

THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, May 18th, 1982.

Pursuant to the adjournment, the House of Assembly met on Tuesday, May 18th, 1982 at 12.20 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Rt. Hon. E. W. BARROW, Q.C., B.Sc., LL.D., (Leader of the Opposition); 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); Hon. Miss B. A. MILLER, (Minister of Education); Hon. L. B. BRATHWAITE, (Minister of Health); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Hon. V. L. JOHNSON, M.A., (Minister of Labour and Social Security); Mr. B. M. TAITT, B.A., (Hons.), M.A., LL.B. (Hons.); Mr. L. L. SISNETT; Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P. (Edin); Mr. P. M. GREAVES; Mr. R. E. BRATHWAITE; Hon. Dr. D. G. BLACKMAN, (Minister of Transport and Works); Mr. L. A. WEEKES; Mr. M. A. KING; Mr. W. O. FRANKLIN, A.I.A.S., J.P.; Mr. H. A. BLACKMAN and Mr. A. TRUSS.

Prayers were read by Archdeacon F. A. Cayless.

Rt. Hon. J. M. G. M. ADAMS and Mr. L. E. SANDIFORD entered the Chamber and took their seats.

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Tuesday, May 4, 1982.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes of May 4th, 1982 be taken as read.

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

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. SPEAKER: I have to announce that I have received a Message from His Excellency the Governor General to the Honourable House of Assembly informing this Honourable House that acting on the advice of the Prime Minister, the Honourable Member for St. Lucy has been appointed a temporary Minister for the period May 4th to May 30th, 1982, and to be responsible for the Ministry of Agriculture, Food and Consumer Affairs. *(Applause)*

PAPERS LAID

Hon. L. S. CRAIG: Mr. Speaker, what I have here is this Message which has already been dealt with by you.

Hon. V. L. JOHNSON: Mr. Speaker, I am commanded to lay:

The National Insurance and Social Security (Non-Contributory Old Age Pensions) (Amendment) Regulations, 1982;

The National Insurance and Social Security (Self-Employed Persons) (Amendment) Regulations, 1982;

The National Insurance and Social Security (Benefit) (Amendment) (No. 2) Regulations, 1982;

The National Insurance and Social Security (Collection of Contributions) (Amendment) Regulations, 1982.

Hon. L. S. CRAIG: Mr. Speaker, on behalf of the Attorney General I am commanded to lay:

The Report of the Fire Service for the year 1981.

Hon. H. B. St. JOHN: Mr. Speaker, I am commanded to lay:

The 22nd Annual Report and Statement of Accounts of the Board of Tourism for the year 1981.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Speaker, I beg to give notice of a Resolution to approve the compulsory acquisition of land at Oistins, Christ Church for the siting of a Post Office and a Bus Terminus.

ORDERS OF THE DAY

Hon. L. S. CRAIG: Mr. Speaker, before we move into Public Business, I should like to draw to Your Honour's attention page 4 of the *Sunday Sun* of May 16, 1982 under the caption:

"The trend to confusion and decay", the E. Lawson Bayley column, paragraph 3 as well as paragraph 4, and it reads as follows:

"How do we justify a Minister of Government telling Parliament that he bought Government property at a time when no other citizen knew it was for sale?"

That ends an extract of Paragraph 3.

Paragraph 4, Mr. Speaker, of the very column reads as follows:

"Recently a Member of Parliament whilst addressing the House of Assembly said in a loud aside that Barbados was a place where truth was relegated to the pages of the Bible."

Sir, I draw this to Your Honour's attention and I consider it to be an offence against the dignity of this august Chamber. I, myself, cannot recall hearing such a statement coming from any Member on either side, but I am not always in my seat and therefore this may have been said. I draw it to Your Honour's attention whereby you, Mr. Speaker, would take the necessary steps to have this matter investigated and referred to the appropriate committee to be dealt with in no uncertain terms.

I think it is a disgrace, furthermore, Mr. Speaker, if it is not found in the pages of Hansard. I draw this to

Your Honour's attention and make this copy a document of the House.

I beg to move that this matter be referred to the appropriate committee to have this matter looked into.

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

Mr. SPEAKER: There can be no hesitation in my finding that a *prima facie* case has been made out, and as a consequence I will refer the matter to the Committee of Privileges.
12.30 p.m.

GOVERNMENT BUSINESS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Government Business be the instant Order of the day.

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

Hon. L. S. CRAIG: Mr. Speaker, Order No. 1 under Government Business.

THE FINAL APPROPRIATION (1980-81) ACT

Mr. SPEAKER: Order No. 1.

Order No. 1 was called – to move the Second Reading of a Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the financial year ended March 31, 1981.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, this is the Final Appropriation Act for the financial year 1980-81, which is required by the Financial Administration and Audit Act for the purpose of giving legislative sanction to the resolutions of the House of Assembly, voting supplementary appropriations during the appropriate year.

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

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

Dr. R. C. HAYNES: Mr. Speaker, the Bill before this House sets out as its Objects and Reasons as follows: "This Bill is the Final Appropriation Bill in respect of the Financial Year which ended on March 31, 1981, and would provide for the grant out of the Consolidated Fund of the sum of \$71 941 941 and for the appropriation of that sum for the services and purposes specified in the Schedule."

Now, Mr. Speaker, on April 1 of this year, I had occasion to bring to the attention of this Honourable

House and to the attention of the people of Barbados, the inherent sloppiness in the financial administration of this country by the present Government.

The Constitution of Barbados and the Financial Administration and Audit Act place upon the Minister of Finance an obligation to bring before this Honourable House a Final Appropriation Bill as soon as possible.

The operative words, Sir, within that Act are "shall as soon as possible" and under the Interpretation Act "shall" is obligatory, "shall" is mandatory, and "as soon as possible" means as soon as is possible.

And I think that the Minister of Finance has a duty to explain to this Honourable House how it is that he has failed to carry out his responsibility by meeting the obligations specified, not only in the Constitution of Barbados, but in the Financial Administration and Audit Act, by not bringing this Bill before this Honourable House at an earlier date.

A full financial year has passed since March, 31, 1981. We are now in the second month of another financial year and yet this Bill now comes before this Honourable House.

Sir, the Auditor-General in his report, which was laid in this Honourable House, and is a document of this House together with the appropriation and other accounts for the year ended March 31, 1981, on page 6 indicated, at the time of writing, that he had brought to the attention of the Director of Finance and Planning that there was no supplementary Appropriation Bill for the financial year ended 1981 nor was there a Final Appropriation Bill.

So there is evidence that a senior officer of Government charged with this responsibility had brought the matter to the attention of the Director of Finance and Planning, and yet this is now May before the final Appropriation Bill is brought before this Honourable House.

I must point out, Sir, that it is not mandatory or obligatory to bring a Supplemental Appropriation Bill, because both the Constitution and the Financial Administration and Audit Act says "may as soon as possible" and that is discretionary in respect of a Supplemental Appropriation Bill. But there is certainly no discretion whatsoever in respect of a Final Appropriation Bill.

And apart from the sloppiness, and evidence of the failure of the Government to observe in detail the rules relating to the Financial Administration of this country, the question of legality arises. Many will recall that not so long ago the High Court in this country handed down

a judgment in respect of the Biggs case. And, inherent in that judgment, it placed the onus on this Chamber to respect such terminology as "as soon as possible", and if an inordinate period has passed before those words are acted on — in that case it was a negative Resolution, in this case it is a Bill — it was deemed that it was not in the interest of democracy and not in the interest of the proper administration of law for the Constitution and matters pertaining thereto to be left hanging in that manner.

We, Sir, must be concerned, because one of the biggest problems that we have in properly monitoring the financial performance of Government is because the two major instruments by which we have to be guided, namely, the Budgetary Proposals and the Estimates, come at a time when there are no out-turn figures available.

Consequently, when you are faced with a situation where an entire financial year has passed, and then in six weeks in the next financial year you are now getting some idea as to what, from the point of view of law — not of the Estimates in a Budget, not of Estimates in the Estimates — I am talking about from the point of view of law — has been the actual amount of money appropriated for a given financial year...in other words, we are some almost fourteen months behind in knowing precisely what, lawfully, this Chamber would have voted out of the Consolidated Fund in the year 1980-81.

This is the sloppiest kind of management that one can imagine. And I am calling upon the Minister of Finance to ensure that there is better conduct and better administration of this nation's financial affairs — and that this will not happen again.

Sir, we should have had the opportunity long ago to look at various aspects of this particular Bill. We would have seen, Sir, that this is testimony of the charges of extreme wastage by the Government in many areas. Wastage, Sir, in the area of travelling abroad — for example, an additional \$650 000 being imported as supplementaries during that financial year....
12.40 p.m.

Rt. Hon. J. M. G. M. ADAMS: On a point of order. You can speak on the basics of a Bill, but to discuss the ingredients of the supplementaries which go to make up the Bill is to reflect on a vote of the House, and in my submission is out of order. One thing that is never allowed in this Bill is to review the supplementaries which went to make up sums being voted under the Bill. And I submit that no hon. Member is allowed to refer to the individual items, all of which were passed by Resolution in this House.

Mr. SPEAKER: I support the view of the Rt. Hon. Prime Minister.

Dr. R. C. HAYNES: A general principle of the Bill, Sir, I will certainly not refer to any specific Head in accordance with your ruling.

The Bill will have given us the opportunity to examine the squandering of public funds which has taken place during the year 1980/81, and which is part and parcel of the problems which this country faces today.

We on this side demand better management of the financial affairs of this country, and we demand that where the Constitution, and where laws made under that Constitution, place obligations on the Minister; that they should not be considered as being trivial. Because, in essence, what that Constitutional provision, and what that section of the Financial Administration and Audit Act is doing, is making sure that this Honourable House has an opportunity to deal with and to supervise the management of the financial affairs of this country, and also to have an opportunity by law, and by the Constitution, to deal with that matter as soon as possible under the Constitution and under the Interpretation Act, since this matter would be a post-1966 matter, and then the word "shall" has to be construed as being obligatory.

This is my brief contribution on this particular Bill, Mr. Speaker.

Hon. L. S. CRAIG: Mr. Speaker, in response to the Hon. Member for St. Michael South Central, I share his concern very much, Sir, that this Bill is now some two or three months behind time and should have been here before. (*Asides*). Beg your pardon? (*Aside* - fourteen months). Fourteen months? Wonderful. That is exactly what I am trying to get out, Sir.

The other side know that there is no excuse for negligence on this side. We have had the problems with the Other Side having as much as six years, as much as six years, that on one occasion - (*Asides*).....You say 'No?' You say only five years? I am sorry. I am only a year over.

I share the concern of the honourable Member for St. Michael South Central. Due to a deficiency somewhere along the bureaucratic system, this is now 14 months behind time. I accept that. That is a fact of life. I share his concern very much, but I am happy to say that we were equally as concerned when they used to bring them down four and five years after. (*Asides*). You are too old and sick now to remember anything at all. Dr. Edmund Sealy will take care of you:

Mr. SPEAKER: Please, please. The honourable Leader of the House, kindly address the Chair.

Hon. L. S. CRAIG: Yes, Sir. I regret that I have been so abusive of the honourable Leader of the Opposition.

However, Mr. Speaker, it is quite clear, Sir, as the Hon. Member for St. Michael South Central said, in his short contribution, that we should bring it as soon as possible. Those are the operative words as soon as possible.

We now find it possible to bring it. We now find it possible. You found it four, five and six years. It is now possible for us. But I share your concern and I would sincerely hope that the Minister of Finance would make it very clear to the officers in his department that a matter of this nature should not arise again.

I share your concern and I believe the Minister of Finance himself is equally concerned.

However, we have brought it in here a matter of four and a half years before we used to get yours. It is not really sloppy management on our side. If you consider it sloppy management, then what would they have considered yours? I think you should have taken a little advice from those who were in it long before you. You should take a little advice from them.

I believe, Mr. Speaker, that this Bill though important, and we share the concern, should not really take up much time of the House today, Sir. Members on the other side, I hope, are well prepared for Order No. 2. That is what we are going to concern ourselves with, not this little minor thing.

With all of those acquisitions, you may feel I will call the acquisitions and try to shun the other Bill. Oh, no. Rest yourselves. Dispose of this immediately and Order No. 2, and it will be the show-down at Cripple Creek. Have no fear of that. We are not afraid of our convictions. We are not afraid, so do not waste much time with something that you took four and a half years to do. We have only taken 14 months; and on neither side are we responsible.

You know the bureaucratic problems you have in departments. You have to go through A and go through B, and minute to A and minute to B, and down the line. This takes a bit of time. But we do not agree that it should come here 14 months late. Neither do we agree that you should have brought it four and a half years long before you got this.

I sincerely hope, Mr. Speaker, that the Minister of Finance would draw the concern of members on the Other Side and the concern of members of this side to the attention of his officers - that a Bill of this nature should not come down to Parliament

this late. It should be laid in accordance with the Regulations, Sir. This is my contention, and I support the honourable Member for St. Michael South Central on this score.

Rt. Hon. E. W. BARROW: Mr. Speaker, I think that everyone will agree that Ministers are not always responsible for the derelictions of Public Officers, but Ministers have responsibility to see that the law is applied. But I rise here on this occasion because anytime that something is drawn to the attention of the House or to the general public, the Leader of the House, the Hon. Member for St. James North, tends to get extremely abusive and belligerent and bellicose.

Hon. L. S. CRAIG: That would be a reflection on the Chair, Sir, if you allow me to abuse anyone in here. The Member could not be referring to me, he is referring, Sir, to your high office — that you have sat there and allowed me to abuse Members on the other side of the House. He is now abusing you, Sir.

Rt. Hon. E. W. BARROW: You did not allow him, Sir. You hauled him up short in his tracks because he was rampaging on some chorale or the other. You hauled him up.

Mr. SPEAKER: Speak to the Bill.

Rt. Hon. E. W. BARROW: The Hon. Member gets on making the remark about the Government — I was Minister of Finance, I was the first Minister of Finance in this island's history — used to be four and a half or five in arrears. It is simply not true. It is simply not true, because I would not allow it to happen.

It is true that sometimes the Final Appropriation Bill was late. I consider three months a reasonable time, and frequently we did not get the Bill here within three months. Sometimes it went back to August or September, or maybe October.
12.50 p.m.

I know of no occasion, and I would like the Hon. Member to enlighten the House as to the specific year in which any Final Appropriation Bill appeared five years late.

Hon. L. S. CRAIG: Sir, I will give the Hon. Member the assurance that during the course of the debate I shall make this information available to him. *(Asides)*

Mr. SPEAKER: Please, two Hon. members are on their feet.

Rt. Hon. E. W. BARROW: Sir, the reason why that could not happen, no matter how much indereliction the public officer may be in, is that I pointed out to the

House, time after time, that we have been going, year after year, without the Final Appropriation Bill. And eventually, some time between 1959 and 1960, the Government had to bring down a Final Appropriation Bill to cover ten years, ten years embodied in one Bill, ten years because they had not brought a Final Appropriation Bill before this House for ten years.

There was no Minister of Finance it is true, because the final sector was the Minister of Finance, but there was some kind of Cabinet system in operation from 1954. And I drew it to the attention of the Government that they had not brought a Final Appropriation Bill, and eventually, some time around 1959 or 1960, they brought one to cover ten years.

But I must correct the Hon. Member. Nobody is chastising anybody, but it is too late — fourteen months is inordinately late. And all of this has arisen because we are in such a hurry to bring down budgets before the end of the financial year and before the out-turn figures are available, so that the general public and the taxpayers would see the true financial position; that having got over the hurdle of the budget we then forget that the real figures should be displayed for the benefit of the Members of this House and of the public at large.

