourable Members on the Other Side would like to debate. That is my contribution.

The task force almost disintegrated last Tuesday. The Leader of the Opposition had one voice and the Deputy Leader had another voice, so that task force without even an election, as they always call for, seems to be on the way out. The Government is doing everything in its power to make sure that the country's economic position is as strong as it can be in the light of a world-wide recession. We are not singled out as some mystery country that is not feeling the impact of problems in the other countries which are our trading partners, and I am sure that all Barbadians will praise themselves and accept and

respect that the judgment of this Party and its leadership is doing everything in its power to cushion whatever effects there are, and it is therefore not necessary for us to have a task force.

I support the amendment, Mr. Speaker, and would go further to congratulate the Government for keeping our heads above the water. I sincerely hope that whatever problems there are in getting a quick settlement with the Ministry of Labour, the Union and the Sugar Producers will soon come to an end and that we can harvest our crop. I also hope that we can have a better tourist package in the coming year.

I think that the visit of the President of the United States of America no doubt makes it quite clear that Barbados is not the bad country that the Opposition tries to point out that it is, riddled with crime and all sorts of evil things which seem suddenly to appear from the mouths of the Opposition, and I would even beg them to stop trying to highlight what is really not a major problem, though it is a problem, and I am quite sure that the Police Report and the Attorney General's Office are doing everything in their power to make sure that such a problem would come to an end by stamping them out wherever they can.

I am quite sure, Mr. Speaker, that they do not need a task force to deal with gambling because on that side they are gamblers and on this side there are gamblers. It is only a hypocritical approach to the whole affair. I am sorry the honourable Member for St. Philip South is not in his place because I am told he is a very able poker player. I myself know that. I have played with him myself. On this side I am a star in that field, I am told, though I have not played for a very long time.

The Church no doubt has a moral and spiritual approach to this, the other side has a political feeling out for it. All that bothers me is that members of the Press who are also big gamblers, and I know them by name, would not climb out and say exactly how they feel about these things. This is the problem. I think we live in a society where probably in the entire world some of us are such big hypocrites. I think the honourable Member for St. Philip North was or is a Jaycees President and he would recall how much gambling did for Barbados. The National Sports Stadium I think was built for \$700,000 out of Bingo, and if this is the type of task force you are asking for, this is the type of thing which you probably would vote against because your party has condemned this feature in the society. But you know very well that the Jaycees did a wonderful job in providing this country with a National Stadium, though the criticism would come about its architecture and that when the rain falls you get wet and that type of thing, but it was done in good faith.

I hear Sir, every evening on the radio the whole country is asked to gamble; "If you haven't got a ticket, you haven't got a chance" is what I hear on the radio. Then there is the Barbados Turf Club, 66 per cent and CTRC I think it is. My colleague here, the Deputy Prime Minister, is or was the owner of a racehorse. I do not know if he still has one, my friend, Senator Simmons in the Other Place is the owner of a horse or two, and I wonder why they do not tell the punters not to bet on them. But that is the approach we have to these problems.

The Adventists on the one hand are very strong against even eating pork for example, while the Anglicans tell me I can eat pork, drink some liquor and smoke a cigarette, and this is where I am confused with the religious content of the argument. I do not know what decay in the moral fibre of the society there is going to be if you set up a task force on gambling or anything like that. I have not heard of anybody shot down in the Bahamas where you have hundreds of one-armed bandits, and I think the honourable Member for St. Michael South Central told me only a couple of days ago at the dining table, how he used to bet on the horses and the dogs in England but for the political windfall you beat a whipping horse.

The amendment, Mr. Speaker, congratulates the Government on its policies, and if there is an area where the Government can raise funds by way of indirect taxation, I personally see nothing wrong with it. I am in a Party and I follow the Party's policy. If I had to vote on conscience, it would be a different thing.

I see the Barbados Cricket Association for example today is out of the financial woods, while the Barbados Softball Association, little fellows who play in Queens Park at the mercies of Spartan and those fellows who play at Wanderers at the mercies of Wanderers have no grounds of their own for playing an indigenous game. Now they are sending teams to Canada and England, and all they are seeking is to ask a few people who are experts in running a roulette table and a couple of black jack tables to help them with some money without putting pressure on the Government to let them have a home of their own, and you hear this big hurrah led by Mr. Roger Seymour who yet would not condemn it in England where he comes from.
3.10 p.m.

This is the strange thing about it; you do not hear a single word about the Mother Country, as they once called it, from which we have taken all of our morals, all of those things, all of those principles involved.

I support the honourable Member for St. George North on the amendment, Sir, in which he congratulates the Government for its policy and whatever policy the

Government sets out to introduce into this Legislature and I have no doubt, Mr. Speaker, that it is only to be for the benefit of all in the society.

I think that is my very small contribution, Sir, and I hope you can put the question, Sir, if there is nothing coming up from the Other Side.

Mr. L. E. SANDIFORD: Mr. Speaker, the Leader of the House in his inimitable manner has tried to dismiss this Resolution in a kind of mirthful way but the Opposition will not be deterred from pressing its position that Barbados is facing a deep crisis and that it is one that cannot be laughed away by light-hearted speeches about gambling or about any other matter.

We are talking about the economy of this country and we move the Resolution in all seriousness, calling upon the Government to set up the necessary machinery by means of a task force to examine that problem in all its facets and to come up with some options, recommendations and proposals for dealing with the very grave situation in which this country finds itself and I am really astounded that the Member for St. George North could move an amendment that apart from the opening words of congratulating the Government, bears little relevance to the main burden of the Resolution that was put before this House. It is really amazing.

Now that amendment, if I can find it, Mr. Speaker, wishes to congratulate the Government on the enlightened proposals contained therein and when we look at the Throne Speech for those enlightened proposals, we can search from now until the proverbial "Cows come home", we cannot find those enlightened proposals.

Let me refer to some of the enlightened proposals in the Throne Speech which this amendment asks us to congratulate the Government on. One of those amendments is, "However," and I quote, "However, it must be recognised that in the short term, the performance of the economy will be affected adversely by the continuing difficulties in the world economy and by the exceptional rainfall which has adversely affected local agriculture and, in particular, the sugar industry."

That is just a statement and when I go through this Throne Speech, there are, in fact, no proposals or very few proposals in here that deal at all with the question of the crisis facing the economy because even at that time, the Government was still arguing that there was no real crisis. So the Throne Speech(Asides) There is no crisis? The Throne Speech does not really speak of these particular problems so what are we to congratulate the Government about? It is really inept for a Government in the face of the current situation to get up and congratulate itself because this is the burden of the amendment.

The Government is congratulating itself, patting itself on the back at a time when all of the people of this country are facing severe, economic financial problems and I think it is inept for a Government to get up and congratulate itself under these circumstances.

I would like to know, Mr. Speaker, why there is this kind of Governmental response on the part of the Government. I believe in terms of Psychology or the study of Psychiatry, there is a certain kind of behaviour that is termed regressive when you go back to some previous state or condition and you take pleasure or delight in it and you try to relive it. I would dub the amendment that is before us as an indulgence in regressive behaviour — this idea of congratulating yourself. We have passed that stage. It is kind of narcissistic, looking at yourself in the glass and creaming yourself.

Hon. L. S. CRAIG: If the honourable Member will give way on a point of order, Sir. Mr. Speaker, you yourself will recall when we were on the Other Side and the Throne Speech came down, — and we are moving an amendment to the Throne Speech, Sir, the then Deputy Prime Minister and Leader of the House, Mr. Edwin Talma and before him Mr. J. C. Tudor used to bring in amendments and congratulate the Government. I recall Sir, once you brought in some 26 questions just before they brought in the amendment and you used to tear that Government apart for congratulating themselves so this is just the same thing that they are saying now. You used to be looking in the glass at yourself then. Now that we are looking in the glass at ourselves and congratulating ourselves you are angry. You looked in the glass all the time and congratulated yourself. Now that we are doing it, you say that we are wrong.

Mr. L. E. SANDIFORD: I do not know. I am not dealing with 26 questions. Those were proper Questions asked by a Member who was dealing with.....

Hon. L. S. CRAIG: But who was then a proper Member and now a proper Speaker.
3.20 p.m.

Mr. L. E. SANDIFORD: I would really have to refresh my memory about what the Hon. Leader of the Honourable House, the honourable Member for St. James has said, but if the previous Government congratulated itself.....(*Aside*).....there was ample justification for so doing, because when we look at the transformation that has occurred in this country, referred to at Combermere School even on Sunday by the Guest Speaker, considerable praise must be paid to the previous Democratic Labour Party Government for that. (Hon. Miss B. A. MILLER: Press could not get in.)

The fact is that and this is the point that I am making — this is not a time for the Government to be

congratulating itself, not when the Government and the country are facing severe problems, in the economy. (Hon. Miss B. A. MILLER: Well, let the Opposition congratulate it then.) Not when there are problems in transport, not when there are problems as far as our Balance of Payments are concerned, not when there are problems in the productive sector of the economy, not when there are problems in..... (Hon. L. S. CRAIG: With the rain falling and you could not harvest the crop and you and Sealy burnt them down.)..... sugar and tourism, not when there are problems with rising prices. At such a time, can this be a serious Government that is praising itself, in these circumstances?

I am satisfied, Mr. Speaker, that this is an ill thought out, ill-conceived amendment, obviously done in a hurry without any consideration of the present circumstances. There is not one serious sector of this economy which would merit any form of congratulations as far as the management by the Government of those sectors may be concerned at this time. The response that the Government is proposing here is inappropriate. No doubt the Government will use its numbers to push through its amendment. No doubt that will happen. But I am saying that history will record that at a time when this country is facing very grave problems, an economic, social and moral crisis, the only answer that the Government can propose is one of congratulating itself.

I sympathise with the approach of the Hon. Leader of the Honourable House. He is left there holding this particular position and his approach to this is to try to laugh it out of court. But we are in a situation where to all intents and purposes, the National Economic Council does not meet or meets very infrequently. We are in a position where the best advice for analysing these problems and the person who can make comments in terms of elaborating a kind of approach to the solution of these problems.....that no effort is being made on the part of the Government to pull these together to find a way of dealing with the problem. I would almost term it, I would term it irresponsibility on the Government to move such a motion in the face of the present situation. And to think that the only defence that could be raised is, "well, when you were over here, you did it." "When you were over here, you did it." I have already said that imitation is the best form of flattery. Apparently, whenever the Government is in some kind of difficulty, it says, "well, you did it so we are doing it."

I would ask the Government to look at this particular amendment again. It bears no relationship to the Throne Speech. It bears no relationship and does not speak to the grave matters threatening the economy of this country and the livelihood of the people of Barbados. In those circumstances we are saying that it is a most inappropriate amendment and we cannot support that amendment.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, this Resolution is critical, Sir, and I just would want to reply. I am going to reply very shortly, Sir. I will enlighten the honourable Member in the enlightenment. The basic thing is, you are enlightened when you are able to diagnose any ills that you see.

The Throne Speech did precisely that as the honourable Member himself knows from the part that he read, and the Government has introduced measures to deal with the situation which has developed. The Government of Barbados is not responsible for the fact that the American dollar is strong and that the European currency in relation to the American dollar is weak and, therefore, with respect to the tourist industry, from those countries, an additional cost was incurred, not because of the local situation, not because of local hotel fares, but because the currencies from the countries that they come from have weakened in relation to the United States dollar.

The final figures for tourism for the year will soon be out. The preliminary figures are out, and, despite all of what the honourable Members on the Other Side have been preaching, in numbers in Barbados, the total drop for last year was 5.2 per cent to 5.5 per cent. (Dr. R. C. HAYNES: Wow!) Wow! You had better check what happened in Bermuda. You had better check what happened in the Bahamas. You had better check what happened in the other Caribbean areas. What is more that the total volume of spending has not gone down.

What has happened, of course, is this. What has happened is that whereas in the three previous years, we were accustomed to a 15 per cent to 20 per cent increase..... (Aside) per year in spending, we are at a lower rate. That is all that has happened in that area.

The question in relation to sugar is a matter over which the Government of Barbados have no control. We have no control over the fact that we are actually receiving in our hand per ton of sugar in Barbadian currency, less money than we received in 1975, purely because you get paid in European Currency units, ECUs, and the value of the ECU, vis-a-vis the American dollar had gone down greatly because ECU is composed of a basket of currencies within the European Common Market countries, excluding the British Pound, and if all of those currencies have dropped in relation to the American dollar and our dollar is tied to the American dollar, if the honourable Member were not so unenlightened, he would understand there is enlightenment in the fact that you will receive less money. But, we have done something about it, we have done something about it, in so far as it is within our control.
3.30 p.m.

The Government has re-scheduled a number of projects to spread them over a longer period of time.

We have been as rigid as possible with expenditure. We have told people that you cannot expect in the present state of the economy of the world to receive the same benefits, the same percentage increases that you received over the course of the last three years, because the production in the country is not bringing in the increases that it brought in over the course of the last three years. This is not a problem peculiar to Barbados. The great United States of America, the whole of Western Europe have this problem.

Why don't you tell the people that in the European Common Market the average rate of unemployment is some 9.2 per cent? Why don't you tell the people that over the course of the last five years in Barbados our unemployment rate halved? Why don't you tell the people that last year we gave back \$30 million odd in tax relief? Why don't you tell the people that our social security payments to our old people are greater than the Trinidad payments with all of their oil and with all their revenue? Why don't you tell the people that? Go and tell them that. Don't bring any bogus Resolutions in here that you want to have a task force. A task force to do what? To whittle down the social security benefits that we have established in this country? A task force to do what? It is a pure political smokescreen. Mr. Speaker, we will survive. The steps have been taken. The Barbadians, thank God, have sufficient commonsense to understand that you cannot spend more than what you produce. They have been sufficiently wise to save some money and the savings will be deployed to productive purposes.

I am never fearful of borrowing money for productive purposes, because it is an investment. The honourable Member for St. Michael South Central in all of his financial contributions finds himself in exactly the same position in which President Reagan of the United States has now found himself. He is always arguing for tax reduction; he is always asking for increases in expenditure and he has no methodology at all to finance it — and at the same time he is always saying he is not going to borrow money. He is a financial genius. Maybe he will invent the money. The honourable Member brought plenty of Resolutions in this House in the last Session asking for tax reductions. Plenty of talk comes out of his mouth for increases in salaries all around the wicket. Give them! You have to give them! But he has no means of financing. Just like President Reagan he will learn that you cannot have your cake and eat it. No community can spend more than it receives in taxes and borrowings. That is a fact of life. You cannot spend more on Current Expenditure plus Capital Expenditure than what your revenue is or your borrowings or your gifts. That is a fact of life. The Government is very enlightened in recognising that fact.

Honourable Members on the Other Side can agitate for unreasonable salary increases, you can agitate for re-

duction in taxes, you can agitate for an increase in expenditure; thank God, the electorate did not place this government in your hands because they were far more skillful in diagnosing the impossibilities and in diagnosing political claptrap. That is correct. All those who preach these things, at some period of time the chickens will come home to their roost. At some period of time they will have to face it. We do not have to face it. We have taken all the measures. That is why I must congratulate the honourable Member for St. George North in disposing of the Resolution of the honourable Member, and we can put it to the vote, Sir.

The question that the words proposed to be left out stand part of the Resolution was put and resolved in the negative, the House dividing as follows:

NOES: Hon. H. B. ST. JOHN; Hon. L. S. CRAIG; Hon. Miss B. A. MILLER, Hon. Dr. D. G. BLACKMAN; Hon. V. L. JOHNSON; Hon. DeL. O. BRADSHAW; Hon. H. deB. FORDE; Mr. R. E. BRATHWAITE; Mr. L. L. SISNETT and Mr. J. G. ODLE — 10.

AYES: Rt. Hon. E. W. BARROW; Mr. L. E. SANDIFORD; Dr. R. C. HAYNES; Mr. W. O. FRANKLIN; Mr. M. A. KING and Mr. L. A. WEEKES — 6.

The question that those words be there inserted stand part, was put and resolved in the affirmative without division.

The question that the Resolution as amended do now pass, was put and resolved in the affirmative without division.
3.40 p.m.

Rt. Hon. E. W. BARROW: The next Order under Private Members' Business is a Resolution standing in my name. I have indicated to the Leader of the House that we may proceed on to Government Business. I am in a position to proceed with my Resolution but I defer it until I have other Members who are following me and seconding the motion present.....(ASIDES) To defer it. In other words, not to proceed with the Order which is under my name today and that Government Business will be taken next.

Mr. SPEAKER: The Honourable Leader of the Opposition cannot make such a motion.

Rt. Hon. E. W. BARROW: I am not making a motion, Sir. I have indicated to the Leader of the House what the position is. We have done it several times before, Sir. As a matter of fact, on many occasions we did not take matters under Private Members' Business at all although the Standing Orders were not suspended so I

am merely indicating, Sir, what I told the Leader of the House earlier.

Hon. L. S. CRAIG: Sir, I have no objection in light of what happened last Tuesday when I gave my word that I would never accommodate the Opposition again but you know, Sir, this Party is a Party of "Open Government" and we are always opened to suggestions to make the Opposition feel happy. I respect the years of the Hon. Leader of the Opposition and he can rest assured that we are prepared to accommodate him as far as he would like to but if he is not ready to proceed or he does not feel like proceeding and if the other Order under Private Members' Business, if they are not interested in proceeding with that one, Sir,.....

Mr. SPEAKER: Let us proceed with No. 2. Just deal with No. 2.

Hon. L. S. CRAIG: No, no, Sir. I am dealing with Private Members' Business. What I am saying is that if there are not prepared to proceed with No. 3 or any other Order under Private Members' Business, I am prepared, Sir, to start Government Business. I have no objection. Neither, Sir, do I do it as one with the arm. I am quite sure that the arm is a bit stiff now so there is nothing to worry about.

Mr. SPEAKER: I have learned that both sides of the House are in favour of deferring consideration of Order No. 2 for the remainder of the day. Order No. 3.

Dr. R. C. HAYNES: Mr. Speaker, under Standing Order 26(3) I ask leave of the House to defer consideration of that particular Resolution today as I am not quite ready to start with it and also, Sir, I would like to seek the approval of the House that in the event that the House does not meet next Tuesday by virtue of Adjournment, in which case the three months period would have elapsed, that the House would give leave to allow the motion to remain on the Order Paper.

Mr. SPEAKER: You are seeking a revival of the Order? The honourable Member for St. Michael South Central is taking the opportunity before his Order dies to seek its revival. Well, he says, prevention is better than cure. There is no objection. Order No. 4.

Mr. M. A. KING: Mr. Speaker, I would ask that Resolution No. 4 which is before the House be deferred to a later date.

Mr. SPEAKER: I beg your pardon?

Mr. M. A. KING: I say I would ask, Mr. Speaker, that Order No. 4 under Private Members' Business be deferred to a later date.

Mr. SPEAKER: I take it that you are not ready to proceed today.

Mr. M. A. KING: I had not anticipated that we would have reached this far so I did not come prepared to proceed today.

Hon. L. S. CRAIG: We have no objection on This Side, Sir, and I am quite sure that he would never be prepared to proceed with this point, Sir.

Mr. SPEAKER: This brings us to the end of Private Members' Business. Government Business is the Instant Order of the Day.

When the Suspension was taken, the House was in Committee of Supply. To that it now reverts.

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

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee. I recognise the honourable Member for Christ Church West Central.

Mr. M. A. KING: Mr. Chairman, when the honourable Member for Christ Church West rose to speak on this matter, I had assumed that he would be addressing the issues raised by the Rt. Hon. Member for St. John and the honourable Member for St. Michael South Central as to the legality of the collection of the Transport Levy as well as the Health Service Levy but by virtue of the Provisional Collection of Taxes Act.

Now, rather than deal with the issues which had in fact been raised, what the honourable Member went on to do was to give a recitation of what the former Administration had done, I am not too sure whether he was accurate or not, but he seems to be of the view that to justify what has been done, by reference to the fact that it has been done before, was all right. In essence what he was saying was that successive Governments have done so and so, and so and so. It is irrelevant whether in doing it now we were breaching the Law because successive Governments had done it.
3.50 p.m.

Mr. Chairman, the Provisional Collection of Taxes Act was not always part of the Laws of Barbados and if duties and levies and taxes had been collected, before that time contrary to the Law, the whole point about the Provisional Collection of Taxes Act was that it was introduced in order to validate the collection of duties and taxes, where legislation was not yet ready to validate or to authorise that collection. So that, it is totally irrelevant what editorials might have said round about 1964, 1965 or 1966, if indeed, as he said, taxes were

being collected without reference to legislation. I do not know. I cannot verify that. (*Aside*) I hear a *sotto voce* voice say that that was not true. Maybe it is so. Maybe, it really was not true.

The whole point about the matter is that after about 1966, 1967, the Provisional Collection of Taxes Act was introduced setting out the legal provisions and procedures which were to be followed where taxes, levies, duties, call them what you like — were being imposed upon the people of this country. Once the clear provisions of the Law set out the procedures to be followed, those are the procedures which should be followed and we in this Honourable Chamber should not take the matter so lightly and say, "well, it has been done all along." That is the position — that is the practice that has been followed. That practice, if practice, it was, which I have great reservations about, has been effectively stopped by the passing of the Provisional Collection of Taxes Act and thereafter, this Parliament ought to ensure that wherever the public of this country is being asked to pay levies or duties or taxes, the institution of those levies or taxes — call it what you like — is done in a way which is authorised by the Law.

Now, we on this side are not, at this point in time raising issues about whether the levies are good or not. That was done when the proposals were presented in this Honourable Chamber. We said what we had to say, that we objected to them. We thought there were not proper methods of taxation. The honourable Member for Christ Church East Central spends his whole time talking about what the levies are being used for and what they are being used to do for the people of this country, whether you are talking about providing good buses or providing good health service care, but that is not the issue before us. We should not be drawn into an argument as to whether we want to do things and see things done effectively for the people of Barbados by providing good health care or providing buses or providing funds for the repair of the road. That is not the issue and we should not allow ourselves to be side-tracked into discussing those issues. We should be concerned about whether we are properly following the provisions of the requirement of the Law so far as the collection and disposal of these monies are concerned.

After hearing the honourable Member for Christ Church West and the Member for Christ Church East Central, I do not think any of us, in this Honourable Chamber can have any doubt that the provisions of the Law are not being complied with. I say that for a Government to pass the matter off like that, so lightly is irresponsible and that we be concerned to ensure, irrespective of how much money is involved, whether the figures are large or small, we should be, at least in this Honourable Chamber, make sure that the provisions of the Laws which we pass are adhered to and are complied with.

The honourable Member for Christ Church West, I think it might have been the honourable Member for Christ Church East Central — talked about legislation being in place for collecting National Insurance contributions but that is not the issue either. The National Insurance legislation has been passed way back in 1966 and provides for the collection of National Insurance funds for the purpose of which the legislation was set up. Therefore, if you are talking about National Insurance Laws making provision for receipt of voluntary contributions again, that is not the issue we are dealing with.

When you are charging the National Insurance Board with the collection of the Health Service Levy and the Transport Levy, if you want to say that the National Insurance Board can pick up voluntary contributions, you should tell the public that look, "these are contributions under the Transport Levy and the Health Service Levy which the Rt. Hon. Prime Minister, in his Budgetary Statement said were levies which he was calling on the people of Barbados to pay." If that is so, the people should be told in no uncertain terms that this is the position as far as the Transport Levy and the Health Service Levy are concerned. People should not be put in that position where they are required to pay the levies having heard a statement from the Rt. Hon. Minister of Finance in this Honourable Chamber. Having heard that statement, we should not now be coming in this Honourable Chamber and hearing, "well, look, those contributions are voluntary; the National Insurance Board is entitled to receive voluntary contributions", because in the context in which the Rt. Hon. Prime Minister's Financial Statement and Budgetary Proposals have been made, no one in their right mind would assume that the public has a right to pay or not to pay the Health Service Levy and the Transport Levy which everyone assumes to be a tax on the people of this country.

The Rt. Hon. Member for St. John was saying that if you are collecting funds under the Provisional Collection of Taxes Act, levies, taxes, call it what you like — and, he quoted the authority for that — those funds and levies must by Law, be paid into the Consolidated Fund, so that any monies not being paid into the Consolidated Fund cannot in Law, be collected under the Provisional Collection of Taxes Act.

What we are left with is a vacuum. The monies which are being collected are being collected without authority, without legal authority, and that was the point which the Rt. Hon. Member for St. John was making. Those levies are being collected without authority, and there is no point saying, "well, the National Insurance Board can collect them and hold them." What are they going to do with them?