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

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

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 to 4 inclusive were called and passed.

The Schedule was called and passed.

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, in rising I move that the Bill be now read a third time, I thought it wise, in view of the fact that it seems that there is the spirit abroad in the bosom of one member of the Opposition that history began in 1978, to give to the House just a few of the details of passage of the Final Appropriation Bill.

The last Final Appropriation Bill relating to the Democratic Labour Party was that of the financial year 1973-74. When we came into power, we had to pass the Final Appropriation Bill both for 1974 and 1975, and

for 1975-76. We passed the 1974-75 in November of 1976 and 1975-76 in October 1977. Obviously they were late but they were financial years under the control of the previous Government entirely. The year 1976-77 was passed in January 1978 and in the next three years, the final Bill was passed either in September or October.

We are a little late with this and I have already told the Director of Finance and Planning that he should enquire from his officers why we had to wait until the Auditor-General drew it to the attention of the Ministry to deal with the Bill. Our real trouble is that we have set much higher standards of public administration than the Democratic Labour Party was accustomed to, or that was demanded of civil servants under the Democratic Labour Party. And without keeping a very keen eye on affairs, sometimes you get a slippage of a few months, which is what happened in this case.

I believe that the interruption of a month or so due to the General Election may have been responsible for some of it, and that could have possibly pushed it to Christmas; and then we adjourned early last December and perhaps it was lost sight of. I am not making any excuses. Honourable Members who have pointed out that one senior official in the Ministry of Finance has had to tell other senior officials that they are late with the Final Appropriation Bill are really quite right.

The real point is that I would have thought that it cannot lie in the mouth of anybody opposite, from a party which, when in administration, broke the law — and the law was not anything about as soon as possible — it was within a month after — in relation to reporting the financial affairs of the country in the House of Assembly, monthly — there was a run of fourteen months when it was never done — and who for several years, for three years, did not present a Final Appropriation Bill at all, at the end of their term of power.

1.00 p.m.

It cannot lie in the mouths of such persons to be critical of a three or four months' delay. I repeat, Sir, that we came in and found that the last Final Appropriation Bill passed by the opposite side related to 1973-74.

If Hon. Members are talking of what the Auditor-General said, I wonder if Hon. Members recall — that when I became Chairman of the Public Accounts Committee the Auditor-General had to point out that the public accounts of Barbados had not been audited since Barbados was independent. That is the financial record of Hon. Members on the other side. I do not want to hear any talk about sloppiness from them, Sir.

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

Hon. L. S. CRAIG: I beg to second that, Mr. Speaker, and obviously this is the information which the Hon. Member had asked for. I am just seconding it, and letting him know that is the information you asked for.

Mr. SPEAKER: Please.

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

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, the Bill was passed and cited as the Final Appropriation (1980-81) Act, 1982.

Hon. L. S. CRAIG: Mr. Speaker, I think, Sir, what Members on the other side have come to discuss today, most of all — you think you are in a shop up in Marchfield — Today, Sir, they are really — I am not going to do any acquisitions. I am calling Order No. 2. That is the Order I am calling, Sir.

I would like to warn the honourable Member for St. Michael South Central, Mr. Speaker, a person can train you but when you get in the ring, they do not take the licks for you. I give you that little warning, in relation to your contribution today.

Mr. SPEAKER: Order No. 2 is the instant Order of the day.

EMERGENCY POWERS ACT, 1982

Order No. 1 was called — to move the Second Reading of a Bill to make better provision for the public safety and defence of Barbados during a period of public emergency.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, Sir, one of the characteristics that has always distinguished the Common Law of England and the legal systems of those countries which take their law from the Common Law of England, has been a jealous concern for personal liberty.

In the early days of Common Law, the King was supreme, and could, on his own warrant, and his own say so order the arrest of a citizen, his interrogation, his enquiring, as to whether he had committed an offence and so on. As the years of the law developed, the unbridled rights of the King came to be controlled; first by the King's own courts, then by Parliament and by a body of customary law which grew up and became what is to the minds of all English speaking people certainly, the finest body of law for protecting the liberties of individuals under which mankind has ever lived. And we in Barbados share this law to the full and it is limited only and by written Acts of Parliament and written Constitutions which have arisen from time to time.

But there has always been a conflict between unbridled liberty and the rights of the subject on the one hand, and the need of the State to preserve law and order on the other.

The expression in Britain's colonies used to be, 'Peace, Order and Good Government.' The expression in Britain and the United States is 'Law and Order', and we are returning largely to the concept of law and order as Britain's colonies have become independent countries.

The conflicts between the right of the subject to liberty and the duty of the State to govern, perhaps first became most apparent in the middle of the 18th century in the form in which we can understand these conflicts today. I am not dealing with the Court at Star Chamber. I am not dealing with the divine right of Kings. I leave all that for the honourable Members for St. Michael South and St. Michael West Central. I am dealing with the modern encroachments on liberty by the executive, and the modern attempts to turn liberty by unruly subjects into licence.

I suppose that I could go back to John Wilkes, a person who had much in common with the hon. Member for St. Michael South Central, and who found himself at the centre of many controversies in 18th Century Britain.

I am not saying that the honourable Member for St. Michael South Central resembles him in this, but he was a publisher of sedition, often prosecuted in those days, which were slightly less tolerant than these today, a fomentor of riots, an appealer to all that is vile in the human character and a Member of Parliament for the County of Middlesex.

1.10 p.m.

As I say, those days were less tolerant. Members of Parliament who so far resisted the traditions of Parliament and held the traditions of Parliament in contempt used to be treated with contempt by Parliament. They used, also, to find themselves being arrested and charged with sedition, when they attempted to arouse the violent passions of citizens, and this happened to John Wilkes on more than one occasion. But I have not come here to talk about John Wilkes, it is the changes in the law occasioned by the behaviour of John Wilkes.

In those days, a harassed Government began to overreach itself. In the case of Entinck and Carrington, as the constitutional lawyers opposite will recall, the Government issued a general warrant to search people's houses for anything. It was held illegal. In other cases, the Government purported to issue warrants of arrest which infringed upon the law of *habeas corpus*, and the Government of the day in Britain — and indeed many of these

regulations stretched to the colonies — would from time to time suspend *habeas corpus*. Even in Barbados, I believe, we have had a Habeas Corpus Suspension Act.

But the law remained in limbo. One undecided question was whether a Government could declare martial law in a portion of the national territory and treat the inhabitants of that portion of the territory as if they were citizens of a conquered country. This got short trip in England — and I am saying England, not Great Britain, because the law of Scotland is different and I do not intend to address the House on that — but it became very popular in the colonies.

Students of Caribbean history will recall the events of 1865 in Jamaica, when the Governor of Jamaica declared martial law in the eastern county of that island, despatched punitive expeditions to deal with the inhabitants — this was called the Jamaica rebellion, the Gordon rebellion — following riots in Morant Bay where the Magistrate and other persons had been killed by a riotous mob.

On that occasion, a person — much less harmful than John Wilkes, or, in my respectful opinion, the hon. Member for St. Michael South Central — a member of the House of Assembly, was arrested in the morning in Kingston, taken to Morant Bay where martial law was in force, tried there by a court martial for having fomented the rebellion, and was hanged the same afternoon.

Now that particular exercise of what was until then believed to be the basic emergency power in the hands, certainly of a colonial Government, caused such an outcry — and of course the hanging of a Member of the House of Assembly was such a disgraceful thing to do in what was already an enlightened age — that the entire concept of laws of emergency was reviewed.

The Governor went back to England, a private indictment was brought against him for the murder of Gordon, and for seven years it lingered on, during which he got no pension or employment, and at the same time a debate lingered in England, continued in England, over the Jamaica rebellion and how the colony should be governed.

The Jamaican Legislature took no chances, Mr. Speaker. It passed an Act of Indemnity protecting the Government for all that it might have done illegally, and the next substantial piece of business it did was to vote itself out of existence; instituting Crown Colony Government, which was the pattern in the rest of the British Empire for the rest of its history, except for Barbados, the Bahamas and Bermuda.

But in the Colonial Office, the legal experts, the constitutional experts, got to work to discover what

should be done in cases of emergency arising in a colony, to make sure that the Government of that colony had a reserve power to override the ordinary laws, the laws providing for the liberties of citizens in time of riot and other disorder.

The Riot Act, which was re-enacted in most of Britain's then colonies, existed in Britain for a very long time, and there were substantial powers under the Riot Act to arrest people and charge them with various offences relating to the riot. But the Riot Act could come into force only when, I think it is seven or more persons, combined together and put in physical fear one citizen of reasonable firmness that they would carry out, in plan, an illegal action by means of violence, and you could only arrest people after the Magistrate had read — in Barbados as in England — the Riot Act that commanded all persons to disperse.

This, no doubt, is still the law of Barbados, and certainly it is still the law of England, but it applies only when there is an open combination in the street with seven or more persons with physical mischief in mind.

In England where it is used — it has not been used in Barbados since 1937 — but it is used in England with reasonable frequency — it, or its successors — to control football crowds, which often are riotous within the meaning of the law.

But something more than this was needed, and during the 19th century the modern apparatus of emergency legislation came into being. This legislation now exists, so far as I know, Mr. Speaker, in every single member of the Commonwealth.

In 1939, a specific Emergency Act was passed — it must have repealed earlier legislation, but I cannot at this stage tell you what it dealt with — and it gave a power — this is in Barbados — to the Governor-in-Executive Committee, which was the forerunner of the Cabinet, to declare a state of emergency, a proclamation of emergency, which should be in force for one month, if at any time it appeared to the Governor-in-Executive Committee that any action was taken, or was immediately threatened, by any person, or body of persons, of such a nature and on so extensive a scale as to be calculated to be interfering with the supply and distribution of food, water, fuel or light, or with the means of locomotion, to deprive the community, or any substantial portion of the community, of the essentials of life.

1.20 p.m.

Now this Act was no doubt passed in the aftermath of the riots of 1937, and it continued for another fifteen years until the year of Hurricane Janet. Now it seemed — I would have to leave this to the constitutional lawyers —

that either it was overlooked, or it was assumed that at common law, when you have a hurricane or a flood or similar natural calamity, that there is some kind of residual power to call a state of emergency. It seemed so. But in 1955, it was made specifically so, by an amendment to the Emergency Powers Act of 1939 which went into the books as 1955–24 and is now Cap. 161 of the Laws of Barbados. Now this Act improved — and although “improved” is a value judgment, I use it deliberately — the law in one or two very important respects.

By 1955, Cabinet Government had emerged and party Government. It was thought on that occasion — and I hope that the recollection of the Hon. Member for St. John, who took part in the debate, will bear me out — that to leave it to a party Cabinet to call a state of emergency might be to import an element of partisan oppression, and therefore the provisions were made exercisable by the Governor-General in his own discretion. And my understanding of the law, which is confirmed by the legal advisers of the Government, is that this is the Emergency Powers Act today. I speak as a matter of reading the law, Mr. Speaker, but I have no doubt that the Hon. member for St. John will remind us of the precise terms of the debate on that occasion.

But more important than that, the law imported the right to call an emergency as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease, or other calamities whether similar to the foregoing or not. This, I think, was an improvement, but Members, perhaps, will judge whether they think that Section 3 of the present law, which I am going to read out, was an improvement or not.

Now this is what the law is today:

“Notwithstanding any other provisions of law, when a proclamation of emergency has been made and so long as the proclamation is in force, it shall be lawful for the Cabinet to make any orders whatsoever which it considers desirable in the public interest.”

Now that is the law today, at this moment. If we do not pass this Bill and we can persuade the Governor-General to call a state of emergency, the Cabinet can make any order, whatsoever, that it considers desirable in the public interest. That is the present law under which the Democratic Labour Party ruled for fifteen years and we have ruled for six.....“any order whatsoever which it considers desirable in the public interest.” This is the law.

The Constitution made certain modifications to the unfettered right of the Government, subject, perhaps, only to other sections of the Act, to make orders during states of emergency. I attended the Constitutional Conference, Mr. Speaker. The Hon. Member for Christ Church East Central, the Hon. Member for Christ Church West and I all addressed the Constitutional Conference, as the Hon. Member for St. Michael North will recall, on aspects of emergency provisions.

I recall dealing with one or two small and technical points allowing persons to be arrested. I thought that you wrote too many things in which would allow persons to be deprived of their personal liberty.

I remember particularly arguing, and the Hon. Member for St. John and the Hon. Member for St. Michael North, that we should not give Parliament permission to lock up a man for drunkenness or vagrancy for the purpose of protection of the community. Effectively, I said that if you carried that to its logical conclusion, you can make a preventive detention order against a man on the ground that he is an alcoholic. The then Government resisted that. I well remember the speech made on the point. I just mentioned one small matter.

I seem to remember dealing also with the unlimited recognition which we had to give courts of other Commonwealth countries, no matter how oppressive, in the administration of their own laws. All of these were dealt with.

And in the end, Mr. Speaker, I think that we managed to hammer out a reasonable Bill of rights. I, myself, did not believe that the Constitution should have allowed what is called either relegation or sequestration of a citizen, but we did not have to pass that into law; something on which I will address the House later.

We had Section 14 of the Constitution. I believe that this fully protected trade union rights and I still believe so. Section 14 is the section dealing with wilful and forced labour:

"No person shall be held in slavery or servitude, no person shall be required to perform forced labour."

And, "forced labour" is defined in Section 3 of Section 14 of the Constitution as:

"Excluding any labour required in consequence of the sentence or order of the court as a prisoner, any labour required of any person while he is lawfully detained such as is reasonably necessary in the interest of hygiene or for the maintenance of the

place at which he is detained, any labour required of a member of a disciplined force in the pursuance of his duties, and any labour required during any period when Barbados is at war or in the event of any hurricane, earthquake, flood, fire or any like calamity that threatens the life or well-being of the community to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of the calamity for the purpose of dealing with that situation."

1.30 p.m.

It is therefore clear, Mr. Speaker, that for the purpose of force labour, the Constitution recognises two types of emergencies. One is an emergency arising out of a national calamity and the other is an emergency arising out of the act of an individual or individuals who threaten the well being of the community.

In the first place, if Barbados is really devastated by a hurricane or whatever, or worse than a hurricane, labour may require of a citizen to repair the damage. In the second place, if Barbados is put into embarrassment as the result of the action of an individual in Barbados, not amounting to a national calamity, no force labour will be enforced.

I think perhaps hon. Members on the other side may be less familiar with their own Constitution than they should be, otherwise they would have realised that, effectively, what exists in many Commonwealth countries, which is compulsory service orders which used for the purpose of breaking strikes, cannot exist in Barbados because of that section of the Constitution. And they would not have gone on, some quite decent and well-meaning ones, in addition to the Hon. Member for St. Michael South Central to say that trade union rights were being eroded by the Emergency provisions of any law. I can really put it no higher, Sir.

We happen to have in Barbados constitutional provisions which would prevent us, as I said on television a few days ago, and yesterday, from doing as has been done on a number of occasions in Canada — on the calling of a strike, declaring the strike illegal, locking up the strike leaders and getting an Order ordering strikers back to work.

I do not wish to dwell on this at any length because I know that there are certain impenetrable barriers, irresistible forces, that cannot be easily or at all be overcome. One of these barriers will be the resistance of Mr. Frank Walcott's mind to accepting the truth in certain circumstances. He will argue against the truth resolutely to the end, although he will not, on the whole, tell lies; on the whole. The resistance to telling the truth on the

part of certain members of the Opposition — the Rules of the House preventing me from suggesting that any of them are Members of Parliament — about matters such as this.