That I say, is an example of shoddy planning on behalf of the Government. You are calling upon the people to pay levies and taxes. You have not created the structure and the legal framework for the collection of those revenues and when issues and questions are raised on it, we are being accused of sort of putting blocks in the way of development. That is not the issue.

We are saying that if rules and regulations are made they should be observed and we in Parliament have no excuse for not observing them if in prior times — and great issue was taken of this — that were so, if you are premising your argument on the fact that it has been done, two wrongs do not make a right. If something is wrong it ought to be corrected. If we know full well what the legal requirements are, it is our duty to comply with what the Law demands.

In essence, what I am saying, Mr. Chairman, is that to respond to the questions being raised by the Rt. Hon. Member for St. John, by giving us a long history of what this Government is doing or is not doing essentially, does not address the point.

4 p.m.

I am saying that if you treat so lightly a serious matter like this, you can find the problem where Governments can go on disregarding the law in one way and soon they will disregard the law in more and more ways, and then we will in fact have a Government which is totally lawless in its approach to the administration of the public affairs of the country.

Hon. V. L. JOHNSON: Mr. Chairman, the honourable Member who has just sat down said that if the Democratic Labour Party was guilty of some wrong, what we should do is not to perpetuate that wrong, but we should correct it. Two wrongs do not make a right. I believe that was the principle he was putting forward.

Mr. M. A. KING: Mr. Chairman, on a point of elucidation.

Mr. CHAIRMAN: The honourable Member does not give way.

Hon. V. L. JOHNSON: He said two wrongs do not make a right and if the Democratic Labour Party was guilty of a breach of regulations, we should not be doing the same thing.

Mr. M. A. KING: Mr. Chairman, the honourable Member is quoting me wrongly and he should not do that. I made the point that the honourable Member for Christ Church West has said that and I was seriously questioning the accuracy of his statement. So I am saying that

you are basing your argument on a wrong premise. I am saying that even if you accepted that something was done wrong before, two wrongs do not make a right, so you should not use that as a basis for argument.

Hon. V. L. JOHNSON: Let us proceed then by saying that even if the Democratic Labour Party was guilty of error, two wrongs do not make a right. The point I am making, Sir, is that the Democratic Labour Party did not provide a good transport service in Barbados. That was wrong and the Barbados Labour Party is correcting that. The Democratic Labour Party did not provide a National Health Service for Barbadians. That was wrong and we are correcting it. The Democratic Labour Party did not provide for unemployment in Barbados and we are correcting that because that was wrong. The point is this: lawyers cannot help themselves. If a man were down on the street corner bleeding to death, they would have to go and research the Laws to see whether it would be all right to give him a pint of blood. They would have to look in their law books to see if it would be all right to give a pint of blood first. This Government is not so fixated with law that it is unable to recognise decent and wholesome principles when they get into their minds.

Sir, the situation is that we are striving to provide a level of services for Barbadians under the Social Security Act that would be second to none in the Western Hemisphere, and under the provisional regulations for the collection of taxes, the Minister responsible for Finance is empowered to collect funds and subsequent to that, to make proper provisions for their collection. In other words, he can go ahead and issue and order to collect them for a period of time and then pass the legislation. That is law. It is lawful for him to do that and that is precisely what the Minister responsible for Finance has done.

The Unemployment Insurance Provisions started on July 4 last year but it was only three months subsequent to that that we passed enabling legislation. We were working within the law and we did that, but the principle was that we were providing something for Barbadians under the Social Security Provisions that we feel are essential and vital. It is not a criminal activity. You are not here indicting somebody for carrying away money or stealing money. The money is provided for under the National Insurance Regulations and anybody at all including the honourable Member for St. John or St. Michael South Central can go in there and examine and see what is happening with the funds. They are there in good custody of the very persons who are responsible for all the finance in Barbados. So I do not see why we have to spend the whole day debating whether or not the legislation is in place. The legislation is coming.

We are providing something that was beyond the conception of the Democratic Labour Party because we now have in Barbados such a comprehensive National Health Scheme as to guarantee that every Barbadian regardless of his station is able to go and claim services that he would not ordinarily be entitled to; that is what we are doing. That is a crime about which we will stand charged and condemned. It is not whether or not we pass a law in time enough. It is that we will provide something under the Social Security Act in Barbados that was not there before which increases or enhances the lot of Barbadians, and we are here hearing a political party having the gall to come into this Chamber and charge us with some malfeasance because of the actions we have taken.

When the Democratic Labour Party was in power, their concept of an adequate transportation service was to allow Mrs. Rock to run buses year in and year out without registering one of them. In other words, you had buses up and down the length and breadth of Barbados — down Shorey Hill, Bissex Hill, Horse Hill — without any registration, and that was all right.

Mr. CHAIRMAN ordered that certain words be struck from the record.

The honourable Member comes in here with a Resolution that has no merit at all, and that Resolution....

Mr. M. A. KING: On a point of Order, the honourable Member is anticipating matters of Parliament. He should not be raising these issues now.

Hon. V. L. JOHNSON: It has no substance at all; this talking about the fact that the Transport Board had four or five buses that were not registered. Where was the Resolution when Mrs. Rock ran all her buses without registering them? Where were the Resolutions then? There was not a word, but because the Barbados Labour Party decides to provide an adequate transportation service, a transportation service that will see buses in Dark Hole, Pie Corner, Boscobelle, Macaroni Village, Ginger Works Jack-My-Nanny Gap — places that never heard of a bus service before — you get this Resolution.
4.10 p.m.

All of those places now have proper transportation services, Sir, and the Barbados Labour Party Government still not satisfied, goes ahead and determines that it would further enhance the quality of its transportation service. In order to accomplish that objective it proposes a levy to be collected under the aegis of the National Insurance Board and we will put that money into the good specific function of providing those buses, as we have outlined and they come in here, Sir, and tell us that we are guilty of some heinous crime merely because the legislation is not immediately in place.

I feel, Sir, that political parties in this present day should exercise a high level of responsibility than the Opposition has been exhibiting in here today — (*Applause*). The Opposition Party has no business, particularly because their own reputation has been so sullied, coming in here and telling us that we ought not to be doing this and ought not to be doing that or that we are in breach of this law or in breach of that law, talking about constitutional provisions and matters like that.

I can report that the legislation with respect to the Health Levy has been granted and is currently receiving the attention of the various inter-locking Ministries that have responsibility for that legislation. The transport legislation has also been drafted and it is only because of certain technical matters with respect to the various pieces of legislation that have to be handed out that, they have not yet reached the House.

It is not negligence on the part of the Barbados Labour Party but because these various legislative measures are in some respect intricate from time to time they go up and they get delayed there because you spot something. You send it back for changes so that you do not come in here and get accused on the Floor of the House of bringing in hastily conceived legislation before this Chamber. We prefer to bring a perfect Bill when it comes and it will come very, very shortly before the House and therefore there is really no substance at all in what the Opposition has been saying.

Sir, I believe that the legitimate matter for concern is that this Barbados Labour Party Government has provided and is still in the process of providing a level of services within the context of the Social Security concept that cannot be duplicated anywhere at all in the Third World and that is not an empty boast. There is no other country in or outside of the Caribbean apart from the United States or the United Kingdom that can boast the quality of legislation in the direction of improving the lot of people that this present Government can boast. When you look, Sir, at the three pieces of legislation that we are talking about, the three measures that we are discussing here this evening, you have a perfectly clear understanding of the points that we are making and I do not think that it is reasonable or fair when a Party is putting forth this kind of effort in the interest of its citizens for us to be spending a lot of time on trivial matters which really do not deserve the kind of attention that we are talking about.

If we were callously ignoring the laws of Barbados.... we are all legislators in here. We change the laws and we make them. If we break them is it not because it is a deliberate measure. I do not know whether it is more worthy of praise to be ignorant or to be wicked. The Democratic Labour Party was well-informed, it was not an ignorant Party. It was just a wicked Party and it went

ahead and did a lot of wickedness irrespective of the consequences and the people of Barbados have already pronounced on that wickedness and they have sent us here to carry on and until they pronounce on ignorance, we will continue to carry on and, Sir, I would recommend that instead of quarrelling, this Government really should be receiving the approbation.

Dr. R. C. HAYNES: There are a few points which arose in this debate today which are of considerable interest. I think the Opposition has certainly presented a well articulated case that the collection of these levies, namely, the Transport Levy in particular, is certainly unlawful and I think that the Hon. Deputy Prime Minister when faced with the battle between taking a political stance and relying on his knowledge of the law, came up with the idea that the deductions being made from people's salaries illegally should be viewed as voluntary contributions until such time as legislation is passed. In other words he is saying that it is illegal.

Hon. H. B. ST. JOHN: No, no, Sir. I specifically said that it was not illegal. I specifically said that it was not illegal and I maintained that it is not illegal. If the honourable Member is contending that it is illegal, attribute it to himself but do not attribute to me words that I do not agree with and words I specifically deny.

Dr. R. C. HAYNES: Well, he said that they can be regarded as voluntary contributions. The only problem is that no one asked the people who have to pay the contributions, whether they wished to pay. It is just simply deducted from their salaries and we on This Side, would hope Sir, that in the future we would see a greater recognition of the need to observe the law, particularly in areas of finance and also in all areas of public life in Barbados.

Now, Mr. Chairman, this levy is going to yield a very large sum of money much higher than the \$8 million or so that was anticipated prior to the January 4 increase in the amount of money from which National Insurance deductions can be made which, as you know, has more than doubled. But I am going to say this — you can have all the money in the world and unless serious changes are made in relation to the management structure of the Transport Board, you will just be taking money illegally from the people of Barbados and throwing it down the drain.

We on this side — and I believe the Deputy Leader of the Opposition, made the point — were somewhat hopeful that with a new Manager at the Transport Board, that something would happen in the right direction as far as the development of public transport in Barbados is concerned.

4.20 p.m.

But, I am saying this: so long as the Hon. Deputy Prime Minister of Barbados, the Rt. Hon. Prime Minister of Barbados and the Hon. Minister of Agriculture whom I do not now see in his place — and, regrettably, I have to refer to him, although he is not here, I do not like doing it — continue to support a Chairman of the Transport Board, who has been the center of most of the difficulties surrounding that Board, who has made it impossible, Mr. Chairman, for a previous Hon. Minister of Transport.....

Mr. CHAIRMAN: Just one minute please.

Dr. R. C. HAYNES: the honourable Member for St. Joseph

Mr. CHAIRMAN: Please.

Dr. R. C. HAYNES: to function, as an Hon. Minister,.....

Mr. CHAIRMAN: Please, please, please. The honourable Member (*Laughter*) let it be known that he intended to speak for the whole day. I will not let the honourable Member speak for one minute if his speech is irrelevant to the matter under discussion.

Dr. R. C. HAYNES: Mr. Chairman, I am talking about the utilisation of the fund. What I am saying Mr. Chairman is that if you put millions of dollars in a transport authority for the purpose of purchasing buses and for repairing roads, it is important that the management structure be properly organised. And, what I am saying is this that one of the biggest problems that has been the undermining — when secretaries at the Transport Board can tell me that the Chairman came in there last week and said that, as far as, he is concerned that it is either himself or the Hon. Minister of Transport. Then, we see exactly what was going to happen, so it looks to me that either the Hon. Minister of Transport will have to go or the Chairman will have to go.

But, we believe in parliamentary democracy, we believe in the concept of ministerial responsibility and, we believe that the Hon. Ministers of Government should be respected, by all Chairmen of all Boards.....(*ASIDE: Hear! Hear!*) and, you will never get anywhere in the Transport Board, if this is allowed to continue.

Mr. CHAIRMAN: Let us get on with the levies, please.

Dr. R. C. HAYNES: I could never.....

Mr. CHAIRMAN: Please, come back to the levy.

Dr. R. C. HAYNES:....understand — I am coming back to the levy right now.

Mr. CHAIRMAN: Not right now, immediately.

Dr. R. C. HAYNES: I would say this, Sir.....

Mr. CHAIRMAN: We are not discussing the Transport Board.

Dr. R. C. HAYNES:.....that is the first suggestion I have to make to you. (Hon. H. B. ST. JOHN: Come back to the levy.) The second suggestion, in relation to the levy is this, that you are going to be raising a lot of money. You are going to be purchasing buses. I have had the opportunity to have a look, from time to time, at how buses are purchased and how contracts are made with suppliers in relation to the delivery of buses and the development of transport services. I have discovered that invariably, the authority which is buying, whether it be London Transport or some New York State Authority, deal directly with the person who is selling, the corporation which is selling the buses. They cut out all the little middle men and succeed in cutting out a lot of corruption, at the same time. (Hon. V. L. JOHNSON: Lockheed) What they further do is enter into contractual services that would not only provide for the buses over time and proper standardisation of the fleet but also provide those kinds of services that might not be available to the corporation, such as training of drivers in the best way to handle the buses, training of mechanics, establishment of proper maintenance programmes and, I believe in some instances now, they would even install electronic and computerised systems on behalf of the purchaser, if you reduce the cost to them by dealing directly with the persons supplying the buses.

I believe that if we are going to be raising this kind of money in terms of levies, and you are thinking of modernising your fleet, you have to think in terms of standardising your fleet. You have to think in terms of reducing the number of different types of vehicles and you have to think in terms of looking at the modern packages which you can get if you set about purchasing your buses in the right way.

The way in which you stage your purchases of buses is also very important so that you never come to a situation where you project over a 10 year period that all of a sudden, 100 or 200 buses can no longer function and they have to be put aside. You plan your ordering over a long period of time. You get a total package in whatever area you are going and you try to get out of this business of getting 10 buses from here and 10 buses from there and that kind of thing. (Hon. H. B. ST. JOHN: Oh my Lord! Why did you not tell the previous Party that?)

Let me tell you something. There are plenty of journals issued on transport and you are a journal man. It took you about seven years to discover if you put a cement plant in Barbados, it would be a good thing be-

cause all the indicators were that if you had to transport cement more than 400 miles by land, over a period of the next 20 or 30 years it becomes an inexpensive proposition — you had to pick that up in a journal, the National Geographic. That is where you saw it. The same National Geographic that had the photograph of the same type of cement plant we have here destroying foliage for miles and miles around.

Hon. H. deB. FORDE: On a point of order, Sir. The honourable Member is being irrelevant. That has nothing to do with it.

Dr. R. C. HAYNES: Mr. Chairman, I was just responding — if you do not want me to talk.....

Mr. CHAIRMAN: The honourable Member was giving an example.

Dr. R. C. HAYNES: It was an example. But, the point is.....

Mr. CHAIRMAN: Let us get back.

Dr. R. C. HAYNES: The honourable.....

Mr. CHAIRMAN: It is about time.

Dr. HAYNES: What I am saying here, is that over a period of time — I believe over a five year period — you are probably talking somewhere in the region of \$60 million to \$70 million that would be collected, via this levy. I cannot be sure of the figure and the Government must have a plan. You cannot just go out there and buy buses.

We have a proper transport policy. (*Laughter*)
(Hon. L. S. CRAIG: Twenty-five cents bus fare) We had a policy that was based on a 25 cents bus fare. We had an adequate rolling stock to meet the number of buses which were owned, by the Government. (*Asides*)

Mr. CHAIRMAN: Order, order, order. Please. Order, please.

Dr. R. C. HAYNES: What you did was to increase the Government-owned fleet without increasing the rolling stock and what you further did — and I have pointed this out again and again in the Honourable House —

Mr. CHAIRMAN: I must keep reminding the honourable Member — let us get down to the levy. We have got to be specific now. The time is moving.

Dr. R. C. HAYNES: Mr. Chairman, I am responding to a remark made by the Hon. Deputy Prime Minister to the effect that the Democratic Labour Party never

had any transport policy. He also went on to talk about rolling stock, about bad management *et cetera*.

Mr. CHAIRMAN: Comments made, but I must remind that the honourable Member has given a warning that he intended to speak for the whole day. I cannot allow him to wander too far nor too wide.

Dr. R. C. HAYNES: I am not wandering, Sir.

Mr. CHAIRMAN: Please, please.

Dr. R. C. HAYNES: What I am pointing out is that the crisis in the transport system as the honourable Member for Christ Church East Central knows too well is that initially, you put up the bus fares and you thought that that would have been enough to run the Transport Board on an economic basis. It means that the subsidies you produced in 1977, 1978, and 1979 were inadequate and that that was the basic cause of the run-down of the transport service in Barbados. 4.30 p.m.

You did not produce a subsidy to match the policy which you had inherited from us of a uniform low bus fare. That was a central factor, and then three or four years later you found yourself with a crisis. If we had continued in Government we would have continued with our policy of low bus fares and subsidies. You did not have a firm policy on bus fares and you did not have a firm policy on buses. I would invite you to go and look at the Estimates of 1977–78, 1978–79 and 1979–80 and you will see where the basic cause of the breakdown from a financial point of view — in the transport service really lies. You have agreed with me in this House before on that matter during the Estimates of 1979.

Mr. CHAIRMAN: And the Estimates will soon be coming up again, and you will have a lot of time and opportunity to go into that.

Dr. R. C. HAYNES: Now, Sir, I believe that we disagreed with this levy in principle, but we must insist — and I want to hear the Hon. Minister responsible for Transport speak on this matter — that if you are taking this kind of money out of the pockets of the poor people of Barbados, we must have an organised plan for transport in relation to the acquisition of buses over a five-year period.

Hon. L. S. CRAIG: On a point of order, is the honourable Member saying that only the poor people in this country pay the levy or this is a levy for the rich and the poor, with the rich also paying money towards the levy to help subsidise the buses for the poor to use? Don't tell me about no point of order. You are not the Chairman. I am only trying to find out if he

is saying that the rich should not pay also. Is that what you are saying?

Dr. R. C. HAYNES: I have established the retrogressive nature of the taxation already, so I believe that the answer to that question lies in the point I made in relation to the retrogressive nature of the tax.

Hon. Dr. D. G. BLACKMAN: Mr. Chairman, since we had a debate last Tuesday on substantive matters relating to the Transport Board, I did not think that it would be necessary for me to waste the time of the House by repeating the substance of what I said. There has been a lot of confusion conceptually with respect to the function of the Transport Board.

Previous administrations have perceived that the operation would be run by itself and that within the organisation itself there were certain self-correcting mechanisms which would ensure that there would be no crisis such as that which the Transport Board now faces. As a consequence of this view, there was a failure to establish a proper management structure. There was a failure to capitalise the Transport Board adequately. This Government also inherited an organisation where there was an inadequate number of pits to service the buses. I do not want to go into the details of any specificity at this point in time. When I introduced the Transport Levy Bill, I will then give a comprehensive account of the problems within the Transport Board and the proposals that we have for dealing with those problems. I shall merely reflect briefly on some of the points that have been made.

To run a public transportation system properly, one must first conceptualise the problems. One must identify the purposes and seek thereafter to develop means of achieving those purposes. It has never been clear before now that the Transport Board as a public service could not be expected to operate at a profit, and I will explain why. The Transport Board serves the poorest elements within the community. Only a few children of middle income persons within this society use the transportation service, otherwise the poorest segment of the community use that service. To operate a service at a level of financial viability which would bring a profit, would require the Government to impose an economic fare which would perhaps be about five times the level of the present fare. No Government committed to an egalitarian society, no Government committed to ensuring that the poorest segments of this society enjoy the best things of life could permit the criminal act of imposing such a burdensome fare upon the travelling public of this community. It therefore stands to reason that there must always be this subsidy.

Now the problem is this: what is the level of subsidy that is desirable and what constitutes desirability.

in this context? A desirable level of subsidy is one which maintains a bus fare that is not burdensome for the poorest segments of this community, and it is one which is at the same time not excessively predatory in relation to the taxpayer.

In order to ensure that the taxpayer is not paying more subsidy than is desirable or fair, it is necessary to run an efficient service. To do so requires large scale and comprehensive restructuring and capitalisation of a magnitude which I believe the Ministry of Finance in Barbados would not even like to hear about, but it is an issue that has to be met because we have not prepared for the day when we would be living in a world beset by inflation and then we would come face to face with the decades of neglect and amateurism which prevailed in the administration of the Transport Board. So having set the conceptual configurations, it is clear that we must now proceed in giving flesh, in concretising actual plans to achieve these desirable public purposes.

I do not believe that this is the time or place to expatiate upon this public service. We will have other occasions, at the introduction of the Transport Levy Bill or the Estimates. Then you will hear; then the new plans will be unfolded in all their fullness — the new plans that the Minister of Transport has for ensuring that the public of this country gets (1) a good service, (2) that the passengers get a reasonable fare that is not burdensome, and that the taxpayers are called upon to pay the lowest subsidy necessary in order to maintain reasonable fares for the travelling public of this community.

4.40 p.m.

You will hear all about standardisation. You will hear all about preventive maintenance. You will hear of the new policies we instituted to maximise worker productivity, to boost the morale and so forth. I do not want to waste the time of this House on these minutiae at this particular time. I merely felt that it was necessary for me to intervene, to state succinctly what is the policy of the Government in relation to bus fares and to the subsidy. Thank you.

The question that Head 16 stand part was put and resolved in the affirmative.

A division was called.

The Bell was rung.

The question that Head 16 stand part was put and resolved in the affirmative the House dividing as follows:—

AYES: Hon. H. B. St. JOHN; Hon. L. S. CRAIG; Hon. Miss B. A. MILLER; Hon. Dr. D. G. BLACKMAN;

Hon. V. L. JOHNSON; Hon. DeL. O. BRADSHAW; Hon. H. deB. FORDE; Hon. L. B. BRATHWAITE and Mr. L. L. SISNETT — 9.

NOES: Rt. Hon. E. W. BARROW; Dr. R. C. HAYNES; Mr. L. E. SANDIFORD; Mr. L. A. WEEKES; Mr. W. O. FRANKLIN; and Mr. M. A. KING — 6.

Mr. CHAIRMAN: Nine honourable Members voted Aye, six honourable Members voted No, I declare the Ayes have it.

HEAD 17 DEFENCE AND SECURITY

Sub-Heads 1, 2, and 3.

Hon. H. B. St. JOHN: Sir, this is a mere repetition of the other one and I just want to make one point finally on this, Sir. The authority for the National Insurance Board to receive these funds is set out very clearly in Section 30(2). It says that "they shall be paid into the Fund such other funds as may be from time-to-time be provided by Parliament for any of the purposes of this Act or as may from time to time be received and accepted by the Board on behalf of the Fund." So that is all. "On behalf of the Fund", so that is the authority to receive it. We are doing nothing illegal in receiving it. They cannot pay it out. Bills have to be passed for them to pay it out. That is all I am telling you and we give you the assurance that they will be passed very quickly.

Dr. R. C. HAYNES: Mr. Chairman, I am not a lawyer. However, on Sunday night I read that particular Act. The Act starts off by describing the purposes by setting out the Fund and setting the National Insurance Board. It also sets out, if you look right at the top of the Act, the purposes for which those funds may be collected and be placed in the Fund. The point I am making is that nowhere in that Act — or any subsequent amendment to that Act, as far as I am aware — is there any provision for the collection of monies for the purposes of buying buses and repairing roads because it is one of the benefits described under the Act or any benefit added by any subsequent amendment as far as that Act is concerned.

If the National Insurance Act had been amended to say that the purchase of buses and the repair of roads was one of the benefits under the Act, then, I would say that you would be on pretty firm ground on what you were saying but clearly that is not the case. You can receive money and you can receive money for those benefits which are spelt out in the Act and the additional ones for which the Act has been amended. I think there were one or two additional benefits which have been applied to that Act since the original Act was passed but not for the purpose of the purchase of buses or the repairing of roads so I do not think that you are on good

legal ground there, if I may say so. However, we will leave it like that.

Hon. H. B. St. JOHN: No, no, I am not taking it lightly, Sir, because I am not saying that it is within the competence of the National Insurance Board to pay out any money that they collect. I am not saying that. I am saying that before they can dispose of the money — before they can dispose of any money that they have collected — the legislation has to be passed. That is what I am saying and that for the health benefits you will have to amend the next Section because if you read the Act, the next Section says that the benefits should be set out and met from the Funds, so the Act has to be amended — and I keep saying that — but you do not say that it is illegal for them to receive the money. You do not say that. I keep telling you — and the Government keeps saying — that amendments have to come down here to permit the money that has been received to be transferred to the Transport Authority and in respect of the Health benefits, to amend the Scheme to allow them to be re-imbursed. The amendments have to come but the money is in the best place; do not say that it is illegal to receive them. There is a big distinction. I have not advocated the paying out of money. I have not advocated that. There is a big distinction between receipt and disposition. The law in relation to the disposition will be done.