We can be absolutely sure, Mr. Speaker, that whenever an Emergency Bill comes before a Parliament in a colony, that there is going to be a debate. And it is the duty of the Opposition to debate it to make sure that the Government does not take advantage of the people of the country. But we have some of the mildest emergency provisions that exist anywhere on earth.

Listen to the things that the Government cannot do. A Minister cannot call a state of emergency. You cannot declare a strike illegal. You cannot force strikers back to work by a Compulsory Service Order. And now we are introducing a Review Tribunal, as required by the Constitution, saying that even when somebody is detained, that that person has to have certain protections under the law that never existed before.

We really have soft Emergency Laws, Sir, and I do not wish to make them any harder. The Hon. Member for St. Michael South Central, and Eric Sealy notwithstanding — the two of them can make as much mischief as they like. I believe that the good sense of Barbadians has dealt with them, and will deal with them again.

Now, the present Law says that the Cabinet can make any Order whatsoever it feels like and then it goes on to set out a few Orders which may be made. Now, this is the present law. The Democratic Labour Party had this law for 15 years. This is the present law. The Cabinet:

"May provide for the supply and distribution of food, etc., maintain the means of transportation by land, air or water and the control of the transport of persons and things, the taking of possession or control of any property or undertaking; the acquisition of any property other than land; the entering and search of any premises." The Cabinet can make all of those Orders now, under the present law — under which the Democratic Labour Party ruled for 15 years.

Now the Constitution laid down in 1966 certain provisions relating to persons who were detained and it enjoined the Government to introduce a power of review of these detentions.

Honourable Members, if they had looked at Section 13 of the Constitution, they would see that: Where a person is detained by virtue of a Law, which authorises the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation, any such person, says the Constitution, as soon as reasonably practicable has to be

given the opportunity, within five days, of being locked up, of a statement of the ground on which he has been detained. Within 14 days after he has been detained, it has to be published in the *Gazette*, giving particulars of the provisions of the law.

It says he can ask for a review of the detention and, within one month that, his reasons for detention must be reviewed by an independent and impartial Tribunal, established by law and presided over by a person appointed by the Chief Justice from among persons entitled to practise in Barbados as Attorneys-at-Law.

Now, this is in the Constitution, but the Democratic Labour Party never passed any law setting up the Review Tribunal to be headed by the Chief Justice.

Soon after we came into power, sir, we undertook this matter. And if an apology is due, I should be apologising to the House for taking from 1976 until now to deal with it. It is true that the Dems took from 1966, and did nothing, but we have taken a little time.

The present Bill before the House, by Section 3 establishes the Review Tribunal, which the Constitution says must be established by law. It is true that we are 16 years after the event of doing it, but the occasion has not arisen, and I hope will not arise.

The ground at Section 4, which is the power to make the Detention Order, which now specifies, to use a new word, the general power of the Cabinet to make Orders, Section 4 goes further than the Constitution. The Constitution says you have to tell the man within five days why you are detaining him. Section 4 is stating that the Detention Order itself has to contain the grounds upon which he is detained. In other words we are giving more liberty than is contained in the Constitution which was passed by the other side.

I do not really believe that anybody is going to quarrel with Section 5. Section 5 relates to powers of arrest.

Section 6 of the Bill relates to the Review Tribunal. I believe that there have been some comment that the actions of the Review Tribunal are not final.
1.40 p.m.

I will hear Hon. Members on that matter. All I would say is this: I have never yet, and as far as I know in no Commonwealth jurisdiction is there power given to a Review Tribunal to decide upon the continuance of detention as a matter of right or its ending. There are a

whole set of reasons for this. One is that matters arise from day to day. The second is that the power, generally of the Cabinet or Minister, to make Detention Orders is unfettered and a man can be re-arrested as soon as he is released. The third is that the Judiciary is separate from the Executive and the conduct of a period of emergency is always regarded as an executive matter. That is the third.

But I will hear Hon. Members on this. If Hon. Members disagree with the Constitution, especially Hon. members from the other side, which they, themselves, passed in 1976, I will hear their arguments now. I will be glad to hear their arguments and if they understand that they are changing their minds on this subject which require the concurrence of the Government in moving the constitutional amendment, I will hear them also on that.

But the fact is that it would require the Constitution to be amended to make the Review Tribunal findings binding on the Government at all times and in all circumstances. I just mentioned that. The Constitution specifically says that, "unless otherwise provided by law the authority — (meaning the person who does the detaining) — shall not be obliged to act in accordance with any such recommendation."

I believe that this phrase was the subject of comment on a political platform, that the Minister is not obliged to act in accordance with the recommendation of the Review Tribunal. The phrase comes from the Constitution which the Democratic Labour Party passed. So when it is criticised on the Democratic Labour Party platforms it only means that the Democratic Labour Party has become a pack of idiots, instead of being accustomed to stabbing people in the back — they are stabbing themselves in the chest.

They do not know what they, themselves, passed into law; and get on a political platform and try to inflame members of the public with a lot of foolishness. They make people leave work and take an uncertified sick day off to come down to Parliament to be made fools of by the Hon. Member for St. Michael South Central. He should be ashamed of himself.

The Constitution, itself, states that the authority, meaning the Minister, shall not be obliged to act in accordance with the recommendations of the Review Tribunal. I hear some idiot in the Democratic Labour Party is criticising the Barbados Labour Party for that provision. We were not in power when the Constitution was passed. We did not put that there. What can you say

about people, Mr. Speaker, who have so little grasp with honesty, far less fact, as to try to inflame the temper of the good people of Barbados, once again for nothing.

I repeat again, Mr. Speaker, at present the Cabinet can make any Order whatsoever it wants to deal with an emergency. The present Bill limits that power. It limits the way you can make a Detention Order. It sets out in greater length the regulations that the Government can make under Section 7 of the Bill.

Under Section 7(2) — it says:

"The removal of persons from any area in Barbados and the provision of shelter, food and other commodities, and services for persons so removed."

Do you know what that is for, Mr. Speaker? That is for when you have a hurricane or a calamity, you are allowed to take people somewhere and give them shelter and give them something to eat. That is exactly what this section is for. And the Hon. Member for St. John is laughing in agreement, at how foolish his party is to be critical of us?

Now the next section says,

"safeguarding and regulating the production, manufacture, sale, supply and distribution of food, water, fuel, gas, electricity and any other commodities or things."

So when you have a flood, earthquake or hurricane, the Minister can make regulation to try and get food, water and light to people. And we are a wicked government for that. We are wicked to want to do that.

The third regulation is,

"safeguarding and regulating the provision of any services necessary to life or health."

In other words, providing hospital services in cases where some wicked person goes and blows up the Queen Elizabeth Hospital, whether from inside or out, and destroys the Health Service of this country, whether by example or physical subordination of those foolish enough to follow him.

The "control of airports, harbours, ports and territorial waters of Barbados and the movement of vessels," is in the earlier law.

Next is: "the censorship and the control and suppression of publication, writings, maps, plans, photographs, communication and means of communication."

I was in here, Mr. Speaker, and Captain George Fergusson was the Minister of Communications and Works when we passed the Bill allowing the Minister to authorize the opening of anybody's mail and reading it, taking away the power from the Governor and giving it to the Minister. We argued against it and this is the party now that is accusing us of interfering with people's communication during a time of emergency.

People must be free to telephone the Prime Minister of a neighbouring Caribbean Island and enter into treasonable or semi-treasonable communication with him should Barbados ever be in some conflict with that Island. People must be free to do that when the island is being destroyed and must be free to publish leaflets calling on people to burn down the House of Assembly or whatever.

(What is Maurice Bishop's telephone number Richie? You would know it.) Anyway that section is there.

The power has always existed, because clearly it was in the power of the Cabinet, if it found a state of emergency arising out of serious internal disorder, to suppress communication. It is always done in countries which have serious internal disorders.

I think it is impossible to conceive of handling an emergency without some power to prevent people from dealing with the means of communication in this way. What I would like to see — and what I would promise the House — is that we must have a Bill forbidding unauthorized telephone tapping. That is what we must have — that is what we must have. (*Asides*) (Mr. B. M. TAITT: That is what I would like to have them stop, tapping my phone.) (*Asides*.)

We wanted this in the Constitution and the Hon. Member for St. John said that it was impossible to tap telephones in Barbados; that Mr. Dudley Leacock had told him so. And Dudley Leacock had to get up and contradict it and say that he was director of a telephone company in another country where they used to tap the phones all the time, and he had never said it was impossible to tap any telephone.
1.50 p.m.

We argued about this in 1966 at length, that the Constitution should have forbidden unauthorised telephone tapping. (Mr. P. M. GREAVES: It did not ask that.) I said it at the Conference.....

Rt. Hon. E. W. BARROW: Just on a point of order. I cannot understand how the Member who was not even a Member of the House of Assembly could be arguing all of these things at a Conference in London in which he had no say, but was sitting down in the back whispering to Mr. Mottley all the time.

Mr. SPEAKER: Make the point of order. That is no point of order.

Rt. Hon. J. M. G. M. ADAMS: I know that the Rt. Hon. Member's faculties are somewhat impaired at the present date. I did not know that at that time he was deaf and blind as well. If he is deaf and blind now, I do not think he was deaf and blind then. (*Asides*)

Mr. SPEAKER: Please, please.

Rt. Hon. J. M. G. M. ADAMS: I was not a Member of the House of Assembly but I was an adviser to the delegation. And I talked though, which is more than the Hon. Member.....

Rt. Hon. E. W. BARROW: The Hon. Member is entitled to know he was not a member of the delegation. (Hon. H. B. St. JOHN: I am going to give him the facts.)

Rt. Hon. J. M. G. M. ADAMS: No matter what I was, I know I talked. The Hon. Member can put all the flannel in the world. He has not denied the falsehoods about the telephone tapping and Dudley Leacock. He has got up to say something else, to try to drag a red herring across the trail. The Hon. Member knows that what I say about the telephone tapping is true, and his argument is that it was not me that objected to it. (*Aside*)

The Hon. Member should respect his grey hairs, — I am respecting mine. You respect yours, and do not come with the flannels from the past. There is a lot of respect for the Hon. Member in Barbados. He should not compromise it now.

People look at the Hon. Member for St. Michael South Central, and when they look at the Hon. Member for St. John, they think that they are well placed with him. The Hon. Member should realise that he has something going for him that he did not have in previous years — the existence of the Hon. Member for St. Michael South Central. People are looking for something in the Democratic Labour Party to respect and they look at the Hon. Member for St. John. Do not throw it away now. You have more respect than you had when you were Prime Minister. Do not throw it away. (*Laughter*) (*Applause*) people like you in all who did not like you when you were Prime Minister.

Mr. SPEAKER: Order, please.

Rt. Hon. J. M. G. M. ADAMS: They would not vote for you, but they would not want to see you make a fool of yourself. Not you, Mr. Speaker.

I am continuing with the powers, Mr. Speaker, which the new Act gives, "the exclusion and deportation of persons from Barbados." — We have that power anyhow—) "The protection of property."

These are the new sections that we are putting in the Act. The Government may make Orders for the

protection of property. (*Asides*) That is why the Democratic Labour Party is quarrelling with us. We may make Orders now for the protection of property. That is written down and we are being quarrelled with.

Continuing, Mr. Speaker, there is

"the acquisition or taking possession of the Government whether by agreement or compulsory procedure of any property required for the purpose of the regulation."

Now, if we look at the present Act, we will just see that at present there is just a general power to take possession or control of any property or undertaking. Just a general power.

We passed a law saying, "whether by agreement or compulsory procedure" and we qualify it saying that the property has to be required for the purpose of the regulations. And we are wicked people, we are accused on platforms. When we make it more difficult for the Government to take people's property in a time of emergency, we are accused of being oppressive on platforms. At present, you can take it without any hold back. Just take, other than land.

We say, we indicate that agreement should be in it, and we specifically say that the property has to be required for the purpose of the regulations, which will mean, as any lawyer on the opposite side will say, that the Order acquiring the property would have to recite the purpose of the regulation which you think the property is needed for. In other words, you cannot say, it is needed pursuant to the Act. You have to say, "needed for".

An improvement in the present law, stopping the Government from taking people's property as it likes; and we are being accused of wickedness for that. I wonder how many of the speakers were ignorant and how many were dishonest on the other side's platform, Sir, when this was dealt with.

"The determination and payment of compensation for any property that is acquired" — that is in the law.

"The Constitution of administrative authorities to administer any regulation made under this Act, and the power and duties of such authorities." I do not know if that is a matter of controversy. I cannot conceive that it is that if you have an emergency situation that you can appoint a Committee of civil servants to administer a particular part of it. I cannot believe that that is at issue in the Act, Sir.

"Authorising the search of persons and premises and the seizure of anything and its detention for so long as...."

I believe that is actually in the Constitution itself. I do not think that is in the Act. But again, common-sense tells you that if you have an emergency situation, you are going to require general police powers to deal with it.

"Charging in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the regulations such fees as may be prescribed;"

Well, Sir, you know I am the Minister of Finance, and I like to have things done precisely. There seems to be some question, for example, whether the general practice of the police in charging for police reports and so on and so forth is supported by law. My opinion is that anybody is entitled to charge for his services, even the Government can charge for its services, and if you render a service, you can make a charge.

But there appears to be some doubt about it. It appears there is no specific legislative authority, and I regard this section as being appropriate in this Act. And indeed it should be in the Police Act as well, in due course.

Now there is an Order requiring persons to do work or render services. Clearly, Sir, this is limited by Section 14 of the Constitution. Clearly. That section can have operation, exclusively within the meaning of the sections of the Constitution that relate to forced labour. If Hon. Members — but I do not believe that this is necessary — I was going to say if Hon. Members wish this to be made clear, no doubt it could be made clear but it would break the elegance of the drafting, Sir.

Mr. SPEAKER: I am sure you will want to go on for more than ten minutes more.

Rt. Hon. J. M. G. M. ADAMS: I will probably go on for more than ten minutes, but if I could just deal with the last two sections and then I can stop. I will finish these two sections before 2.00 o'clock. I have more to say but I will finish what I am doing before 2.00 o'clock.

"Amending any law, suspending the operation of of any law, applying with or without modification any law other than the Constitution;"

That obviously is also embraced in the present Section 3:

"Notwithstanding any other provisions of law,.... it shall be lawful for the Cabinet to make any orders whatsoever."

This is a matter of drafting. This is the modern style. You do not give general power to a Cabinet which is then

likely to be argued over in the courts of law. You specificate it in this particular way. And the final section deals with penalties. That is the body of the act, Sir.

I have something to say about states of emergency generally, because I believe that in the minds of those open to being misled, there is a thought that when this Act is passed; the next day, the things set out in the Act can be done. And I want to address the House on that because this is the most seriously misleading of the comments that I have so far seen.

SUSPENSION OF SITTING

Mr. SPEAKER: This sitting now stands suspended until 2.45 p.m. today.
2.00 p.m.

On Resumption:—

Mr. SPEAKER: This sitting is now resumed.

QUESTION TIME

Mr. SPEAKER: It is now Question Time. I am advised that there are no replies to questions ready. Consequently, we go into Private Members' Business.

PRIVATE MEMBERS' BUSINESS

Mr. SPEAKER: Item No. 1 standing in the name of the Hon. Member for St. Michael South Central, whom I do not now observe in his place. Item No. 2 standing in the name of the same Hon. Member, whom I do not now observe in his place.

This brings us to the end of Private Members' Business.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant Order of the day. When the suspension was taken, the Rt. Hon. Prime Minister was addressing the Chair on a Bill which seeks to make provision for public safety during a period of public emergency.

The Rt. Hon. Member may continue if he so desires.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, Sir, it has been drawn to my attention that I compressed two parliamentary events into each other in the earlier part of my speech, when I was referring to the date on which provision for hurricane, flood, earthquake and so on came into force.

In fact, the 1939 Emergency Powers Act was amended in 1948 to provide that hurricanes, floods and other natural calamities could be the occasion for other emergency orders.

The 1955 amendment dealt with a slightly different matter, that was the matter of a possible transport breakdown, not a strike by the Barbados Workers' Union, but a strike by the owners of the buses who were proposing to cut off transport services in Barbados, and that was the reason for the change in the law at that time.

But, Sir, I said I was going to talk about emergency arrangements. A Government obviously has to step carefully every time it changes the law on emergencies. In 1939, when the Emergency Powers Act came before the House, the Trade Union Act had not long been passed, or certainly was a matter of current controversy — the Barbados Workers' Union was about to be founded — and trade unions were big in the air. The Hon. Senior Member for St. Joseph, Mr. G. H. Adams as he then was, and other Hon. Members made a very strong point that the interests of trade unions must be protected even through emergencies, and even the old conservative House of Assembly in those days allowed provisos to be put into the Act which preserve union rights.

In 1955, Frank Walcott was still smarting under the fact that he had not been appointed a Minister in the previous year, and was at the height of his hostility to the Barbados Labour Party. Politics was then very fierce. Crowds used to mob you in town then, if you were a member of the Barbados Labour Party. And you, Sir, will be familiar with all the hostility that the Mottleyites and the DLP and the Congress and Walcott expressed towards the Barbados Labour Party then. But it did not stop us from getting back to the House in the following year, as the honourable member for St. John will, I am sure, recall. If he cannot recall what happened in 1966 he will, I think, remember what happened in 1956.

But, as always, emergency legislation is an exciting matter for the Opposition. Yet nobody could think that a country could get along without emergency legislation. Nobody could think that a country can be ruled without any provision for what is to happen — leave the earthquake, the floods and the hurricanes, Sir and the castastrophic fire — if there is a revolution, if there is serious internal disorder, if there is an attempt made to stop the country from functioning as a country.

Nobody can believe that a country can get along if somebody is free to go into the hospital and, say, turn off the electricity and the life support systems and let all the people on the kidney machines and the people in the

surgical wards waiting for operations die. Nobody can believe that, that a country can accept that.

Nobody can believe that a small group in a country perhaps is able to go and block the airport, put vehicles out on the runway to stop aeroplanes from landing, cause a riot in the airport, and it is just to be treated as if it was another political meeting. Nobody can honestly believe that civil disorder arising out of deep political controversies may not sometimes transcend what is reasonable and begin to trespass on the boundary of what is destructive.

The Honourable Member for St. John will well recall the pressures that were on him, that were on Captain Farmer, that were on other people in 1964 during the windfall dispute. I well remember those days, Mr. Speaker. There was panic on the part of the then Government. Mr. Owen T. Alder could not drive down the road without a police car fore and aft.

The Hon. Minister of Health had his house searched, I could not tell you how many times, and eventually found himself arrested. He had an argument with a tenant, the tenant would not pay his rent, the Honourable Member took away the tenant's key and locked him out of the house and the tenant went to the police, and in this island of Barbados, the police went and arrested the Hon. Member for stealing his own key. I defended him in court. The case was laughed out in court, but it tells you the tensions that can build up in a society.

They talk about political persecution. We have not persecuted anybody in office, Mr. Speaker. We have not interfered with anybody — in spite of all we have been through. We have had an Indian gentleman from Guyana who keeps a shop in Carrington's Village come down here in the Public Buildings yard and threaten Hon. Members of the Government with a gun in the process of allegedly welcoming a by-election victory to the House of Assembly. We have not arrested anybody, we have not interfered with anybody, but other Governments have not been so forbearing.

3.00 p.m.

The previous Government, during the windfall, felt that they were coming near to an emergency. Emergency documents were prepared and an emergency was going to be declared, and the Sugar Producers Association gave way. I do not know what part the Hon. Member for St. John had, because by that stage he was no more Premier than Mr. Alder and Sir Mencea Cox. I only know that he got on a platform and said he had been told to go to a communion service at St. Stephens Church with Mr. Mandeville and then he said he decided after what Mr. Mandeville told him, to break for himself.

But one can see how the interplay of Government and local tension can give rise to these circumstances. Now I have only drawn a Barbadian example.

Dr. Eric Williams in Trinidad had to put up with two Sandhurst Officers, one of them the nephew of the Chief of Staff, mobilising the Trinidad Army, drawing it up in marching orders with its weapons, marching it out of its base on the road to Port-of-Spain. And only Commodore Williams and the good sense and loyalty of the Trinidad Navy caused Dr. Williams to remain in office in time for Trinidad to rediscover oil at new prices and become a prosperous country.

Is any Hon. Member going to suggest that the Government of Trinidad did not need emergency powers in 1970, to suggest that the Government of Trinidad should have tried to deal with an army mutiny under the ordinary laws of the country and without the assistance of special powers?

The Government of Grenada, during Mr. Bishop's revolution in the most favourable light, found itself faced — or finds itself faced, because there is still a state of emergency in Grenada — finds itself faced with the possibility of a revolutionary answer to an original revolution.

The Government of St. Vincent finds itself faced with the Soufriere ready to erupt, and has the necessity of moving people from the shoulders of the mountain to places where they will be safe. It must have emergency powers in order to do that successfully.

The Government of St. Lucia finds that one of its politicians, no matter how badly beaten at the polls, speaks of coming to power by whatever means. There are reports of arms being landed in the country, finds the arms, knows the people who landed them. Can they deal with that under the ordinary provisions of the law?

The Government of Dominica finds a former politician whose lust for power is almost as great as the lust for power as some who shall be nameless in Barbados and finds that he conspires with the very devil, two devils — the South African devil and the Klu Klux Klan devil — to overthrow the Government. Shots fired, Police Station attacked, gaol attacked! Is it suggested that the Government of Dominica can handle these matters without emergency powers?

And I am not going to flinch from drawing examples, Sir, in other countries outside the Caribbean, where, perhaps, it has been trade union intransigence that has caused an emergency.

We are not against unions in any way. We have not the slightest intention of dealing with a strike with a sledge hammer.

But hon. Members, I believe several Members of the House, must have been in Britain in 1974, or whenever it was in the early 70's, when there was a dock strike, and the British Government had to declare a state of emergency and use the Royal Engineers to clear the docks.

Indeed, I remember visiting Britain on that occasion and being surprised at how little impact a state of emergency can have on daily life, because I suspect that unless you were actually a docker, or standing at the Isle of Dogs, you could not really know in London that there was an emergency.

But it had to be declared, because the overseas trade in Britain could not be allowed to be sacrificed to an industrial war generated by a small number of trouble makers, not necessarily in the interest of the country as a whole.

In Barbados, in 1968-1969, all that we had was Elton Mottley going on a political platform and saying we should have daylight saving, but he called it black night and he said the people must have light, and he spoke of daylight saving time. I joined him on the platform and spoke in favour of daylight saving, and the next thing you knew was Stokely Carmichael was chased down by the Special Branch, and by the police; Geddes Granger was forbidden to come to Barbados; George Weekes was forbidden to come to Barbados, a political meeting due to be held in Fairchild Street was cancelled, and the Public Order Act was introduced into the House of Assembly earning the undying, well it was not too undying, earning the temporarily undying gratitude of the white community of this Island for the Democratic Labour Party in 1971.

The Public Order was in its nature related to an emergency situation. And honestly, Mr. Speaker, to accuse this Government which has been stable under a lot of provocation, which has been steady under a lot of abuse, which has been reasonable in the face of a whole set of disturbance and interference, of wanting to curtail the liberties of Barbadians, I really wonder if people know what they are talking about.

We have never banned anybody from coming to the Island. We have not passed any legislation making the law more oppressive of the rights of citizens than it was before. We have not sent anybody to search any house in Carrington Village or elsewhere for weapons. We have not prosecuted anybody that I know of; certainly the Government has not encouraged it for the intemperate and desperate statements made on political platforms.

But a country must have emergency laws; emergency laws must reflect the situation of the country

as it is and as it develops from time to time. We have had a Constitution now for sixteen years but no laws in force bringing the emergency legislation into line with the Constitution.

When we undertook this exercise I first received a draft of an Emergency Act...I am trying to see when I minuted on it; it must have been in November 1976. We were not long in office when this matter came to be dealt with. Section 3 of that draft said, and I am going to read it out:

"If the Minister is satisfied with respect to any person that with a view to preventing him from acting in a manner prejudicial to public safety or public order or the defence of Barbados it is necessary so to do, he may make an order securing that except in so far as may be permitted by the Order or by such authority or person as may be satisfied in the Order, that person shall not be in any area of Barbados as may be so specified."

And the second section said:

"Requiring him to notify his movements in such a manner and at such times and to such authority or person as may be satisfied in the Order."

Now that is the first operative section that came to me in a new National Security Bill after two months in office. Do you know who it was intended to deal with, Sir? It was intended by the previous Government to deal with Eric Sealy. It was intended by the previous Government, in my opinion, to be able to deal with....*(Laughter)* ...let them laugh. The ones that are laughing are the people who were not in the Cabinet and do not know. The ones who were in the Cabinet are sitting silent. It was intended to deal with that kind of situation because that is no emergency. That is no emergency. That is a general power. I refuse to have anything to do with such legislation.

3.10 p.m.

The Hon. Leader of the Opposition or his deputy can see it; not anybody else. If they wish to look at Minute No. 3 on the file, they will see in my handwriting in ballpoint ink — "A.G." — meaning the Chief Draughtsman — "notwithstanding the Constitution, I think Part II to be oppressive outside some sort of emergency." Look, it is in my own handwriting. *(Asides)* You cannot see the whole file. You can see the Act.

Mr. SPEAKER: We must have some order, please. The Hon. Leader of the House, please.

Rt. Hon. J. M. G. M. ADAMS: You can see the Act. You can see the Bill and you can see my comment.

And even if you look at the draft, you will see that I wrote on it, ...(ASIDE – *Do you see my handwriting there?*) No, I do not see the Hon. Member for St. John own handwriting there.

Mr. SPEAKER: There must be no crosstalking. The Hon. Prime Minister must address the Chair.

Rt. Hon. J. M. G. M. ADAMS: Even if you look at the Act you will see that there is a Section 10 which reads:—

“A member of the Police Force, not below the rank of Sergeant accompanied by such persons as he thinks fit may without warrant, enter, examine and search any premises or place for the purpose of ascertaining pursuant to the reasonable requirements of public safety or public order whether

- (1) There are in any such premises or place firearms, ammunition or explosives, or,
- (2) whether they are kept safely, ” and so on.

In the margin I have written, “reasonable caution will surely be required.”

We are not a people who will come here to oppress anybody. It is not our Party's style. We have a duty to govern, and we intend to govern. And I believe that subject to the wise and enlightened advice of the Hon. Member for St. Michael South, the Hon. Member for St. John, as far as he is able in these days of frailty, will not allow his party to become a revolutionary party like Patrick John's Party, or the like – I would not bother to call the other name, and therefore we are unlikely to face any emergency generated by the Opposition or indeed by the unions of this country.

The reaction to other union calls, domestic disturbance on our part, again has been very moderate. When the crop is not cut, we do not send any Special Branch to chase anybody. We have never sent the police to run down anybody. Mr. Speaker, you would know that the police were asked to frame people for burning canes, that the police were asked to suborn evidence.

Hugh Nesfield, known as Petta, swore an Affidavit and gave to my father – and it was used on platforms – that he was asked by a senior member of the Police Force to give false evidence against the Hon. Member for St. Peter at the time of the windfall. And even without the false evidence sworn by Petta, Sir – or did he give the evidence? – he would do anything – he did? – even without the false evidence, you were still tormented and persecuted when the Opposition was in power.

And they are telling us, we who have put up with Sealy, with Sawh, with Haynes, Gibbs, men threatening to kill me in New York, in Baxter's Road and on Election Day in the Chief Electoral Officer's office.

On June 18, 1981 at 10.45 a.m. I was threatened in the Chief Electoral Office. I, the Prime Minister, was threatened on Election morning by one of the higher links of Hon. Members opposite.

He is still free to come and go in Barbados. I believe that when in the United States that the American police are a little more serious than the Government of Barbados, I believe so, and he is not given any access to the Prime Minister.

We have had to put up with all of this, all of this, and there is not a Special Branch Officer who can tell you that he was ever asked to listen to anybody's phone, follow anybody's car, obtain evidence, false or true, against anybody in the Opposition.

In other words, we accept everything the Hon. Member for St. Michael South Central can do, and does, and we take it as part of the game hoping that the wiser and deeper heads in his party will prevent the Democratic Labour Party from becoming one of those parties of torment that has characterised the West Indies. And quite honestly, Sir, I must tell you that as a party, as opposed to one or two individuals, I cannot say that the Democratic Labour Party is a destructive force in our country. I cannot say that it is so as a party.

We have had Earl Glasgow conspiring, even when he was a Personal Aide to the Prime Minister conspiring with Mafia gangsters to overthrow the Government.

You have a highly-placed member of the party conspiring with Mafia gangsters to let them meet in his house and assemble arms in his house. Documentation exist in the Special Branch Department of the Police. I do not believe that that was a generalised Democratic Labour Party plot. Indeed, I can pay no greater compliment to the Hon. Member for St. Michael South Central than to say I do not think he was aware of it. Of course, he was not around so much at that time

And nothing has happened, nothing whatsoever has happened to that man, the man in question – nothing. Are there many countries in the world in which the French police can seize a man, seize the documentation on that man, which involves officials of a political party of another country and civil servants, and does not even arrest him? Why? Because that is not the way of Barbados. It is not the Barbados Labour Party, it is not our way. At the end in 1964, what held back the then Government from arresting O.T. Alder, M. E. Cox and L. B. Brathwaite was the fact that it is not Barbados' way.

I am going to tell you a story, Mr. Speaker. I was told in London, many many years ago, by a retired officer, he held the rank of Major, that a warrant was issued in 1937 for the arrest of my father in connection

with political circumstances in Barbados, and that a specific instruction was given that he was to be arrested between 2 a.m. and 2.30 a.m. in the morning at his house. He was to be spirited away so that there would be no disturbance.

The officer in question, who was a Barbadian, went to Government House to get the Order, to get the instructions, and he asked if the Attorney-General knew. The Attorney-General was Mr. E. K. Walcott and operation of the Arrest Order was postponed until Mr. E. K. Walcott could be acquainted of it. And Mr. Walcott said, "I strongly advise against it, leave the situation where it is." But — he said this to the Governor, the Governor was Sir Mark Young, subsequently Governor of Hong Kong — if you wish to go ahead with it just give me twenty four hours notice and let me get a Schooner to St. Lucia." 3.20 p.m.

But that is only on the side. Those documents were all taken back to England in 1966. You won't be able to get at them now — you won't be able until the English Public Record Office releases it. You should be able to get it in 1987. The officer held the Order in his hand, but in the end it was the Barbados way; because Mr. E. K. Walcott, whatever joke he made to get the schooner to St. Lucia, whose advice fundamentally was that Barbados could do without these extremes.

Since the entering into politics of the Hon. Member for St. Michael South Central we have gone a bit closer to these extremes — there is no doubt about it. The Hon. Member for St. Michael South Central see politics in a confrontational light. He has brought physical confrontation into politics in a way that, perhaps, it did not exist before.

The Hon. Member for St. John was always an artist with his mouth and such violence as he enjoyed, I believe tended to be personal as your predecessor, Mr. Speaker Husbands, Mr. Speaker, would no doubt recall.