Mr. L. E. SANDIFORD: I have a brief intervention to make and I am certain that anyone listening to this debate must come to the conclusion that there has been shoddy planning on the part of the Government in respect of this particular matter. However laudable the objectives may be, it is clear that there is mismanagement on this particular matter and....

Mr. CHAIRMAN: It is the same point that has been raised by other honourable members.

Mr. L. E. SANDIFORD: But I have not spoken in this debate yet. I am entitled to speak.

Mr. CHAIRMAN: And you are entitled to repeat the arguments of other honourable Members? That is not so.

Mr. L. E. SANDIFORD: If you do not want to hear me, I will sit down.

Mr. L. A. WEEKES: Mr. Chairman, I am somewhat drawn to the debate based on some arguments I heard from the Other Side plus from my own concern for the use of the Levy which is being collected. Members on the Other Side have said very clearly that they have had a mandate to provide for this country a National Health Service and to my mind, I do not know which half of the

Labour Party Manifesto I can accept because if I go back to the speech of the honourable Member for St. Michael West Central, he took us back to 1976, he said that as long as that period the electorate of Barbados gave them the mandate to implement this service.
4.50 p.m.

But he did not say as well, that the Manifesto itself relates to a free service and the levy itself has only highlighted the fact that that was not true, that they were promising the people at that time. I certainly want to go on to the Health Service itself because, Sir, it has been a long time since this Service has been having some problems — I wonder why we have been taking so long. We are now in the second five year session in Parliament with the same Government, and we are also having the second Hon. Minister, as well, dealing with this particular aspect of National Health and they all gave the assurance that this Service will come into operation within a very short time of their being in office.

More recently, Sir, we have had the present Hon. Minister suggesting that early this year, we are expected to have this Service in operation. But, obviously, something seems to be not functioning well and the time lag seems to me to be one for which someone will have to take the blame. There ought not to be a time lag in this particular operation because as far back as 1979, they have had the benefit of a Health Service consultant from Kaiser and then, later on in the year, they had a Report by the Kaiser Foundation International, setting out probably what they thought could be the terms of a good Health Service. They have also had the benefit of meeting all the associations, the Medical Association, the Pharmaceutical Association and certainly as well, they had a steering committee.

What I am trying to say, Mr. Chairman, is this. Since the levy is going to find its way into this service, then certainly, they owe us an explanation, as to why the people have been paying their contributions already and as yet, we are still not getting the kind of rewards for that service. Naturally, we have to find someone to put the blame on. Recently — not in this Honourable House, but somehow you get the reports of the Hon. Ministers when they go to speak at functions — the Pharmaceutical Body seems to be the one on which the blame is being placed. I would like to suggest, Sir, far from that, that body has always been willing to give as much help as they can. But all of us have a way of trying to get the best done for everybody.

My understanding is that the Pharmaceutical Society and in passing I would like to feel that the comments

made by the Hon. Minister as alleged in the newspaper — that he would like to see one or two — I personally believe that this is a kind of divide and rule tactic in order to get something done. I think he may very well be interested to know that this Association, probably over 30 years, has been negotiating with the Government on this matter and, in one bit of correspondence, you actually read that the Director in charge of the Health Service had accepted the Pharmaceutical Society, as the negotiating body. So, I am a bit disturbed, as to why he should want to meet one or two, as the case may be, when we have already accepted that recognised body, as the bargaining agent.

But, this Society I believe, in representing its members needs to be understood clearly. Far from a group of people who have probably been misunderstood in some way to be making large sums of money to their own benefit, but who in general have been making sacrifices — and I think the bone of contention at the moment is the price structure for the National Health Service.....(Hon. H. B. St. JOHN: Always coming up to that.) Now, it must be, if you want to settle and we want to make the service a viable and worthwhile service then, all must be happy — not one side and not the other.

I believe that they have submitted a Formulary — and I am speaking under correction, as well too — that that Formulary might have been accepted in the first stage. It was a Formulary based on cost plus 50 and then there was a dispensing fee. Now, this dispensing fee has crept into many of the forms of fixing prices, not only here in Barbados but in countries abroad. But, I am one of those people who are not prepared to set my standards for doing anything by what other people do. We in Barbados have been able to survive and we are unique people because of what we have been able to do on our own and we have been able to set the standards for other people. That being the case, nonetheless, I believe that the Government probably felt that they were misled somewhere and, that the cost of the drugs might have been higher as a result.

It seems to me, that you are going to have a little problem in getting some solution to this. I hope that they will come up with a solution and hope that they will not be able to blame the pharmacies, the private pharmacies for not wanting to co-operate in this Service. I am sure they are quite willing. In so looking at it, we must also remember that pharmacies are commercial ventures and they have a very high risk. There is a very high risk in running a venture like that. The Drug Formulary may be in some way helpful, but, in another case, it may very well be one which you have to watch

very carefully if the Service is to continue. For example, most of the drugs quoted in the Formulary are usually in bulk and very often as we know, you may have a limited request for that particular quantity and in so doing, the losses may sort of increase. So, the industry itself would have to look carefully into that matter.

Another serious and tricky question, in developing your Formulary is, since many agents may be willing to compete to have their drugs available on the market, they may very well drop their price, in an effort to out-sell the other person and as soon as they have been able to keep the market for themselves, the price may increase. I am suggesting that those who manage the Formulary would have a close look and make sure that the Service does not suffer in one breadth by having a semi low cost drug at one period and then find that the prices may rise. This, Mr. Chairman may also encourage a higher levy because I do not envisage that this levy will remain at a static price. People will have to pay more, from time to time.

The other problem which you have got to face is the problem of dispensing medicine. Your problem will stem from the fact that as soon as you have so many centres dispensing medicine, that they must be adequately stocked. If they are not adequately stocked you may get, as has happened in the past, a doctor in writing prescriptions may write three items and then when the patient goes to the store of his choice, he may be told that that is not available.

5 p.m.

I am highlighting these problems because I want to suggest to the Minister that no one is willing to stop the Service from functioning. It is for him to find the solution to these problems. Certainly I only raise these few points at this time because I believe that on another occasion I may have much more to say. Nonetheless, I think the Minister owes it to us to keep us informed and assure us that this service will definitely come on stream, as he says, very early in the new year.

Hon. Miss B. A. MILLER: Mr. Chairman, I really have to correct some misconceptions and they keep getting repeated in this Honourable House from that side.

We go on and on hearing about a free health service. I have said no less than ten times in the past five years from this front bench that the Barbados National Health Service will be free at the point of delivery, and yet in 1982 I am going to hear this nonsense coming from the Opposition benches. This is an Opposition that talked about a free school meals service which in their time was never free at the point of delivery. We came and found the children paying ten cents and put a stop to that after 1976. It really cannot lie in their mouths in 1982 to go

on and on repeating this myth about a free National Health Service.

We have made it perfectly clear time and again that the National Health Service of Barbados will be free at the point of delivery, and there is nobody who is going to gainsay that. You talked about a free school meals programme which was never free in your time, not even at the point of delivery, and it cannot lie in the mouths of the Opposition Mr. Chairman, to talk about any time lag in here.

They came into power in 1961 and found a scheme for a National Insurance in this country. They launched the National Insurance Scheme in 1967 in their second term. Memories are not only imperfect on that side, but non-existent too. They found the blueprint for a National Insurance Scheme in 1961 and could not find it possible to launch that scheme on a very limited basis. It did not start in 1967 with all the benefits that we see today. It started in a limited phase fashion just like the Barbados National Health Service has started with a drug service, and the Minister of Health has already said that in this year of 1982 we will see launched the medical aspect of the National Health Service which will be the second phase. So this is nothing new. This is no revelation that the honourable Member for St. Michael North West is bringing here.

Long before the honourable Member was here, those points were made and I really cannot let that kind of talk go unchallenged. Our National Health Service will be free at the point of delivery, and it has not suffered any inordinate time lag. The National Insurance Scheme is only designed for those people who work in a population of a quarter of a million people no more than 90,000 or 100,000 and at the very most 110,000 at any given time. The National Health Service is designed to service 250,000 people, and it does say something for the Government that within five years we have been able to launch the first phase of that service. Do not let us be bamboozled by any short crop in here. I do not want this Chamber misled either, Mr. Chairman.

I am sure I heard something said about a Steering Committee being in existence. The Steering Committee for the National Health Service was dissolved a long time ago. Steering Committees do not go on together. The National Health Service is at the stage of implementation. There is no longer a Steering Committee. There is a Director and the service is underway.

I want too, Mr. Chairman, to use the opportunity to explain yet again for the benefit of honourable Members of this Chamber exactly how the Health Service is meant to be integrated into the National Insurance Scheme.

The National Insurance Scheme, Mr. Chairman, as everybody knows has several different benefits. It did not start, as I said just now, with all of those benefits being available. As the Scheme and the funds grew stronger, benefits were added. As we know it now, the Scheme has a sickness benefit. The sickness benefit, Mr. Chairman, pays a percentage of a person's salary when he becomes ill so that he can carry on his family commitments and other commitments. The National Insurance has a maternity benefit which speaks for itself. The National Insurance has an Employment Injury Benefit which replaced the old Workman's Compensation, and it has several other benefits, some health-related and some not.

The one thing that the National Insurance Scheme does not have—and certainly before 1976 did not have nor did it have within its contemplation under the Democratic Labour Party — was a health benefit. If your entire health policy is sickness-oriented, I can understand how you will think in terms of a sickness benefit, but when your health policy is health-oriented as the Barbados Labour Party's health policy is, you will understand clearly Mr. Chairman, how we think in terms of the introduction of a health benefit into the National Insurance Scheme, and those policies were clearly articulated by myself at the beginning of our term of Government in 1976 and 1977 where a health contribution would be required in order that we would pay a health benefit.

It was made quite clear that the health benefit would pay for the Drug Service and that medical aspect of the National Health Service, in other words, a primary health care system of this country that was going to be introduced in the very first phases.

Mr. Chairman, tertiary care will continue to be paid for out of the Consolidated Fund and so will secondary health care, and to some extent a public health service. All of this has been said in here. I can ask the Clerk to dredge it all out and perhaps it might be to the benefit of honourable Members of this Chamber who are new to the Chamber if they went back and looked at Hansard and see some of what has been said time and time again in this Honourable House. It does nothing for honourable Members to get up and either inadvertently or otherwise mislead the House on important matters of policy such as this. I am not the Minister of Health now, Mr. Chairman and I do not wish to comment on the situation with the Pharmaceutical Society. I can only speak for the kind of association that I had with them in my time, and even that, in fairness to the subsequent Minister of Health, I will not comment on at this time.
5.10 p.m.

Mr. Chairman, Sir, I do hope that as the debate of this particular Resolution continues that we are not going to hear reiterated in here again today or any other day

these misleading statements about the Barbados National Health Service in particular.

Dr. R. C. HAYNES: Mr. Chairman, it is indeed very sad to sit and listen to the honourable Member for the City who clearly has left the Ministry with as little knowledge of the health problems of this country as when she came to that Ministry five and a half years ago. Now the Barbados Labour Party Manifesto.....

Hon. H. deB. FORDE: On a point of order, Sir, the honourable Member is misleading the House. The honourable Member for the City did not come into the office of the Ministry of Health five and a half years ago.

Mr. CHAIRMAN: At this point let me just point out to the Committee that we have only about ten minutes more time debating this Head and when that time comes the Chair will call all of the Heads one after the other.

Dr. R. C. HAYNES: The Barbados Labour Party, Sir, in 1976 in a clear statement in its Manifesto stated that they would provide a free National Health Service for this country. They have subsequently sought to modify that policy to see whether or not the National Health Service could be financed out of National Insurance contributions. As pointed out to them by myself and after spending \$200,000.....

Hon. Miss B. A. MILLER: Mr. Chairman, Sir, on a point of order. The 1976 Manifesto of the Barbados Labour Party under the caption "Health" does advert to the National Insurance Scheme carrying the National Health Service. It does so do. That document is already a document of this Honourable House.

Dr. R. C. HAYNES: Mr. Chairman, both the Prime Minister, the Minister of Finance and the Deputy Prime Minister, should really inform the honourable Member who just sat down that there is no way that you can finance a National Health Service out of contributions from the wages of Barbadians. In fact, the total cost of health six years ago in Barbados was well over \$100 million. Today, it may be \$130 million or \$140 million and if you think what percentage of the total wages in Barbados were involved, I suspect it would be somewhere about 25 percent to 28 percent of the total wages paid in this country which would have to be deducted to finance a comprehensive National Health Service under a National Insurance Scheme — so the idea can be forgotten.

It will never be possible in Barbados with a limited work force and with the kinds of incomes that people earn in this country, to finance a National Health Service completely out of National Health Service contributions.

You can just forget that and I think that the Prime Minister and the Minister.....

Hon. Miss B. A. MILLER: Mr. Chairman, again on a point of order. I cannot allow myself to be misquoted. At no time today did I say, or at any other time did I say, that the National Health Service of Barbados would be totally financed out of National Insurance contributions. I deliberately did not say that. I specifically pointed out what aspects of the National Health Service would be financed from the Consolidated Fund.

Mr. CHAIRMAN: Nor did they give that impression.

Dr. R. C. HAYNES: That is what you said today. That is not what was being said in here in the past but I believe that those who are responsible for formulating policy recognise that such areas as housing, and good public health in the long run might have a far greater impact than the wastage of money in certain areas of health.

Now if you look at the first \$8 million which has been spent on the so-called National Health Service and the Drug Plan, I would say that a good percentage of that money has been wasted on a top heavy administration, on a foolish, the most stupid way in setting about the implementation of that plan that you can ever think about. For \$8 million down the drain, a levy is being charged now and very few people in this country are, in fact, receiving any significant benefits.

In point of fact, Sir, many people are now paying for what they once got for free. All those people who attended the Out Patients' clinics and the hospitals all around the country in the past, whatever medicines they required, they got those medicines free. Now they get a prescription where they go to a druggist and there is a certain charge which has to be paid for certain categories of drugs and by certain categories of persons.

Many patients in the hospitals because of the unavailability of drugs, have to get their relatives to take the prescriptions into Bridgetown whether they are in the private or public wards of the hospital and buy the drugs and bring to the patient in the hospital. There is a fundamental problem with the tendering system where it is so structured that inevitably shortages arise and if you take that in conjunction with the use of a Formulary which often does not provide for effective alternatives, when you have a shortage, you have a genuine shortage in the country. The end result of this is that the Government offer is not always available in the public institutions and the drug is not available in the country at all so one of the main problems created by the method of implementation of the Drug Plan is severe drug shortages both in the public sector and in the private sector.

For the first time, Mr. Chairman, we are now approaching a situation which has existed in Guyana for many years. Out of every ten prescriptions that you write as a physician in Barbados, you will get a call from a druggist telling you that one or the other drugs on that prescription is not available. You can guarantee that the first hour or hour and a half that you spend in your office will consist of writing prescriptions or trying to find alternatives and very often you will find that neither of the alternative drugs are available and the reason is this — the biggest consumer of drugs in Barbados happens to be the Government. When you allow yourselves to be fooled, as they have tried in Jamaica, they have tried it in Nigeria, and they tried it in several Arab states — they come in and tell you that we can give you generic drugs cheaper than the other proprietary drugs.....

Mr. CHAIRMAN: I have heard this argument before in this Honourable Chamber.

Dr. R. C. HAYNES: But not today. Sir, the point I am making is this, that those Governments who fell for that kind of argument without asking themselves first if generic drugs are as good and so much cheaper than the other proprietary preparations.....why is it that they can never occupy more than eight percent or ten percent of the market in the developed countries? That is the first question.

Then you get the stupid statement that it is because of the doctors prescribing habits, because the doctors know what is better for their patients than the people who are trying to shove drugs down the mouths of the Governments. That is the difference, so that you are going to find..... it has happened here. I have seen, Sir, and you would be familiar with what I am talking about. I have seen even a proprietary drug in Barbados dropped its price from 30 cents to one cent thirteen years ago in order to displace all of its competitors in the market and once there were displaced, in a matter of five years the price was back up to 45 cents.

5.20 p.m.

And, I will tell you what would happen in this country if you do not change your direction in which you are going. By the end of this year, you are going to find that the Drug Bill for Government is going to be higher than it has ever been, although patients would be contributing and having to pay part of the cost of the drugs which they never had to do before. You are going to find that there are severe shortages, not only in the public but in the private sector and you are going to find that many people will lose their lives in this country because of the unavailability of drugs.

A simple example. Two weeks ago you could not get Insulin in a certain concentration in Barbados. There

are many persons, Mr. Chairman, you would know, who are diabetics and who cannot see properly and they survive because they mark their syringes with a piece of plaster and they know when they have 20 or 30 units. If you cannot get one particular concentration at a particular time, and that has to be substituted, then the patients will give themselves the wrong dose of Insulin because they cannot even read the label. You are quite familiar with what I am talking about and this is a serious matter. You find a shortage of Cortisone.....those drugs that are life saving in this country. Once upon a time it was bad enough when it was happening in the hospital because you can always call up Collins and somewhere they would carry stocks.

Another major problem, Sir, is that the generic brands often have a very limited range of drugs. Sometimes, they produce only one drug and the crucial drugs that are life saving are drugs that are used in very small supply and the agents here in Barbados would always keep a supply of those drugs because they would make a profit on the turnover in other areas. Now, they have stopped stocking those drugs, so that you are going to find in the long run, that you are not going to make any significant saving. You are going to end up in Barbados with major shortages and a whole lot of bad drugs that you see coming on the market. Mr. Chairman.....

Mr. CHAIRMAN: Time.

Dr. R. C. HAYNES: I see drugs in Danish.....

Mr. CHAIRMAN: Time.

Dr. R. C. HAYNES: literature in Danish, literature in Swedish, all kind of junk comes in your office day after day and you begin to wonder whether you are in Barbados or whether you are in Africa. I saw in Africa Sir, in Nigeria

Mr. CHAIRMAN: And, I see you are going to have to take your seat now, because your time has gone.

Dr. R. C. HAYNES: and, My God, I have lived to see it here in Barbados, Sir. It really does hurt me, Sir.

The question that Head 17 stand part was put and resolved in the affirmative without division.

The question that Head 28 stand part was put and resolved in the affirmative without division.

The question that Head 31 stand part was put and resolved in the affirmative without division.

The question that Head 32 stand part was put and resolved in the affirmative without division.

The question that Head 33 stand part was put and resolved in the affirmative without division.

SUPPLEMENTARY ESTIMATES 1981-82, No. 15

Item No. 1(b) was called - To move the passing of a Resolution to grant the sum of \$255,179 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. 15 which form the Schedule to this Resolution.

PART II - CAPITAL

HEAD 75 - MINISTRY OF THE ATTORNEY GENERAL - \$255,179

Hon. H. B. St. JOHN: Mr. Chairman, this matter is self explanatory. This project is one of the projects that has been deferred, but obviously, it had reached such an advance state of preparation that the cost of the requisite professional service have to be met.

I beg to move that this Head do now stand part.

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

Mr. CHAIRMAN: Head 75(4), the question is.....

Mr. W. O. FRANKLIN: Mr. Chairman, I wonder if the Hon. Minister would inform me, if this supplementary is added to the \$200,000 that was approved in the 1981-82 Estimates, meaning that we would have paid \$450 166 so far for professional services. The notation says that it is required to meet part of the payment to the consultants and I wonder if you would also inform us about what are the likely other amounts to be paid under this Head.

Hon. H. B. St. JOHN: Yes, Sir, it is added. I am sure the honourable Member is aware of the professional scales on a job of this size, the total services - architectural, civil engineering or structures as you call it, mechanical engineering and electrical - they go together; quantity surveying - are likely to be of the order of ten per cent of the estimated cost of the building. If you have completed right up to final design stage, the stage where you get planning permission, you are entitled to sixty and two thirds per cent of the ten per cent. The other one third per cent is really for supervision and that sort of stuff. I cannot remember what the Estimate is but, \$450,000 it would represent.....(ASIDE).....sixty-six and two-thirds per cent and I think this is a very small sum in relation to the total value of the building. I think it was estimated at about \$10 million I believe - \$12

million is the figure. Ten per cent would be 1.2. That is perfectly correct, if you work it back. The scale fees, we beat them down.

Now the Planning and Priorities Committee feel that above a certain percentage on a job of a certain value in these kinds of inflation that professional fees should not go right up, that there should be a cut off point and, we are trying to negotiate, in the range of ten per cent for total services; all services. That is the position, so if you tell me 12 per cent, that is that.

Hon. H. deB. FORDE: Mr. Chairman, Sir one of the reasons why we have been able to restrict the cost of professional services on the proposed Supreme Court complex is because the architectural aspects of the project were carried out by an architect specially assigned from the Ministry of Transport and Works and he was paid only a small honorarium over and above his normal salary. Had he, indeed, been paid the full architectural fees which are charged by architects in private practice under the RIBA scale, the cost of consultancy services on this project would have been much greater than it is.

It is unfortunate that the country's finances as they stand would not now permit this project to go forward, as it had been proposed, during this current financial year. I recognise that a project such as this is not financed out of overseas borrowings and is a project for which we cannot get Foreign Exchange loans. We must therefore of course, finance the project out of the country's own surplus on Current Account and the country must at a time, have a favourable Balance of Payments of Foreign Reserves so that the Foreign Exchange cost of the project — and, there are Foreign Exchange cost — paying for materials, *et cetera* — will be properly met, and I think that is the sole reason why the project has been delayed.

I want to stress once again that I believe that the planners must consider the Law Courts and the administration of the Law as a very important part of the developmental aspect of our country's growth. We have already seen that where there has been a delay for providing adequate personnel, equipment and services for Law and order that this has a ricochet effect on the maintenance of a sufficiently well-controlled climate to permit economic growth. If I can be specific, the delay between the years 1969 and 1977 to provide enough policemen, adequate protective services and equipment for the Police Force resulted in problems of coping with crime particularly among visitors to the island and crimes against property.

5.30 p.m.

The delay in providing adequate law court services can also have a similar effect in the long run and I think it is a mistake to assume that a project such as this cannot affect the overall economic well-being of the island.

The law courts remain very cramped at the moment. From time to time temporary things are done by the Ministry of Transport and Works, as much as they can do, but the structure of the Supreme Court itself is such now that it is under severe strain, and in fact the whole of the roof of the Supreme Court, although repaired very frequently, is still leaking in several parts. I believe that we have outgrown the physical space available at the Court.

I think that this is leading in many respects to the Government not being able to maximise productivity among the staff at the law Courts, and at the same time I believe that we are missing opportunities perhaps to improve the collection of Government revenue also in the Courts themselves, not that the Courts should be there only to provide or collect revenue. It is important if we want to maintain respect for law and order that the physical conditions under which we administer law and order should stand out in this country.

I regret very much that the new Supreme Court received no consideration at all from the past Government, and that it took us some time to get the whole planning process going. By the time we had completed all of the major architectural drawings with the exception of details, we found ourselves with a bunching of Government projects where in the first place there was a shortage of manpower, and now in this year unfortunately there is a shortage of adequate financial resources. I understand that my successor, the Hon. Attorney General has already publicly said that the project will begin in the year 1983 — 84, perhaps towards that period of time. I hope that the Government will at least try to stick to that schedule and that some of the other competing Ministries will be made to stand a little further back in the pew and understand that they have no higher priorities for offices and physical space than the Law Courts have.

I would like to hope too, that despite our current inability to commence work on this project that we should still continue work on restoring Codd's House, which is the old Waterworks building, to its pristine architectural beauty and at the same time make use of it for the establishment of an independent Court of Appeal. We have just passed the necessary legislation for this purpose. We need the physical surroundings so that the manpower can be appointed, and I hope that the Ministry of Finance will find it possible to go ahead with that part of the project.

It is not a very expensive bit. I think when I was looking at the figures, we estimated it would hardly have exceeded \$400 000 to have done the work on Codd's House and get it operational. This is small as compared with an estimated cost of \$12 million which in my view with inflation and given cost overrun would have ended up at somewhere in the region of \$15 million. It is on this ground that I am really hoping that in the new

financial year, that room can still be found to go on with the Codd's House project so that a separate Court of Appeal — a Court of Appeal not composed in the same way that we have composed our existing Court of Appeal — could be established and we could get on with the complete re-organisation of the structures of the Courts in this Island.