I remember in the days when we had two old World War I machine guns at the head of the steps of the House of Assembly, Mr. Ronald Mapp telling me how the Hon. Member for St. John saw him and one or two of the then Ministers coming up the stairs and he rested his hands on the machine guns and he said: "You see them, you see them, they should all be shot." Mr. Mapp took this seriously, I just thought of this as an example of the quaintness of the Hon. Member for St. John, because that was the kind of thing that passed for the rhetoric of disturbance in those days. (*Aside*) I am only repeating what somebody said. If it is not true, it is not true.

But a new dimension definitely entered politics after 1978. We are seeing the same dimension over the Emergency Powers Bill. I repeat, Mr. Speaker, every country has to have an Emergency Powers Bill. This Bill does not extend the powers it limits them and it defines them more clearly. We

have very soft emergency powers, very soft indeed, and this Bill tends to make them softer. And it is not as if we do not face difficulties, because Sydney Alleyne is still around and about, still managing to mobilise mercenaries abroad to disturb the peace and quiet of Barbados.

But into this peaceful country, we have these new theories of violence, this new determination. A psychologist, and indeed one psychiatrist, said to me that it really is a result of a disordered personality, which is insufficiently scrupulous about its need; and it needs dominance and power and so on. But whatever the requirements of any sick individual personality are, we can only deal with the results. I mean we see this constant confrontation.

Barbados is a country which is going on, it is advancing economically. I will tell you something else. The Government is not easily going to be disturbed in 1986. That is my opinion; I am just offering it as an opinion. Maybe I do not know, I could not possibly speak for 1991, but suppose the Government is in power for 20 years.

We are not going to be in power for ever, and life is not going to change for Barbadians if one Government loses power and another gains. We are a country where there is a general consensus behind the Parliamentary system. An Emergency Powers Bill is as much a protection for the Opposition as it is for the Government. But yet we have to go through all this monstrous violence, psychotic behaviour over the modification of an Act that has been in force for 27 years; in fact, has actually been in force for 43 years, because the present Act is the Emergency Powers Act of 1939.

There must be something wrong with us, Mr. Speaker, if it is really possible in this day and age to say that black is white, right is wrong, love is hate, war is peace. This is 1982, not 1984 yet.

An Emergency Powers Bill, which modifies a Colonial Emergency Powers Bill to reflect the provisions of the Constitution, liberalizing it, is to be characterised as an oppression of the people. There is something deeply wrong with a political party which can tolerate that as an argument and which can tolerate being led by the paranoid and psychotic personality of somebody who sees every issue as an occasion for disturbing the collective unconscious and collective conscious of the people of a small peaceful island in the Caribbean, hard working decent people, well educated, and well-attached to their country, deeply endowed with patriotism, a country in which virtually everybody who has ever been in Government has tried to do his best.

And yet we have to be put through the grinding machine of a sick personality, of a sick individual, who really need the assistance of his colleagues and the Psychiatric Hospital more than he needs the vote of his electorate or anybody else.

I am appalled, Mr. Speaker, when I see attempts made to reduce Barbados to the ranks of the disturbed and confused islands that can make no economic progress, that have no real grasp of political reality, and no balance approach to the problems of development and Government.

Every Opposition has a duty to be careful when the Government introduces an Emergency Powers Bill. I have said this outside, I have said it twice in here, and I say it a third time — an Opposition which allows the Government to ride rough-shod over the liberties of people would not be a decent Opposition, and I cannot tell the Opposition that they must not vote against the Bill or whatever. They did not vote against it in 1955, for all the noise they made, when it was changed for the most severe.

I cannot tell the Opposition to that extent what to do, it must keep its options open. But my goodness, Mr. Speaker, my goodness, don't create in the people of Barbados or those who are open to the corrupting influence of paranoia psychosis, don't create in them a belief that this country has in it all of the wrath and sickness of so many countries you see around the world where Governments are ended by death and destruction rather than by the ballot, where logic goes through the window and hatred comes into its place. Don't make us a country of haters, Mr. Speaker.

3 30 p.m.

I got along very, very well for fifteen years in Opposition without telling anybody to hate the Hon. Member for St. John. I did not even tell them to hate "Sleepy" Smith, I only told them not to vote for him. Very well. I really hope that in 1982, we are not taking the step towards 1984 in George Orwell's book, where we will become a country of haters and destroyers instead of a country of lovers of peace and of development and of tranquility.

And there is a funny thing about this country too, Sir. You never, never gain power if you are in opposition in times of disturbance. Honourable Members, if they think about 1961, will realise the country never had it so good then. Never had it so good. Everything was good. Unemployment at its lowest, housing development, the port — everything at its highest. There was a campaign of a few months' hate — then, it is true, Sir, but we lost power. (Mr. B. M. TAITT: Let me hear about 1976. Tell us about 1976.) (*Aside: Seventy-six.*)

Barbadians have a good spirit. In 1976, we ran the country well but they did not feel to put us out. They may do that if we have a big boom in 1996. Maybe we will do well in 1996 and they will put us out. I agree with Hon. Members — the country never had it so good as it had in 1976. The best until then was '61 and the

next best was '76. I agree with the Hon. Member for St. Philip South and Hon. Members who are telling me that things were good in '76 but we still got back into power. I agree with them. Thank you, thank you boys. Thank you. That would be my answer to the matter.

But I really entreat all concerned, because this issue, I assure all Hon. Members, will have no effect whatsoever on the political fortunes of the Barbados Labour Party — that is a question of judgement not opinion. This is judgement after very, very many years of seeing political issues. It will have no effect on the political fortunes of the Government. You have to have something to talk about; you talk about the economy and now you talk about this.

But I really entreat Hon. Members to recall, that no doubt somewhere there is a little Sydney Alleyne or a little Patrick John, and at the turn of this century, as we change from the nineteens into the twenties, some Government, maybe not of this political complexion, is going to find that it needs the power to detain somebody or to make an Order for protection of somebody or something.

That is all I say, because common sense tells you, Mr. Speaker, that nobody on that side is going to repeal this Bill when they get back into power. This Bill is going to be passed, and it will be there for many years. They can talk as much as they like, but as a matter of common sense nobody on that side is going to sit in any Government which repeals this Bill.

For 15 years they did not repeal the 1955 Bill. They can say it as much as they like because they well know that this debate will be forgotten, not just by the time they are next in power — some distant, future occasion — but by 1986. They well know that. They can say they can go back to the situation where the Cabinet can make any Order whatsoever, but I doubt they will say that. I doubt they will say that.

They know, as well, Mr. Speaker, as you and I and the public know, that a country needs emergency powers and that the Bills have to be updated from time to time. The 1939 Bill was updated in 1948, again in 1955, and indeed again in 1966 by the Constitution. In other words, the basic emergency powers legislation of Barbados has been updated at least three times in the first 27 years of the Bill's existence.

The Bill is now 43 years old, and 17 years have gone since it was last updated, although in 1966 the Constitution did lay down certain guidelines that should have been dealt with. In 1982, after six years of consideration, the Government produces a Bill, very straightforward, very mild. We systematised the powers of detention, we do not leave them waving in the air; we

introduce a Review Tribunal we specify a few more of the nature of the Orders.

It only remains for me to say, Mr. Speaker, that in due course, we are going to have another Bill dealing with explosives and ammunition. There is a need for that; that actually formed a part of the Draft Bill which I received in October or November, 1976. We are conceptualising a new Bill forbidding unauthorised telephone tapping, and we are considering a Bill relating to a right to privacy generally. We are considering provisions relating to privacy. They can be expected, perhaps this year, perhaps next year, when they are dealt with. It is all part of the general on going process of keeping the laws modern.

This Bill perhaps will itself need amendments in the future. I will listen carefully to any constructive suggestions that come from the other side about areas, in which the Bill could be improved, in which we may have forgotten something that should be included. There are one or two minor textual amendments that will have to be moved in Committee.

There will be other law reform measures, of course, coming before the Honourable House during the year, but I will leave those to the Hon. Attorney-General on his return.

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

Hon. L. S. CRAIG: I beg to second the motion, Sir, and reserve my right to speak.

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

Rt. Hon. E. W. BARROW: Mr. Speaker, we have listened, I cannot really say with a great deal of interest, but in consternation and dismay to the delivery of the Rt. Hon. Member for St. Thomas.

I will say now, right at the beginning, that the Hon. Member wishes to justify the introduction of the Bill, which we are now considering, on the grounds that the Constitution makes provision for a measure such as this. And what I shall attempt to do here is to establish that if the law allows it, the state does not demand it.

Both last night and today, we were treated to a galaxy of misrepresentations of the state of law and states of fact. Allegations and insinuations were made on the television last night, which have not been backed up now that the Hon. Member has been confronted by people who know better, and by the statements which he has made today in the course of the debate.

But I am going to deal seriatim with all, and I say all — not with some, not partially, not in part — of the legisla-

tion dealing with states of emergency and powers in Barbados.

We were treated to a brief historical purview, or pre-view, or something, going back to the 15th and 16th century in England coming down to the cases, I believe of Wilkes, a gentleman to whom reference was made on the Floor here today, and one of our members on this side of the Honourable House was likened to Mr. Wilkes, I believe the publisher of a newspaper called the *North Briton* I may be wrong but I have not had to do any historical research on this, I put aside those elementary law books some 42 years ago. And we were brought all the way down through the case of *Entinck vs. Carrington*. (*Asides*).

We were not treated to *Bradlaugh vs. Gosset*, and Hansard, the editor, at that time, of the Parliamentary Gazette, but all of these cases have some bearing on the liberties of the subject, the rights of freedom of speech and so on.

3.40 p.m.

We did not go back to Runnymede in 1215, to King John and the Magna Carta. There is no need for us to go that far back, because right here in Barbados we can say that our constitutional rights were enshrined in our Articles of Capitulation, signed between the Commonwealth Government and the Lords-in-Council and members of the House of Assembly in Barbados in 1652.

But what is more important, and the source and origin of the civil liberties of the people of Barbados as they exist today, whatever may have taken place, either in this Chamber or the common law of England prior to November 22, 1966, when the Barbados Independence Order was laid before Parliament in England, everything is founded in this Constitution of Barbados by which the rights and liberties of the people of Barbados were guaranteed and ensured.

A lot of misrepresentations were made. I just want to clear the air. I have before me the Independence Debate in which the Official Opposition did not take part. The Opposition was present on January 4, when we initiated debate, in which we stated that we were going to proceed to independence for Barbados after laying a White Paper on the floor of the House in August 1965, which was described as the Federal Negotiations 1962 to 1965. Sufficient to say that some time between June and July, after an affirmative resolution of this Chamber, the Government and the Official Opposition proceeded to a conference in London.

The Hon. Member was not a Member of the House, the Barbados Labour Party was not the Official Opposition. The only contention subsisting at that time was whether the Government, that is the taxpayers of Barbados, should pay for more than two members of the delegation, which went up to represent the concerted views of

the Opposition. The Government on behalf of the taxpayers said it would pay for two members, their full expenses.

The Hon. Member for Christ Church West and the Hon. Member for Christ Church East Central were not Members of the House at that time, but the Hon. Member for St. Thomas and the Hon. Member for Christ Church West went as advisers to the delegation. I do not like to be personal in these matters. I will never descend to the level which the Hon. Member descended to last night and during the course of this debate, but the Hon. Member, who is now a Member of the House and Member for St. Thomas, spent most of the time at that conference buying and selling stamps in London, not attending the conference. The Hon. Member is an expert stamp officianado. (*Asides*) I would not like to call it that, because he is a Minister of Government, he is not supposed to be a stamp dealer. His paramount interest has always been in the collection and disposal of postage stamps, ancient and modern, and this was his paramount interest during the course of that conference.

Now I heard to my surprise, last night and today, not being a Member of the House, not taking part in any debate here, opposing the independence of Barbados on public platforms, going up there with the delegation, with the now Member for Christ Church West, to give some kind of legal advice, we hear that he had certain provisions inserted in the Constitution, a Constitution which he opposed tooth and nail, had no official voice at the conference. The Hon. Member for St. Michael North West — I am getting mixed up now with the gerrymandering — the Hon. Member for St. Michael North was an official member of our delegation, and he would be able to corroborate if what I said was true.

The room in which the conference was held was a very narrow room. (Rt. Hon. J. M. G. M. ADAMS: It was larger than in here). The room in which the conference was held was a very narrow room. (*Aside*) Then you did not attend at all, and the Hon. Member was sitting in what in France they call 'Paradise' or in England they call "the gods," and when you sit in the gods, it means that you are sitting way back down the line. So for the Hon. Member to come in here and say how he had to fight for this and fight for that is really surprising. I have sent, and I am making a diligent search, for the original Draft Constitution relating to the fundamental rights and liberties of the subject.

There are basically in Barbados relating to emergency powers, the Emergency Powers Act. There is also the Better Security Act. The Better Security Act deals primarily with the provisions for electricity, water and general services and so on. Before that, Mr. Speaker, the Hon. Member is quite right, that in 1939 — note the

year, 1939 — 1939 was the year in which the war broke out, and when we are speaking about emergency powers, unless the Hon. Member feels that the Government of Barbados is at war against the people of Barbados, there is no justification for this Bill here today at all. We managed for 15 years, no matter what the Constitution says, without introducing any emergency powers. And therefore we should be able to go on, according to what he said, for another 15 or 20 years, without declaring war against the unwitting people, the happiest people of Barbados.

In 1939, the Defence of the Realm Act was passed in the United Kingdom and because we were a colony, although we were not a Crown Colony, it was made application to behold all of the Commonwealth territories. And then under the Defence of the Realm Act of 1939, there was enacted also the Defence of the Realm Regulations, and most of the emergency powers about detention were contained in Regulation 18(b) of the 1939 Defence of the Realm Regulations.
3.50 p.m.

And if there were two sets of regulations which frequently engaged the attention of the courts in the United Kingdom, there were Regulations 18(b), under which a lot of prominent people in the United Kingdom were detained, and I believe one or two people may have been detained in Barbados as well, or threatened with detention, and Statutory Order 1305 which the trade unions in the United Kingdom resisted, because they felt that Statutory Order 1305 might affect the free operation of Trade Unions in their seeking for better conditions for the workers even during war times. But Statutory Order 1305 applies to Barbados, Regulation 18(b) applies to Barbados, and continued right away through until after the war, although we had the Emergency Powers Act of 1939.

Now let me start, Mr. Speaker, with the Better Security Act and see what the Better Security Act says. The Better Security Act is Cap.160 of the Laws of Barbados. Parenthetically, the Hon. Member has said that he is coming in to bring a Bill dealing with explosives. We have got one on the Statute Book already. He said that he is coming in to bring one to deal with unauthorised telephone tapping, and I will deal with that later too.

I wonder if he bringing in one to deal with authorised telephone tapping authorised by the Barbados Government. I want to know why it is that when you telephone — now please do not ask me what constituency these members represent; I knew it before the gerry-mandering — when you telephone the Hon. Member for St. Michael West, that the people answer "Defence

Force"? (Hon. L. S. CRAIG: That is Haynes wanting to hear what he is telling you.) Well I am very glad that the honourable Member for St. James North knows so much about it that he can tell me who is responsible for when I telephone the Hon. Member for St. Michael West that you can get our Defence Force answering all the time. But we will come to that later. There is no number of anyone relating to the Defence Force to be even remotely associated with the number 44113, I believe the number is, go and check it out. But I will come to that later and I will deal with that as a separate and distinct issue, because the Hon. Member raised it here today, and I would like to deal with it.