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

On motion of Hon. H. B. ST. JOHN, seconded by Hon. H. deB. FORDE, Mr. CHAIRMAN reported the passing of two Resolutions in Committee of Supply, Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. B. ST. JOHN, seconded by Mr. L. L. SISNETT, the Resolutions were read a first and second time and agreed to.

THE EDUCATION REGULATIONS, 1982

Mr. SPEAKER: Order No. 2 stands in the name of the Hon. Minister of Education, to move the passing of a Resolution to approve the Education Regulations, 1982.

Mr. L. L. SISNETT: Mr. Speaker, on a point of order, I should like to draw to your attention that there is no quorum.

Mr. SPEAKER: Let the Bell be rung.

The Bell was rung and a quorum was obtained.

Hon. Miss B. A. MILLER: Mr. Speaker, in moving this Resolution for Regulations under the Education Act, 1981, I do not propose to do any extensive introduction. In very recent times we have had a long and expansive debate on the substantive Act which will govern these regulations. Suffice to say that regulations under this Act, like regulations under any other Act, are designed to give teeth and specific clear detail to certain aspects of the substantive Act.
5.40 p.m.

I wish to say that as to the Act itself, and with the Regulations, the Ministry of Education has consulted at length and in some cases at great length with most of the interest groups involved, the Barbados Union of Teachers, the Barbados Secondary Teachers Union, the Conference of Heads of the Newer Secondary Schools, the Association of Heads of the Independent Schools, the Barbados Independent Secondary School Association, the Association of Headmasters and Headmistresses of the Older Secondary Schools, the Conference of Primary School Heads and the National Council of Parent Teachers Association and a large degree of consensus was reached in the drafting of this legislation.

The Regulations as can be seen from the various parts, provide mainly for certain administrative and regulatory workings so that the Act may be properly implemented. I wish to say, Mr. Speaker, Sir, that in the Ministry of Education we are anxious, ready, willing and very able to implement the new Education Act. At the same time, I must point out that we are, like every other Ministry of Government, under severe financial restraint and I think that I need to say that the implementation of the Education Act will perhaps be a slower and more phased operation than was envisaged. We can only move as fast in implementing the Act as money will allow.

One of the major areas for implementation has to do with the new Governing Bodies, or the Boards of Management as they are called in this new legislation, for the 21 Secondary Schools. This is going to cost some money in that it will require staff. We in the Ministry of Education are presently as in every other Ministry under a freeze by direction of the Minister of Establishments so we do not expect to have made available to us the new staff which we will require so that we can, in fact, put the new Boards of Management in a situation to get on with these new administrative measures until that freeze has fallen somewhat. Staff cost money and that is the relationship between the freeze and the lack of staff and the slowness with which some of these Regulations are going to be implemented. I need to say that.

There will be people out there very anxious to jump up and say that we are not interested, that we do not really care about it and now that it is on the Statute Book, we intend to leave it there. That was a feature of the previous Government, in other and former times, Sir. It is not a feature of the Barbados Labour Party style of Government but we are in this financial restraint.

At the same time I must say that we have put our heads together, not only within the Ministry, but with some of the heads of these organisations which I have just listed and I think that in some areas we can begin in a bridged fashion by facing the implementation to show that we need more than lip service in some of these areas. Perhaps in the first months we will be able to cut and contrive and at least make some sort of start in the way that we need to continue.

I should like to propose, Mr. Speaker, Sir, that the 17 Parts all of these Regulations be dealt with in Committee on a part basis rather than Section by Section because we do not really want to stand here and call a Section one after the other. I will be quite willing, Mr. Speaker, Sir, when we come to Committee to be explicit on specific Parts of the specific Clauses and Sections as honourable Members may request and so, Mr. Speaker, Sir, I beg to move that this Resolution, the Regulations entitled the Education Regulations 1982 under Section 59 of the Education Act, 1981 do now pass.

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

Mr. L. E. SANDIFORD: Mr. Speaker, I do not think that this particular matter before us is controversial or contentious and so I do not think that this should delay us for any great length of time. I would like, however, to say that if we are going to look at these Regulations in Parts, that sufficient time should be given so that Members would be able to follow exactly where we are. I am certain the Minister will give that kind of time and the House will permit that kind of time so that if any particular matter needs more detailed censure, then this Honourable House would be able to give it.

I stated that there is no contention about this. It is not really controversial because as the Minister has indicated there has been a great deal of consultation on this particular matter and there is a wide measure of agreement. I think those were her words. I am certain that she herself will admit that from 1975 a substantial amount of work had been done on these Regulations and it is still a puzzle to me why it would have taken all of this time to get it to this particular stage. I am not being critical of it but I am just stating that it is, in fact, a backlog so there is agreement on this because the format, content, collation and a substantial amount of work in relation to the preparation and development of these Regulations was carried on in the Ministry during the previous administration. I am certain the Minister would not refuse to acknowledge that.

I was also recently to see that she opened the Language Laboratory at the Barbados Community College and even though I was not present at that particular function I am certain that it would be acknowledged that this has a long history to it as well and that is how education goes.

Now as we look at these Regulations I think that we cannot help but admit that these should represent a step forward in the governance of our educational arrangement in this country.
5.50 p.m.

The Regulations governing our educational system, the current Regulations are, indeed, out dated. Some of them have not been brought up to date for quite some time and this comprehensive collation of the Rules and Regulations relating to schools will mark a significant advance in educational administration, in this country. It will be set out, for the first time in one comprehensive document what are the requirements which should relate to the detailed administration of educational institutions, grants, the management of the schools, the admission of the pupils *et cetera*, and, in relation to the handicapped, as well.

I would like myself, even from this point in time to express appreciation to the work done by the manage-

ment team in the Ministry of Education over the years, as well as the Attorney General's Chambers — and all of those bodies with whom consultations were carried out — for the amount of work put into this measure. Indeed, Mr. Speaker, a lot of work went into it, consulting with Ambassadors and High Commissioners abroad, visits abroad, receipt of comparative Regulations from other Administrations and such matters. I would like to pay tribute to the Public Officers who, from time to time get the line, I think a word of praise is due to them.

I, myself would consider these Regulations as a start. They are not perfect and if we approach these Regulations from the stand point that from time to time, amendments will be required, I think we will be going on the right foot. I myself would not say that this is necessarily the perfect compilation because, so long as, we are dealing with human matters, there are always areas for error; but, we all would recognise that from time to time, it is necessary to amend and update these. I would also request the Hon. Minister that when these may be approved and when they may be enforced that they would be widely available, in educational institutions and elsewhere, so that those who are involved in the business of actual work in educational and related institutions would, at any point in time, have a source of reference so that they would know what the requirements may be.

I have been reading through these Regulations and I wish to refer to the matter of the Act, I believe what is called the Act of Corporate Worship. I know certain things have been moved from certain places in the Regulations and may be, my reading may have been cursory, but in view of the need to build up the sense of civic and social responsibility in this country, as well as to instill on every occasion, the place of a moral sense of duty and concern that the Corporate Act of Worship be considered as an important asset of school life. It appeared to me that this may have been removed from the Regulations but indeed, it may have been placed at a point where it was not in the previous Regulations and I may have missed it at some point. I would be glad if the Hon. Minister would indicate at some point during this debate where this has been relocated.

The matter relating to the.....(Hon. Miss B. A. MILLER: Part VI) Part VI. In Part VI, the Hon. Minister says that there is the.....Oh, yes.....Roll Call and Corporate Worship, yes, it is in here and I am very glad to see that this is in as we had pressed for that religious and moral education has been included in the curriculum at both primary and secondary level. I think this is a very desirable trait.

Mr. Speaker, as I said, there is nothing really controversial about this matter and I do not wish to make a long speech on it. I think as we come to discuss the

Parts, we would raise any matter which we wish to raise, at that particular point. I regret to learn that the Education Act, 1981 is affected by the freeze and that the necessary staff to implement that particular Act may not all be available. But, we certainly hope that there will be an upturn in the economy to make the implementation of that worthwhile piece of legislation as well as the Regulations now being considered under that Act, a reality.

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

Mr. SPEAKER: Order No. 3.
6.00 p.m.

THE POLICE (AMENDMENT) ACT, 1982.

Mr. SPEAKER: Order No. 3 stands in the name of the Hon. Attorney General to move the Second Reading of the Bill to amend the Police Act.

Hon. L. S. CRAIG: Mr. Speaker, this Bill sets out to amend the Police Act, Cap. 167 to revise the penalties imposed under the Act. Primarily it gives the Commissioner himself the power to impose these penalties for neglect of duties in certain areas, for example, like driving without due care and attention. What the Commissioner himself is particularly concerned with, like all of us, is the amount of accidents which you have with vehicles owned by the Police Force, and we are seeking to give him permission to impose the penalties which are set out in the amendment.

I do not think this should cause any large scale debate. The Bill as set out is quite clear. If there are any questions arising out of the debate, I believe I should try my best to assist honourable Members on the Other Side with the information which they require.

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

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

Mr. M. A. KING: Mr. Speaker, I got the impression when I read the Bill that this was a matter which may have involved internal police discipline. In view of the Minister's introduction, I do not know if I am right, but perhaps he could correct me on this. I got the impression that this was to deal with the problem where the Commissioner was intending to discipline recalcitrant police officers, and I got the impression that the penalties which were presently available to the Commissioner of Police may not have been sufficient.

What I proposed enquiring about was what was the particular mischief, so to speak, which the proposed

amendment was designed to cure, whether the Commissioner found that he was having a problem so far as discipline in the Force was concerned, and generally following on this the general question as to, if my premise is right, whether police officers who may have been subject to penalties now being contemplated, would have the right of the Force by way of appeal against any penalties which the Commissioner may impose on that particular officer.

Hon. H. deB. FORDE: Mr. Speaker, if I may add a bit to this debate, prior to the change over to internal self-government and the ministerial system of Government, the Commissioner of Police had almost instantaneous power of dealing with persons in breach of disciplinary rules by almost instantaneous powers of dismissal, and it was only subject of course, to a review by the Governor. When we moved towards setting up Service Commissions, we set up not only a Commission to deal with the discipline of persons in the Public Service per se, but persons to deal with discipline in the Police Services as well. But it was felt in 1961 at the time that the Police Service was a service *sui generis*, and that in many cases it called for instant action, and that it would have been wrong to take away from the Commissioner of Police all powers of disciplining policemen who were errant and who were in breach of the code of conduct which must govern them in the performance of their duties.

A lot of misunderstanding has occurred in this country as to the role of the Police Force, persons to whom it is responsible and the manner in which the Police Force ought to be disciplined. Were it not for those misunderstandings, Mr. Speaker, a lot of the loose talk that occurred at the time of the Pele Enquiry would not have occurred, and I regret to say that several distinguished lawyers including at least one former Attorney General do not seem to understand the nature of the Police Act, the relationship of the police to the ministerial people who are in charge of police administration or indeed the method of controlling and disciplining the Police Force. The discipline of the policemen below the rank of Commissioned Officer has always essentially remained in the hands of the Commissioner of Police, not in the hands of a Minister and not in the first place, in the hands of a Police Service Commission. There is a right of appeal to the Police Service Commission and through that Commission to the Governor-General, but never to the Minister regardless of whether he is a Minister of Home Affairs or Attorney General.

I went through the most stringent criticisms over trying to maintain the law, and I am glad my learned friend for Christ Church West Central has asked the question, because today my friend was making some other remarks on another vote in this House on the need to maintain law, but I have heard his party

colleagues including a former leading luminary in this House criticise me severely on the political platforms for trying to maintain the law in the Pele Parris matter and to maintain the Constitution of this country. My distinguished friend from St. Michael South should keep out of this because I think he recognised the point.

I was held up to ridicule from the Democratic Labour Party platforms. I have heard lawyers whom in normal instances I would expect to be other distinguished people fail to understand the Act, and that is why I have written an article that has recently been published in the May issue of the West Indian Law Journal on the office and functions of an Attorney General, so that future Attorneys-General unlike some past Attorneys-General would not misunderstand what their duties are, what are their functions and what are their responsibilities in relation to the Police, and generally.

Here in relation to the Police — because they have misled the press — I took my criticism as you have to take criticism in public life. I know I am right, I remain right and if I had to make a similar decision I would make it again regardless of whom is the Prime Minister, Leader of the Opposition or anybody in this country, and they would have to shoot me to get rid of me doing the right thing. I have said that before and they know my stand. They must read the Police Act.