In the Better Security Act, Cap. 160, it is a very short Act, so if you will give me a little indulgence, I will read it. It is only four short sections, and it deals with people

"who are employed in the Waterworks or a person upon whom it is imposed by statute the duty of supplying any town or place or any part thereof of human habitation with gas, electricity for lighting who wilfully or maliciously breaks a contract of service with the Waterworks,

or that person knowing or having reasonable cause to believe that the probable consequences of so doing either alone or in combination with others will be to deprive the inhabitants of any part of the Island wholly or to a great extent of their supply of water,

or the inhabitants of any town, place or part of that habitation wholly or to a great extent of their supply of gas or electricity shall be liable to a penalty of \$96 or three months imprisonment."

Then it deals also in Section 4 with

"a person who wilfully and maliciously breaks a contract of service of hiring, knowing or having reasonable cause to believe that the probable consequences of so doing will be to endanger human life."

That is the whole Bill.

Now that Bill was enacted in the year 1920. Mr. Speaker, there was a similar Bill in the United Kingdom, as far as I can remember, round about 1895, dealing with essential services. So the Democratic Labour Party came in and found that Bill dealing with endangering human life, so we left it on the Statute Book. Are we to be criticised? We have never prosecuted anybody who stayed away from work at the Waterworks or Gas Company or the Barbados Light and Power Company under that Bill because it was on the Statute Book.

Because the law was there, it does not mean that the Government invokes the provisions of the law. In my humble opinion, that particular Bill is outmoded and can be removed without any danger befalling the country at all. There are a lot of Bills on the Statute Book now which need removing. They are so antiquated, but the Law Officers were concerned with positive legislation and not going around cleaning out the old legislation. We had a Law Reform Committee, but they did not get around to it. But it is there.

Mr. Speaker, the very next Chapter in the Laws of Barbados is one more closely akin to the Bill which we are discussing here today, and that is the Emergency Powers Act. Now the Emergency Powers Act is dated March 29, 1939. The war clouds were on the horizon. Now under the Emergency Powers Act, Mr. Speaker, which is also a very short Act, it was stated that

"Where the Governor-General is satisfied that a public emergency has arisen" —

(and listen to this very carefully, as I know you always listen carefully) —

"as a result of the imminence of a state of war". One must remember the atmosphere in which this legislation was being introduced; when the war clouds were on the horizon —

"... as a result of the imminence of a state of war between Barbados and another state, or as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease, or other calamity whether similar to the foregoing or not, or that action has been taken or is immediately threatened by any person of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life..."

You see there, Mr. Speaker, the qualitative restriction and quantitative restrictions on the introduction of the state of emergency and the relationship between the disruption of services essential to life in this Bill and the Better Security Act which I have just cited.

It goes on to say: "The Governor General may by proclamation hereinafter referred to as a Proclamation of Emergency declare that a state of public emergency exists."

Now there is such a considerable difference, as I shall demonstrate later, between that provision and the provision which the Rt. Hon. Member for St. Thomas is now cajoling, entreating, and beseeching us to pass here today.

The Act goes on to say that:

"A proclamation of emergency shall, unless previously revoked, remain in force for one month or for such longer period not exceeding six months as the House of Assembly may determine by Resolution supported by the votes of a majority of all the Members of the House."

You cannot come in here then with ten Members and get it passed. You have to have at least fourteen Members agreeing to the extension of the state of emergency beyond the period of one month.
4.00 p.m.

"Provided that such proclamation may be extended from time to time for a further period by Resolution passed in like manner and may be revoked at any time by Resolution supported by vote of a majority of all of the Members of the House".

The Emergency Powers Act of 1939 passed on the eve, virtually of the outbreak of hostilities between Great Britain, this country, other parts of the Commonwealth and the Nazi forces went on to say:

"The Governor General shall immediately after a proclamation of emergency, communicate the fact to both Houses of Parliament, and if Parliament is prorogued or either House is adjourned to more than five days thereafter, the Governor-General shall summon both Houses or the House so adjourned as the case may be within five days, and the Houses so summoned shall accordingly meet and sit upon the day appointed by the Governor General acting in accordance with the advice of the Prime Minister, and shall continue to sit and act in like manner as if they had stood prorogued or adjourned on that day."

Section 3 of the Emergency Powers Act goes on to say,

"It should be lawful for the Cabinet to make Orders". Now a great deal of play was made with the fact that there is existing power to make orders but let us see what Orders? "Which it considers desirable in the public interest."

The Hon. Member for St. Thomas is saying that those powers were very wide, and wider than the Bill which he is introducing today. Let us see if there is any validity in the contention which he is holding out at this stage.

"Orders made under this Section may provide for —

- (a) The supply and distribution of food and other necessities;

- (b) Maintaining the means of transportation by land, air or water and the control of the transport of persons and things;
- (c) (i) The taking of possession or control of any property or undertaking;
- (ii) The acquisition of any property other than land;
- (d) The entering and search of any premises;
- (e) Charging, in respect of the grant or issue of any licences, permit, certificate or other document for the purposes of any order, such fee as may be prescribed by or under such order;
- (f) The payment of compensation and remuneration to persons affected by any Order.

Subsection 4 of the same section goes on to say —

"Any orders so made shall be laid before Parliament as soon as may be after they are made, and shall not continue in force after the expiration of seven days from the time when they are so laid unless a resolution is passed by both Houses providing for the continuance thereof."

Section 4 goes on to say

"Nothing in this Act shall be construed to authorise the making of any orders imposing any form of compulsory military service".

And what is more important now, and was obliquely referred to by the Rt. Hon. Member for St. Thomas, was that it went on to say

"Nothing in this Act or any order made shall make it an offence for any person or persons to take part in any strike or peacefully to persuade any other person or persons to take part in a strike."

And the last Section, Section 5 says:—

"No action shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any order or rule made in pursuance of the powers conferred by this Act."

That is the whole Act, and that has been on the Statute Book from 1939, and it has one very important provision in it; that you cannot deem that because — let us say hypothetically — that civil servants do not agree to accept a handout from the Minister of Finance and decide to withhold their labour and not go to work, that he can use this particular Act and say that it is illegal because

there is specific provision here saying that anybody who decides, the Better Security Act notwithstanding, in somebody's feeble mind it may appear to them that the whole security of the realm is threatened, you cannot make a Detention Order against a person as a result of that.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, on a point of order. If the Governor General is the person who has to make an Emergency Order, I really think the words "in anybody's feeble mind" are out of order. It is a reflection on the Governor-General.

Rt. Hon. E. W. BARROW: The Standing Orders say that you cannot call the Governor-General by name. It was well-known that Britain lost the American Colonies because George 111, George 11, or whoever he was, who had Lord John North to be Prime Minister, were both feeble-minded. If they were not feeble-minded, America would still be part of the British Commonwealth today.

You cannot call the name of the Governor-General in here, and I have not suggested even remotely, that this Governor-General would be feeble-minded. But we all know that the Governor-General has to act, and that is another point which I am going to make, on the advice(Asides) He has to act. I am going to read the Constitution, no matter what you try to bamboozle the people with — no matter what the Hon. Member, I mean, Sir, not you — the Governor-General, on his own cannot declare a State of Emergency in his discretion. It has to be on the advice of a Minister, right-minded or feeble-minded. (Asides) When you do not have anybody in front of you on television you can make all kinds of statements, but I am in the House Assembly now and I have my authorities here, right here in front of me.

The Governor-General, Mr. Speaker, could not declare a State of Emergency except on the advice of a Minister. So when it is stated that there is protection because the Governor-General can do it, the Constitution — and I will go straight to the Constitution now and read out the provisions in the Constitution in this regard, because of what was said both in here and on television.

Section 28, Chapter 4 of the Constitution deals with the appointment of the Governor-General and the duties of the Governor-General and the prerogatives and privileges of the Governor-General.
4.10 p.m.

Section 32 of the Constitution states as follows:

"The Governor-General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet in the exercise of his functions. (I hope the Hon. Members will listen carefully, Sir) Other than any function which

is expressed and whatever terms to be exercisable by him on or in accordance with the recommendations or advice of, or with the concurrence of, or after consultation with, any person or authority other than the Cabinet."

That is one exception. So if it says the Governor-General shall do so and so after consulting with the Commissioner of Police, then he does not have to act in consultation with the Minister or on the advice of the Minister —

"by any function which is expressed in whatever terms to be exercisable by him in his discretion."

Rt. Hon. J. M. G. M. ADAMS: Since the Hon. Member has paused in his argument —(Asides) .

Mr. SPEAKER: The Hon. Prime Minister rose on a point of order.

Rt. Hon. J. M. G. M. ADAMS: The point of order which I make is that it has always been the understanding of the Government that the expression "if the Governor-General is satisfied" invokes discretion. If the Hon. Member thinks that it does not, he is welcome to move an amendment to this Bill to introduce the words "acting in his discretion", because we have always considered the Constitution gave the Governor-General, that the words "is satisfied" imported discretion — and we have never viewed it in any other way.

Rt. Hon. E. W. BARROW: That is not only bad English, but bad law.

Rt. Hon. J. M. G. M. ADAMS: The Hon. Member is 42 years away from the books by his own admission. I am asking the Chief Parliamentary Counsel at this moment whether the belief, universal in Government, that the words of the Governor-General "is satisfied" imported discretion, is false. The Hon. Member for St. Michael North remembers the Carmen Bailey expulsion case, in which he advised the Governor-General that the Governor-General acted in his own discretion in the Carmen Bailey matter. (Asides) The Hon. Member — what do you mean don't remember — you appeared at the hearing at Government House. You appeared on one side and I appeared on the other before the Governor General in his office at Government House.

Mr. SPEAKER: I will have no cross talking — there must be no cross talking.

Rt. Hon. E. W. BARROW: The point of order has disappeared Sir. The Laws of Barbados are becoming so flexible now, that when we try to pin anybody down now they say that they have always understood. There are numerous provisions in this Constitution which says

"in his discretion", acting in.....(*Asides*) There are provisions in this Constitution where it says "the Governor-General acting in his discretion." What about the appointment of Senators? I cannot remember the whole Constitution. Let us just.....(*Asides*).....Just a minute, Sir, I cannot leave this out. He says that it does not appear anywhere in the Constitution.

Rt. Hon. J. M. G. M. ADAMS: You just said that they are not numerous. I am familiar with what they are.

Rt. Hon. E. W. BARROW: In Chapter 5 Part 1.....

Rt. Hon. J. M. G. M. ADAMS: On a point of order. For what it is worth, the Chief Parliamentary Council reassures me that under this section, the word "satisfied" imports discretion. If the Leader of the Opposition disagrees with that, try it in the courts. (*Asides*) You are ignorant, too.

Rt. Hon. E. W. BARROW: Is the Hon. Member for St. Thomas seriously telling me that he can go to sleep one night and wake up the next morning and find out that the Governor-General has imposed a state of emergency in Barbados acting on his own discretion, and he can remain Governor-General for one hour after the Hon. Member has had his breakfast?

It does not say that the Governor General has any discretion at all, because *expressio unius exclusio alterius*, in Chapter 5 36(4), seven Senators shall be appointed by the Governor General acting in his discretion. The Constitution itself shows where the Governor-General has a discretion. Where the Constitution says that the Governor-General "is satisfied", it means if the Prime Minister advises the Governor General to do so. That is all it means. In the Defence Act, Sir, the Governor-General was supposed to make an Order, and all the Minister had to do was to make an Order telling the Governor-General that he wanted to send troops to St. Vincent. That was not even done. Are you going to say that was his absolute discretion when the law was not complied with? You can bamboozle people on television, but you cannot come in here and tell me, because I qualified -- I said 42 years, it is not 42 years.....

Mr. SPEAKER: Let us try to get on with the debate. Let us get on with the Bill before us now.

Rt. Hon. E. W. BARROW: Thirty four years. It only means that I am more mature in the law than he is. (*Laughter*) I understand it. And furthermore I did not oppose this Constitution, I helped to draft this Constitution, and other Independent Constitutions too. This is not the only one. I worked for three years drafting a present Constitution for the Eastern Caribbean.

Every one of the clauses we read through, and if anybody who has just come down from the University

of the West Indies or from the Inns of Court in London and sits down as a Parliamentary Counsel and tells me that "satisfied" means that the Governor General has a discretion, I am prepared to go to court and argue it. It is as simple as that. He has no discretion and the Hon. Member knows it. And it is not fair to get here and try to bamboozle the public in this respect.

I am going on Sir, because I am a bit concerned that the probity has sunk so low, that people, for the sake of making cheap political points, will even try to distort the true interpretation of the law. It is right here in the Constitution that I drafted. The Governor-General has no discretion to declare any emergency here in Barbados unless the Prime Minister tells him that he, himself, or the Cabinet has decided that it warrants the imposition of a proclamation declaring a state of emergency.

This is essential to the whole exercise, because there are not two people exercising two independent and separate functions at all. It is one person making the declaration through the instrumentality of the Governor General's office and the same person is issuing the Detention Orders saying that Mr. X or Mrs. Y should be restrained in their movements and sent to some place inside or outside of Barbados.

This was done in the case of Napoleon Bonaparte. He was sent to Saint Elba and Saint Helena. There is nothing in this Order to prevent the Minister from sending somebody to Union Island or Carriacou, or some other benighted place and their relatives would not even be able to see them.

4.20 p.m.

I was going through the Emergency Powers Act, and I said there in Cap. 161, which is the 1939 Act, that there was a safeguard for the workers of this island to be protected against a whimsical exercise of powers. We are dealing with a political situation in Barbados and let us face it: when they were in Opposition, they were opposed to the Government; and when we are in Opposition, we are opposed to the Government.

When the Democratic Labour Party was in power, we did not introduce any legislation, no matter what he -- I beg your pardon, Sir, -- what the Hon. Member for St. Thomas, the Rt. Hon. Member for St. Thomas claims that he found on files.

I invite the Hon. Member to find anywhere on file that I directed any Crown Law Officer or any Attorney General, or anybody concerned with drafting any legislation:

- (1) To draw up any Detention Order for any Member of Parliament, former Member of Parliament or any trade unionist.

- (2) To have anything to do with the Order which he says was on the file, and which he appended his fine Italian hand, telling them that he did not want this particular section.

Now if he sends back something to a Crown Law Officer, saying that he does not agree with this particular section, it means that it had been to him before, and he just said, 'well, you have gone beyond my instructions in this regard, and he was entitled to do so.' But do not come and place the blame now on the Democratic Labour Party and say that he found something on file.

Why if it had been on file for so long, why, for 15 years, we did not deem it necessary, in the interest of public security in Barbados, to introduce any of this contentious legislation to restrict the liberty of the subject of people here? That is the best argument I have for him.

I am going to quote from his speeches now, where the Hon. Member was advocating the overthrow of Dr. Williams in Trinidad by violence — if he stops me now, I will quote it right away; or will he wait until I quote it — and he said that was not necessary in Barbados. Now just to stop him from getting up and getting a heart attack, I am going to read it right out now. O.K. (*Asides*) Advocated the overthrow of the Government of Trinidad by violence, and you said that was not necessary in Barbados.

I am quoting, Sir, from the Debates on the Public Order Act on Tuesday, May 26th, 1970. If you would just bear with me, I had the page marked.

The point I am making is this that if for 15 years you did not need this legislation, why do you need it now? Well, Sir, I have got the page. Official Gazette, Hansard.

Mr. SPEAKER: From which country?

Rt. Hon. E. W. BARROW: The country? The independent country of Barbados, Sir. May 26, at page 1623. After first making certain mis-statements about.... (*ASIDE: Who is speaking?*) The Hon. Member for St. Thomas, Mr. J. M. G. M. Adams. I am quoting from the bottom of page 1623, and this is what the Hon. Member had to say:

"In Trinidad, if you want to get rid of Dr. Williams, the only way to do it is by a revolution of some sort. You either have a revolution inside the People's National Movement — a palace revolution—" his words, Sir,:

"or you have a violent revolution. You are not going to get rid of the P.N.M. Government in Trinidad by peaceful means and that is the lesson which we in Barbados must draw from the Trinidad

disturbances; that there is a fundamental structural frustration built into Trinidad politics which can only be upset by overturning the structure, and therefore there is, when the ordinary democratic forces of dissent and dissatisfaction come to a head, almost the necessity for violence or the threat of violence. 'Doctor' politics in Trinidad has been unable to give the people any possibility of an alternative choice; therefore, those who want a choice can only aim at that choice through violence;".

I am being very fair to the Hon. Member. That is what he was saying. I am not trying to embarrass him. All I am doing is trying to show that the Hon. Member is saying that whereas violence was indeed necessary, vitally necessary in Trinidad — the only way to get rid of Dr. Williams was by violence; in Barbados no such situation existed, because the Hon. Member went on to say this that whereas:

'Doctor' politics in Trinidad has been unable to give the people any possibility of an alternative choice; therefore, those who want a choice can only aim at that choice through violence; but nobody can say that this is the case in Barbados today. The very existence of the Government sitting on those benches, the very fact that the Hon. Senior Member for St. John....."

(That is your humble servant, Sir.)

"can come so far in fifteen short years from being a political outcast, despised and hated by middle classes and by the whites in this island, rejected by the electorate, no apparent prospect of ever achieving power — the very fact that he can return to the House of Assembly in a bye-election, despite the fact that he was not even Leader of the Opposition"

Like the Honourable Member, he was not even Leader of the Opposition either.

"and did not go into dissolution as the Leader of a Party,"

Like the Hon. Member.

"yet became Prime Minister within five years of his rejection, is an indication that in Barbados you do not have to shoot anybody or foment any mutinies or throw any molotov cocktails in order to change the Government."

I do not have to quote any further. Those are the Member's own words. "Dr. politics in Trinidad", you have to use violence. Here in Barbados, no fear of violence. What has happened? Is he so paranoid, obsessed, psychotic, to use his words, about the advent of the Hon. Member for St. Michael South Central into politics that he is saying that this one innocent doctor, a man who has made a great contribution to the delivery of health care to people in the West Indies and Barbados, that all of this now necessitates now an Emergency Powers Bill which

would give him the power, to detain even you, Mr. Speaker.

The Speaker of the House of Assembly is not exempt from the privileges of this Bill. I want you to get that clear. "Send not to ask for whom the bell tolls". All of us. All, all, all, all, even the Leader of the House. *(Laughter)* Two members of the inner circle, I understand, have gone already, and there are more to go. I assume they are not Members of Parliament. But, "for whom the bell tolls". I am not worried about myself, Sir.

Mr. SPEAKER: The Lord giveth and the Lord taketh away.

Rt. Hon. E. W. BARROW: Taketh away, Sir. Right. That is a problem, so do not ask, "for whom the bell tolls", because here is a person who said that you did not need any emergency legislation.

The Bill we were discussing at that time, Sir, was the Bill under which we had a public meeting on Sunday night, the Public Order Act, which the Government invokes on itself, under which a gentleman, who is now leading a trade union, or saying he is leader, is the only person who has been prosecuted, not once, but twice.

There is a song which goes, "Once, twice, three times a lady". Well, he is once, twice and three times — I do not know what you would call him. You would have to call him an outcast. But he is a lawyer, a member of the legal profession, the only person who has been prosecuted under the Bill. No member of Parliament has been prosecuted under it.

But this was at a time when there was unrest, and the Hon. Member went on to say that I was only introducing it so that I could capture the votes in so-called white areas in Christ Church and so on — when there was profound unrest, and there had been a revolution, or threats of a revolution in Trinidad by the people who were supposed to protect the Constitution of that country.

And other countries in the Caribbean emulated Barbados, and were only able to avoid the overthrow of law and order in their countries by enacting legislation similar to the one which we had enacted here.

4.30 p.m.

But note, Mr. Speaker, even in those trying times, 1970, there is no Sydney Alleyne in a little boat. He refers to Sydney Alleyne and calls him a joker, but in 1976 Mr. Sydney Alleyne is a one-man invasion. In this same debate, he said that Sydney Alleyne was a joke. But we did not pass it against Sydney Alleyne, we passed it for the maintenance of public order and foreign elements

coming in here and stirring up the people on the basis of race, which has never been the Barbados tradition.

And the Hon. Member resisted the passing of the Public Order Act, but even in that Act we did not say anything about detaining anyone. We said if you want to have a public meeting, go and tell the Commissioner of Police that you want to have a public meeting, and where you want to have it, so that we could maintain law and order. You cannot come in here on a plane this morning and go and hold a public meeting down in Boscobelle, St. Andrew and incite the people down there to burn down people's houses and that sort of thing. That is all the Public Order Act does.

And I want to say this: the Hon. Member likes to speak for us, I can speak for the Democratic Labour Party. *(Aside)* I am not finishing my speech, I have just begun. But just to put his mind at rest, he has not repealed the Public Order Act. If he wants to repeal it, he has the majority, let him go ahead and repeal it. I am not challenging him. He has existed under the Public Order Act.

But I say, if you pass this legislation here today, we are going to repeal it, because we managed to run the country for 15 years without it and we can run it for another 50 years without any iniquitous legislation restraining the rights of the subject like this. *(Applause)*

To say that you have a power under a Constitution to do something, and to go a step further and to make it possible overnight to do things, which the framers and the founding fathers of the nation never contemplated would be done under that same Constitution, are two different things altogether.

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Sir, if the Hon. Member would just give way, I beg to move that this sitting be now suspended for 15 minutes.

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

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

4.35 p.m.

On Resumption:—

Mr. SPEAKER: This sitting is now resumed.

Rt. Hon. E. W. BARROW: Mr. Speaker, we have certainly created history in here today, because this is the first time we have taken a tea adjournment so that

the Government could decide how to curtail the debate of the Opposition benches.

Hon. L. S. CRAIG: On a point of order, Sir. I am the person who moved the motion for the suspension, but it was not to curtail any debate. I object to the Leader of the Opposition making reference, that I, as Leader of the House, who moved a motion that the sitting be suspended for 15 minutes for tea, was to try to curtail debate by the Opposition, when I particularly said earlier in the day that I could have called all the acquisitions, but I have given us the opportunity today to debate the Bill.

Mr. SPEAKER: I have heard enough, Mr. Leader. I agree that the Hon. Leader of the Opposition has imputed an improper motive and he should withdraw that remark. It was unnecessary.

Rt. Hon. E. W. BARROW: I am saying it was in breach of Standing Orders, because the Standing Orders were not suspended. I did not say that the Hon. Member did it to curtail debate, but to consider how.

Mr. SPEAKER: The Hon. Leader of the Opposition is going to withdraw the remark.

Rt. Hon. E. W. BARROW: I will withdraw the remark because I want to continue with the debate.

Mr. SPEAKER: Please do not argue with the Chair, because it is not in breach of any Standing Order. The Leader of the House can rise and make a motion to suspend the sitting for 15 minutes, for 20 minutes, for any time. If I accept the motion, and it is put and voted on, there is no breach of any Standing Order.

I have been sitting here and hearing a lot about misleading the people. I am fed up, I do not want to see anybody misled anybody on the question of the procedure of this Honourable House. The Press is being misled, everybody else is being misled. Please do not be a party to it. Nobody is being misled in this case.

All right, continue your debate.

Rt. Hon. E. W. BARROW: I will not worry to say anything more, Sir, because I intend to speak, and no matter what the Hon. Member may have discussed outside on how to interrupt my speech, I intend to speak without interruption and with the assistance of the Chair. (Hon. L. S. CRAIG: Interrupt what?) There, the Hon. Member is interrupting me again, Sir. (Hon. L. S. CRAIG: Have you said anything for somebody to interrupt you?).

One of the most iniquitous things about this Act, Sir, is the repeal of the legislation to which I referred earlier, the Emergency Powers Act of 1939 as amended.

And in that Emergency Powers Act, there was provision that trade unions were exempt from any Order which would be made under that Act, as I quoted before.

As the Rt. Hon. Member for St. Thomas himself said, the former Senior Member for St. Joseph, his illustrious predecessor and forebearer and the then Attorney-General of Barbados who was on the other side or in the opposite camp — one on the side of labour and the other on the side of capital — together agreed that the provision should be inserted even on the outbreak of war — I should say on the eve of the outbreak of war — that a provision should be inserted in the Emergency Powers Act, which, incidentally — after I read it — you will see that there was resistance by the now Government when peaceful picketing was introduced.

They voted against peaceful picketing although in the Emergency Powers Act there was provision that nothing in the Act should make it an offence for any person or persons to take part in any strike, or peacefully to persuade any other person to take part in the strike.

That whole Act is being repealed by the provisions of the Bill which we now have before us. That whole Act is being repealed by the provisions of Clause 10 of the Bill we are now discussing. Clause 10 of the Bill which we are now discussing states that the Emergency Powers Act is repealed; full stop nothing more.

The Better Security Act of 1920 is amended by increasing the fines, that is relating to electricity, water and so on, and for failing to turn up for work to provide these essential services.

But the Emergency Powers Act which we are repealing, why are we repealing it? It must be to strike at the heart of trade unionism, and the right of workers to withhold their work, if they consider that they should take industrial action on any issue.

And you cannot stop the trade unions from feeling so. And you cannot stop the Members on this side of the House from feeling, no matter how it may be buttered up in Press Conferences, television appearances, TV grooming or anything else, or any other 'Smart Alec' appearances, that the whole purpose of this Bill is to remove the immunity which was conferred on the trade unions in this country.

It does other iniquitous things as well, but the gravamen of the Bill is to remove the immunity which was contained in the Emergency Powers Act of 1939, which — the Hon. Member for St. Thomas himself disclosed in here today — was inserted on the insistence

of his forbearer and the conservative Leader of the House, the Hon. Attorney-General, Mr. Edward Keith Walcott, formerly a Member for St. James.
5.00 p.m.

The sting of this Bill is in the tail. We know that this year there are negotiations coming up between the Government on the one side and the various trade unions on the other side. It is a matter of public and general knowledge. It is unfortunate that at a time like this, when negotiations are coming up, when the Governor of the Central Bank has served notice and the Minister of Finance has served notice that they are not going to get this and they are not going to get that, that we should introduce a Bill which removes the immunity which was conferred on trade unions, in a day, as far as I can remember, when we had not even effectively legalised trade unions in the country.

The Trade Disputes Act and the Trade Union Act are both dated 1939 as well, and the first trade union, the Barbados Progressive League and then the Workers' Union, came into effect in 1940. So we had not really established trade unions strongly in this country at the time when the exemption and immunity were conferred on workers in 1939 by the Emergency Powers Bill, I believe it was Section 4 of the Bill, or whatever section it was. (*Aside*) Every time I want to say something, I do not want to be corrected; it was Section 4 of the Bill. The Trade Disputes Act and the Trade Union Act were of the same year, 1939.

We did not get peaceful picketing until after 1961 "at or near the place where a person resides or carries on business". We had to pass that amendment to the Trade Disputes Act in the face of the conservative Opposition and the conservatives and the Labour Party on the other side of the floor. They opposed peaceful picketing, so it is consistent.

If there is one thing I can commend the Hon. Member for St. Thomas on, it is his consistency in removing the right to peaceful picketing by this Bill; because it is consistent with the stand which they took on the amendment to the Trade Disputes Act against peaceful picketing "at or near the place where a person resides or carries on business."

Rt. Hon. J. M. G. M. ADAMS: I hate to get up on points of order all the time, but on a point of order, there is nothing in the Emergency Powers Act which allows picketing during a period of emergency. It has not been removed. The power of picketing did not exist during an emergency, nor is there anything in the Emergency Powers Bill which removes the right to strike.

The Hon. Member must not mislead the House, in my respectful submission. You could never picket under

the Emergency Powers Act and the honourable member knows that. And you can strike in an emergency, because the Constitution protects you; and the Hon. Member also knows this.

Rt. Hon. E. W. BARROW: I think the Hon. Member was not here when I read Section 4. Section 4 of the Emergency Powers Act of 1939 said this, and he himself said it, and I am quoting him that the Hon. Member for St. Joseph, Mr. Grantley Adams, as he then was, and the Attorney General Mr. Edward Keith Walcott agreed, although he was a conservative, that Clause 4 should be inserted in the Emergency Powers Act.

The Emergency Powers Act is not on TV now, it is in the House of Assembly, and I am reading:

"Nothing in this Act or any order shall make it an offence for any person or persons to take part in any strike or peacefully to persuade any person or persons to take part in a strike."

You tell me there was no provision for peaceful picketing or striking in the Emergency Powers Act, and here I am reading the Bill. Persuading is peaceful picketing. The description of peaceful picketing is

"an act to attend at or near the place where a person resides or carries on business for the purpose of passing on information to them,"

—(that is about the strike) —

"or to persuade that person to work or not to work as the case may be."

Go and read the Trade Union Act. That is the description of peaceful picketing and that is what is in the Act, and you tell me the Act does not say anything about peaceful picketing.

You are not on television now. These people here all went to school, and not at Bromley either, wherever that is. We understand what we read, and I am saying that the Act — I am not mincing matters — which is brought in here today, removes that protection from trade unions. And the Hon. Member gets up in here and tells me, within the past five minutes, that the Emergency Powers Act that we are repealing did not have any such exemption, did not say anything about peaceful picketing. He said so in his introduction and forgets what he, himself, said.

Quite apart from what the Act says, he did not have to tell us because we know, but if he had not even admitted, we know that it was the former Senior Member for St. Joseph and Mr. Edward Keith Walcott who, because there was a war coming on, did not want any friction.

Mr. Keith Walcott did not really believe in any peaceful picketing, but he compromised on it because he would have been able to use other measures, I suppose, to get around it. Fortunately, everybody had some kind of job here, in Trinidad or in Bermuda during the war, and you did not have any serious dislocation of the war effort or of industry.

But they compromised on it and they put it in the Bill, and now a Labour Government, which claims to be the legitimate descendents, have the apostolic political succession to the former Labour Government, is now, without any sense of shame, removing the thing that his ancestor, progenitor, forebearer and father, enshrined on the Statute Book of Barbados. I cannot pay him any other tribute than that. That is what he, himself, said even the conservatives had agreed on.

What we want to know, Mr. Speaker, is why do we have to have emergency powers. The Hon. Member, himself, has said that Barbados is not like Trinidad was. I do not know if he could not say like Trinidad is, but I can only quote him, "like Trinidad was" where you need violence to overthrow a Government.

He said here today that even in Barbados, he made the concession that the Democratic Labour Party is a democratic kind of institution. He said that with notable exceptions, in his usual snide manner, that the party as a party... (*Asides*) I cannot find anything in Mays against it. If you can, I will withdraw it. (*Asides*) Your father did what? Ask Brancker?

Mr. SPEAKER: Please address the Chair!

Rt. Hon. E. W. BARROW: I would not know that, but I know that the same Hon. Senior Member for St. Joseph at one time — you referred to a former Speaker — suggested that three prominent persons, including the former Speaker, Sir Alexander Hoyos and a gentleman very closely related to you — he could not be closer — be detained under Regulation 18(b). I would not embarrass you by calling the name now. But if he could do that to his own relations! You see, I may not fear you so much.

Mr. SPEAKER: Is that related to this Bill?

Rt. Hon. E. W. BARROW: Yes, Sir, detention. And he mentioned the Hon. Member for St. Joseph.