The reason why we have left the Police Act in this way is because it was felt in 1961 by both political parties in responding to public pressure that you had to keep the police — and eventually the Director of Public Prosecutions — out of partisan political manipulation. That must be a fundamental principle of the Constitution of this country. It is a principle for which I fought and I think history will give me the plaudits for it although some of my opponents in political office did not see fit to give me the plaudits for it. I think history will justify the stand I took on this issue.

What this Bill is seeking to do, is merely to amend the Section dealing with powers of the Commissioner of Police to give him the extra power of suspension and deferment of payment, because it has been found that the long procedure of going to the Police Service Commission has worked to the detriment of the Force. Sometimes you have to hold a man and charge him with a criminal offence and then wait for him to be suspended when the action that is called for is instantaneous action there on the site.
6.10 p.m.

Now in the Defence Force that does not apply, Sir. In terms of war — if Barbados was ever in a war situation — sections of this Act would come into play and the Police Force will still, under existing legislation, be subjected to military discipline.

The Act still refers to the Army Act of 1955 of the United Kingdom rather than to our Defence Bill and in due course the Act should be amended to have regard to that, Sir, and if there is one thing that ought to be clear in the minds of the public it is that the Police Commissioner is a person who must deal with discipline. He is not subjected to the control of any Minister in this regard. He cannot be given a lawful direction in this regard in dealing with the Minister and the only other person who directs him is the Governor-General, set out in a limited way, in this Act. Lord Denning has laid down and re-emphasised this in a case that came to the Court of Appeal or the House of Lords in England and it is a principle in most of the Commonwealth jurisdictions in which the Police Force has been kept outside of partisan politics.

I always say that perhaps the precedence of having an Attorney-General responsible for the Police and some of the law enforcement officers is one of convenience rather than one of an ideal situation. I myself when I was in Cabinet, had on occasion suggested to the Prime Minister that that aspect of my Portfolio should be removed and there should be a proper Minister of Home Affairs for the simple reason that he would prevent some of the confusion that goes around in the minds of the public. You would also leave your Attorney-General free to defend the Constitution in all other aspects, even if he has to do it against people of his own Party, within his own Ministry and that sort of thing. If it comes to his own family and he cannot do it he would have to resign. He cannot deal with instances such of this nature but the Act is quite clear.

I know my friend is a very good constitutional lawyer — my friend the honourable Member for Christ Church West Central. I do not believe that he is a very good politician otherwise he would have been in this Party but let me say this, Sir, — I have worked with him and against him and I respect his legal views. I believe I did not hear him voice the kind of criticism that I have heard rather flippantly, views about the constitutional manner in which one approaches these issues but somebody must from time to time set out these Conventions and make them clear so that politicians do not feel that they have to bow to public pressure whenever you get a difficult case.

I am not the first Attorney-General who had to deal with difficult cases. My colleagues in Australia, England and other places have had to stand up on issues such as these and perhaps some of the Conventions are new to Barbados but it usually takes people of character, people of strength and people of courage to take harsh criticisms and yet maintain the correct stance and let me say, that in this regard that my colleagues in the Cabinet accepted the position. We have been batting on this wicket and

have gone along but I took a legal position. It was clearly understood.

I have heard my friend the Deputy Leader of the Opposition repeating the same principle in here from time to time and that is why I ask people to try and understand the administration of the Police Act, all that it sets out to do and to realise that disciplinary powers are not with the Attorney-General, the Prime Minister or the Minister of Home Affairs. Disciplinary powers are with the Commissioner of Police. He has a duty to perform and he must and ought to perform it. Above this is the Police Service Commission with a right of review in some cases and at first instance, power of discipline in Commissioned Officers and it all goes through to the Governor-General.

Now, Sir, there is a right of appeal to the Privy Council of Barbados. There was a Convention established during the Democratic Labour Party time which has been accepted by the Barbados Labour Party Ministers on the Privy Council — and politicians — that any time an issue of discipline involving a civil servant or involving a policeman or a public servant comes up, we ask the Governor-General to excuse us from the Privy Council so as to keep partisan political politics out of these services since in the long run they have to serve us, no matter what political party is in power and I hope that we will always see political parties that are dedicated to maintaining democracy. I am not talking about one party democracy as you are hearing them being advocated as trying a new system in ideology in some of our Caribbean countries. They believe that that is democracy.

We must always allow a thousand different flowers and opinions to flourish, letting the people decide eventually what they prefer and for how long they prefer it and in this regard we have a duty, both in these two great political parties — mine being the greater of the two — to seek to maintain the democratic system in this country.

Mr. L. E. SANDIFORD: Mr. Speaker, again I shall not be long on this. I was a bit puzzled myself when I heard my friend, the Leader of the House introduced this measure. I believe this is one of his diversionary tactics but I am still at a loss myself to find out what is the main purpose of the amendment as this has not really so far been spelt out in this debate.

I speak with some trepidation on this particular matter. As I understand it, Section 34 of the amending Bill that is before us, seeks to amend Section 33 of the existing Act and as I understand it, Section 33 of the existing Act contains substantially what is in Section 34 a, b, c, and d. Substantially except for stylistic and linguistic differences in which "which" becomes "that" and strictly from a point of view of English I cannot tell the

difference between "which" and "that." I believe it depends on which draughtsman is drafting but "which" becomes "that" and they have added on, "shall be" in the existing Act now becomes "are which." Again I do not know, it may have some substantive legal point behind it but to me that is stylistic.

Then after that a fine of \$200. These penalties are available now. It may very well be the person who might apply them. I am not certain but this says now that the Commissioner...this is the point is it? The Commissioner has the power now but he did not have it? He had it before?

Hon. L. S. CRAIG: It would help Mr. Chairman, as I understand it, this is seeking now to give the Police Commissioner the power to impose these penalties from the rank of Constable to the rank of Inspector. I think I am right in saying that, Sir. I, of course, have no authority on this but as I understand it that is what it is setting out to do.

Mr. L. E. SANDIFORD: All right, I think I have said enough on that and I am glad for that clarification but I would like to deal with one other general point and it relates to the need for applying these kinds of penalties at all. I would say first of all that a well-trained Police Force should reduce the need for the application of these penalties — should reduce — I am not saying do away with — but reduce, and I was very pleased recently to hear certain pronouncements that the Regional Police Training School would be upgraded or it is the intention that it be upgraded to a College.
6.20 p.m.

And I do hope that that would be implemented as early as possible. I know the former Hon. Attorney General and I share this particular view and he also would be happy about that but, I hope that a very broad, sound and deep education would be provided at College level, for certain ranks of the Royal Barbados Police Force to improve their efficiency, as well as their chances of promotion.

I have no quarrel with my friend and colleague, the honourable Member for Christ Church West. I know, that, as Hon. Attorney General he tried to operate within the concepts and conventions of matters relating both to the constitution and to the operation of a Police Force which has a large measure of independence, and, that he was misunderstood on occasions. I certainly do not think it was necessarily his fault, not only misunderstood but severely castigated, from his side, as well, to tell the truth. I know it must be a particularly galling matter and I certainly felt that his heart was always in the right place and he was a very fine Hon. Attorney General, if I may say so. (Hon. L. S. CRAIG: Oh Lord! Jesus Wept. The Barbados Scholars are lauding each other.)

Mr. Speaker, that is all I have to say on this particular matter.

Hon. L. S. CRAIG: Mr. Speaker Sir, just briefly. When I introduced this Bill, Sir, I did mention something about the driving of the vehicles and so and this is what I think may have operated in the honourable Member for Christ Church West, — West Central — this central cricket and so on is really confusing me a bit — what I was putting across, is that I was just pinpointing a particular area in the Police Force where there may be a degree of negligence one way or the other. But, as has been pointed out, the power is primarily conferred upon the Commissioner of Police to impose these penalties, withhold leave and things of that nature. Primarily the amendment is to give a little more clout, if I may use that term.

I no doubt agree with my colleague and friend the former Hon. Attorney General about lauding him. Life plays some funny tricks. The same Hon. Deputy Leader of the Opposition was on the same platform, as honourable Members from his side who were about to send the former Hon. Attorney General to prison and who said he should be shot at dawn. I did not hear him laud him then. That is the ball game. When the Eric Sealys were saying that he should be arrested instead of this body, he was on the platform — and probably cheering too. (Mr. L. E. SANDIFORD: Me?) I said, probably cheering too. They say, "birds of a feather flock together." However, this evening, I am happy to hear him lauding the former Attorney General for his outstanding service. I am sure he did not laud the former Attorney General and Leader of the Opposition when he went out. He did not say a word about him. But, the chickens come home to roost. I know, the Speaker lauded him. I would never forget that. He lauded him and he sent him out, just as he came in....battered, scared, I will never forget that.

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

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

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

On the motion of Hon. L. S. CRAIG, seconded by Hon. Miss B. A. MILLER, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. J. G. ODLE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Hon. L. S. CRAIG: Mr. Chairman Sir, I beg to move that Clause 2 stand part.

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

Mr. CHAIRMAN: The question that Clause.....

Mr. L. E. SANDIFORD: Mr. Chairman, Sir, I still have a few doubts, in my mind. I wonder if in Committee, one of the honourable Members sitting on the front bench or the honourable Member for Christ Church West could again explain the real purpose and effect of this amendment. It should have taken place when we were dealing with general principle under the Second Reading, but I do not think that this Honourable House is yet clear, as to the purpose of this particular amendment, and, I wonder if it could be clarified a little further.

Mr. M. A. KING: Mr. Chairman, when the Government is responding on this, perhaps they could vest their attention to Section 33 as well as Section 34 because Section 33 of the Act talks about subject to Section 34 and 35:—

"The Commissioner may with the approval of the Governor General from time to time make Regulations for the discipline of Inspectors, subordinate Officers and Constables."

Now, if what this amendment purports to do is to give the Commissioner of Police, power to impose these penalties without reference to anyone, it would seem — I do not know — that some adjustment ought to be made to Section 33.

Hon. L. S. CRAIG: Sir, I have no doubt that if the Commissioner of Police is given the power to impose these penalties, I am quite sure that within the Police Force itself there would be some Committee or whatever it is making the appropriate recommendations to the Police Commissioner. This is giving the Commissioner of Police as I understand it, and, I am quite sure this is what the former Hon. Attorney General, I believe, I hope would also say, Sir, is conferring upon the Commissioner of Police himself the power to impose these penalties from the rank of Constable to Inspector which he did not have before.

Hon. H. deB. FORDE: Sir, I think that there is some question of withholding an increment from certain ranks of the Force and, it would have meant an amendment to the Police Regulations of 1961, particularly, Section 23(1) of the Police Service Regulations of 1964.....I am sorry, I said 1961.
6.30 p.m.

This applies also the Regulation 4 of the Police Discipline Regulations of 1961, and Crown Law Officers obviously advised at the time that to effect this purpose, it would be necessary to amend Section 34 of the Police Act to allow a penalty of suspension, deferment or the withholding of an increment to be imposed, and to confer on a specific person the authority to impose the penalties in that Section since the Act as it then stood did not allow that. It is in accordance with that advice that the amendment has been made to this Act so as to enable corresponding amendments to be made to the relevant regulations to which I had earlier referred. That was the sole purpose, although you will notice that there are certain powers of suspension, deferment and what not, but they are not apparently in accordance with the regulations when read in the Act. It is possible for the Commissioner to do it without consent, I believe, and therefore the intention here is to give him these powers so that he can exercise them almost immediately.

I have read virtually the opinion of the Crown Law Officers. It began during my time when the issue arose, and apparently a submission was made as early as that, but the Commissioner has been saying this before. In the light of experience, it would seem as if the Commissioner is sometimes at a great disadvantage. In fact, Sir, in my experience it has occurred that the Commissioner has recommended to the Public Service Commission that a particular person should be suspended or dismissed, and the Public Service Commission had turned down that recommendation. Now that is a very serious thing in these instances where they occur particularly when it comes to suspension before a man has had a trial, and therefore I

think you will see that some sections refer to his powers over constables and the other to the powers in so far as gazetted officers are concerned.

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

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

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

THE ADJOURNMENT

Hon. L. S. CRAIG: Mr. Speaker, that brings us to the end of today's proceedings in relation to Government Business. I think we had a very comfortable day and one in which I was very happy to associate myself with the debate.

I beg to move that this House do now adjourn until Tuesday, 2nd February, 1982, at 12 o'clock noon.

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

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

6.35 p.m.