Do you know what I am worried about? Let us take him at face value. Do you know what he does to Barbados? He leaves Barbados and he manages to contrive, or he manages to manage, that the Hon. Member for Christ Church East, the Deputy Prime Minister, is

absent, and then he puts in charge of the Government of Barbados, the Hon. Leader of the House.

5.10 p.m.

The Hon. Leader of the House is a man who is like that; he does not appreciate these constitutional niceties. And if his father, who is a lawyer, could advocate that a gentleman that this Government has honoured, a former Speaker, could be so detained under 18(b), what do you think the Leader of the House would do with me or the Hon. Member for Christ Church South Central? What do you think? The threats he made here today would give you an indication.

Mr. SPEAKER: I am not thinking anything. What I do know is that your speech is an invitation to the Hon. Leader of the House to get up and to misbehave himself if the Chair allows him to.

Rt. Hon. E. W. BARROW: But I know the Chair will not allow him to. I know that the Chair will not allow him to do it but I was only drawing an analogy (*Asides*). Well go ahead and do it, you have my permission. (*Aside* — I am asking Dr. Sealy about you). Thank you. Thank you very much.

Now, Sir, you see why our concern has come. I am not presently, as far as I remember, a member of any trade union but if you are a true representative — if one is, meaning me — and the rest of us here on this side, and we know that you are, true representatives of the people — you cannot pay lip service to things like fundamental rights and liberties of the subject.

One cannot go to forums or fora like the United Nations and speak like the former Attorney-General has spoken, in terms of the preservation of fundamental rights and human rights and so on, make big speeches in front of cameras, and then come down here in Barbados, in the Chamber where you would expect the liberties of the subject to be preserved, to assent to legislation which would erode these fundamental rights and liberties.

And there is no point in coming in here and saying that the Democratic Labour Party had it in their power to do this and did not do it. That is the whole point. We never abused the powers, by stretching the interpretation of the Constitution, that you could come in here and confer upon a Minister, any Minister, a Minister in charge of Defence and Security or whatever Minister it is — it changes from time to time, the Minister can

change or the office in which the power invested can be changed by the Prime Minister himself from time to time. He can devolve those powers on the Minister of Agriculture, the Minister of Communications and Works, the Minister in charge of Defence and Security or any other Minister.

Do not tell me what he, as a Constitutional Lawyer, can do. Suppose we even accepted that for the purpose of discussion only, and it would only be for those purposes after his performance last night. You cannot tell me that we can come in here and agree *carte blanche* to any erosion of the things that we fought for and they were against, when they opposed the Independence Constitution of Barbados.

And since we are discussing the Constitution, and it is the Constitution to which the Rt. Hon. Member for St. Thomas referred to last night and today, — I am not going to deal with the first 10 chapters dealing with citizenship and so on — I will go straight to the Protection of Fundamental Rights and Freedoms of the Individual, and Section 11 of the Constitution reads as follows:—

“Whereas every person in Barbados is entitled to the fundamental rights and freedoms of the individual; that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely —

- (a) life, liberty and security of the person;
 - (b) protection for the privacy of his home and other property and from deprivation of property without compensation;
 - (c) the protection of the law; and
 - (d) freedom of conscience, of expression and of assembly and association,
- the following provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.”

It is very important that we read, mark, learn and inwardly digest the fundamental, the very concept of the term ‘Fundamental Rights and Privileges’, which means something without which you cannot exist. You cannot function as a human being in this society, the kind of

society that we want to have in Barbados, unless these fundamental rights and privileges are observed and protected.

You cannot function, in the same way that if it were not for the Speaker you all would not allow us to function in here, even as representatives of the people. It is a good thing that we have a Speaker. We do not always agree with all his rulings, but we defer to them; and he is our constitution. (*Asides*) I say we do not always agree. You do not always agree with all of his rulings either. (*Asides*) I know if you listen to me speak you would learn a lot. Mr. Speaker understands me.

Do you realise that even if you do not agree with a ruling of a Speaker and you remove the Speaker from here, and do not put somebody else in his place, what in here would be like? Well, you might as well not have a Parliament.

Well, these provisions are fundamental in this respect. They are fundamental to the ability to function as a person in this society and if you remove those fundamental provisions, or you erode them, then you are eroding the fundamental freedoms and liberties of the subject. And all the tax credits that you give them at the end of the year when they are locked up in Union Island or Cariatou, cannot help them at the end of the financial year, all the sweet talk and that kind of thing, because you have taken away from them their fundamental rights and privileges.

And everything I say here has got to be relevant and important to this debate, because these fundamental rights and privileges are being attacked here today under the guise of, not abridging, but under the guise, as I think I heard it, of actually “enlargening.” Well I have never heard anything like that in my life, that the whole purpose of this Bill is not to abridge the rights.

But I got on very well so far, without this enlargement and I can do without the enlargement contained in the provisions of this Bill, because if the Bill which we have now before us, and which repeals the Act of 1939, is an enlargement of my fundamental rights and privileges, I prefer to do without them. And I think that the majority of trade unionists and the majority of workers in this country, seeing their right to strike and their right to picket peacefully being removed by the provisions of the Bill, would also prefer to do without the so-called enlargement that we are now hearing discussed.

5.20 p.m.

Section 12 of the Constitution, Mr. Speaker, deals with the right of a person not to be deprived of his life, except in execution of a sentence in the courts. Section 13 is a very important section, and Section 13 states that:

“No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases:

- (a) unfitness to plead in a criminal court.....
- (b) in execution of an order of the High Court.....
- (c) in execution of the order of a court to secure the fulfilment of any obligation imposed on him by law;
- (d) for the purpose of bringing him before a court.....
- (e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence.....
- (f) under the order of a court or with the consent of his parent or guardian.....
- (g) for the purpose of preventing the spread of an infectious or contagious disease.
- (h) a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol;.....
- (i) for the purpose of preventing the unlawful entry of that person into Barbados; or
- (j) prohibiting him from being within a specific area....

Now the same Section 13, Mr. Speaker, goes on to say in Sub-section 5, Sir,

"Nothing contained in or done under the authority of any law shall be held to be inconsistent with, or in contravention of the foregoing provisions of this section to the extent that the law in question authorizes the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency."

So any authority, therefore, for bringing this law into this Chamber must derive from construction of Section 13 Sub-section 5 of the Constitution Order-in-Council of Barbados 1966, which I have just read. And all we have to do to see whether that is within the true spirit of Sub-section 5 of Section 13 is to look at the new Act, which is repealing the Emergency Powers Act of 1939.

I wish to quote, Sir, from the 4th edition of Professor Hood-Phillips' work *Constitution and Administrative Law*, and this is what it says on page 514: statutory powers to deal with an emergency (1) in time of peace, under the general heading of 'Rights and Duties In Times of Emergency'; and in bold type, the paragraph that starts off with the Emergency Powers Act of 1920,

"This is a permanent Statute and was designed to meet emergencies such as the Coal Strike of 1921 or the general strike of 1926."

Let me pause right there, Sir.

In 1926, Mr. Winston Churchill, as he then was, was Home Secretary in the British Cabinet (*Asides*) (Rt. Hon. J. M. G. M. ADAMS: He was Chancellor). I beg your pardon — my recollection is that he was Home Secretary. Anyhow in 1926, he said that he was Chancellor and I say that he was Home Secretary but it does not matter, he was still Winston Churchill, ...(*Asides*) You check that one out. Mr. Churchill turned out the troops, including tanks. Now this is the greatest defender of freedom you had(*Asides*)..... Against the British workers in 1926 — yes he did. I have pictures of it. Mr. Winston Churchill — I cut it from the *London Illustrated* — turned out the troops against the workers in the general strike of 1926, and it was a conservative government. Mr. Bonar-Law, as far as I can remember, had died by that time, and it should have been, I believe, Mr. Stanley Baldwin. (*Asides*) A little before your time and a little after mine. That is not the point. The point is that here was an elected Cabinet Minister turning out the troops against his own people in the East End of London, and tanks.

Now you know when people speak about the Hungarian uprising and the Warsaw uprising and that kind of thing, they forget about the general strike in 1926 in Great Britain, when tanks were turned out against British workers and the Emergency Powers Act was the Act which was used. As Professor Hood-Phillips said, it was designed to meet the emergencies such as the Coal Strike of 1921 and the general strike of 1926.....

The Act provides that:

"Her Majesty may by proclamation declare a state of emergency if at any time it appears that there have occurred or are about to occur events of such a matter as to be calculated by interfering with the supply and distribution of food, water, fuel or light, or with the means of locomotion, to deprive the community or any substantial portion of the community of the essentials of life. No such proclamation remains in force for more than a month. Where a proclamation of emergency has been made Parliament is to be informed thereof forthwith, and if the Houses be then adjourned or prorogued they are to be summoned to meet within five days."

That is the same thing as our Act, Sir. That is what it was designed for — you know this — actions against trade unions. "Where a proclamation of emergency have been made," and so long as it is enforced, "Her Majesty may make regulations and these regulations must be laid before Parliament as soon as may be" — using the same words in our Act — "as after they are made and shall

not continue in force after the expiration of seven days" — again verbatim copied in our Act.

But the English Act did not have in the provision that ours had in 1939, and this is the exemption now being removed by this legislation here today. This is what Professor Phillips goes on to say, Mr. Speaker. He says,

"The Act was fully evoked during the general strike of 1926."

You see where the Act was evoked, Sir? It was fully evoked during the general strike of 1926 by, I say Mr. Winston Churchill, whether he was Chancellor or Home Secretary; it was fully evoked.

And the spirit of the legislation which we have here is of the same nature and quality as the act of 1920. It is *in consimili casu* in every sense of the term, because at least in our 1939 Act we had an exemption against declaring peaceful picketing or strikes to be illegal acts. 5.30 p.m.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I am not seeking to interrupt the Hon. Member. I would like him to believe that I am following his arguments very carefully.

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

Rt. Hon. J. M. G. M. ADAMS: I am really rising on a point of elucidation. I am following his arguments very carefully and I would be glad if he would help — this is not a sarcastic interruption.

The Government conceives that Section 14 of the Constitution does deal with the protection of trade union rights. This is genuinely what the Government feels, it has been discussed at Cabinet and we have come to that conclusion, and this is the reason why the old form from 1939 is not adopted. Honourable Members must believe this. I am not putting it forward as any amelioration.

If the Hon. Member could deal with this in his argument, it might help us. You see, I know something about the general strike of 1926. The essence of the provisions was the Compulsory Service Order. A Compulsory Service Order was served on certain people, transport workers and so on during that strike.

The question of declaring the general strike illegal never arose, because the Attorney-General, Sir John Simon, gave, as his opinion — in fact, he was not Attorney-General, he was just Sir John Simon — but he gave as a general opinion, and the Attorney-General

also gave the Government the opinion, that a general strike is a criminal conspiracy in itself and *ipso facto* illegal. That was the basis upon which Orders were made during the 1926 strike. And this belief that a general strike is in itself illegal, subsequently came to be dealt with by legislation in Britain and indeed in Barbados. There are things in our Trade Union Act which allows sympathetic strikes by redefining trade dispute.

Our consideration on this matter was facilitated when we studied the Constitution and realised that no Compulsory Service Order can be made to make a striker go back to work under the Constitution of Barbados, and that the protection given in the 1939 Act is therefore redundant.

And since it is misleading anyhow — because I must tell Hon. Members that I do not share their opinion that peaceful thinking would have been possible in an emergency, we will just have to disagree over that, and I hope it will never arise, but no doubt, it could have been tested if it had ever arisen — to avoid the difficulties that are occasioned by the grafting on of that section to a piece of legislation that did not contain it, we gave thought to how we should handle the matter.

And section 14 which rules out the only way you can really make a strike illegal, which is by making the people go back to work, once that was ruled out, we did not see the necessity for confusing legislation with a provision which was not meant for it.

I hope that I have explained to the Hon. Member the thinking of the Government over this matter. And if he can deal with that, we could perhaps harken to the sincerities contained in his argument.

Mr. SPEAKER: I have heard the Rt. Hon. Prime Minister who rose to elucidate a point. (Rt. Hon. J. M. G. M. ADAMS: My speech on Section 14.) It is undoubtedly a point which had been misunderstood, arising out of his original speech in introducing the motion which is now before the Honourable House.

I was at pains to hear what the Rt. Hon. Prime Minister had to say in elucidating. (Rt. Hon. J. M. G. M. ADAMS: Section 14.) He went far and perhaps wide and before the Rt. Hon. Leader of the Opposition continues I just want to make this point: a member can rise to elucidate a point, but in elucidating a Member must not, and cannot, add force or strength to the original point which he had made. In explaining his point, which has been misunderstood, he cannot use the occasion in elucidating to strengthen his former position.

The Rt. Hon. Leader of the Opposition.

Rt. Hon. E. W. BARROW: You will notice, Sir, that I did not interrupt the Hon. Member. I am tired of the behaviour, Sir. But the reason I did not interrupt is that I saw he was getting into deeper and deeper trouble the more he elucidated, so I left him alone.

I am still making it in my original point. I think that you elucidate if a member has misinterpreted or misstated anything that the Hon. Member may have said, but I am dealing with the Act — I am saying the Act has left out something that was there before. And I am saying now you are bringing it straight back to the Act of 1920 in England, where Mr. Winston Churchill, as he then was, used it against the workers, and as Professor Hood-Phillips has pointed out in his worthy treatise on the subject, it was designed to meet emergencies such as strikes and it was fully invoked during the general strike of 1926.

Therefore, to put the whole thing in a nutshell, whatever safeguards the Hon. Member and the Cabinet may feel still exist, *ex abundia cautela*, Mr. Speaker, from an abundance of caution, as you know; why move from something that his father sought to insert in the Bill of 1939 now because some members of the Cabinet and he, himself, feel that there is other protection somewhere. That is a simple straightforward point.

So if we have doubt over here, why not re-insert it, to show his good faith. It does not mean that we are going to vote for the Bill, but at least his conscience will be clear. That is the only point that I am making. It does not mean that we are going to support the Bill, necessarily or unnecessarily but by re-inserting that provision....We have one or two lawyers, at least three, four, and some incipit ones over here and we have doubts about it — and I include the Hon. Member for St. Michael West amongst the lawyers, because he has got a degree; the incipient one would be St. Philip South — we have five, I forgot the Member for St. James South — but we have doubts.

And none of us really is going to be involved in any trade union activity, not as far as I know. We are not any officers of any trade union but we represent trade unionists. We have only one Member, the Member for St. Michael South Central, who is actively concerned with the trade union, as a medical officer.

But I honestly do not understand the logic behind the removal. To me, it is rather sinister. Now I am not imputing any bad motives to anybody. But if you stand up in this House of Assembly and tell me that it is not that you are against people picketing, or you are not against striking; but far from it, you are so much for it that you considered the matter and you came to the conclusion that there were sufficient safeguards in Section 14 of the Constitution and elsewhere, that it is not necessary

in this Bill — well, Mr. Speaker, if you look carefully at the 1939 Bill, and you look carefully at this Bill, well the Bill is not necessary then at all.

The Bill is not necessary, because the one major thing — O.K. there are other things to which I wish to draw your attention in a moment — but they are repealing every single thing. The things about arresting people without a warrant and issuing a Detention Order by the Minister, they are the two new things. And a Minister can, if a man is in detention in Union Island or Carriacou....

Now, I am not speaking in any derogatory way about those two places, because I am half of a former Vincentian myself. I was born here, it is here I come from but I am from down there too. If you ask the people they will tell you that I belong down there too, so I am not speaking in any derogatory sense, but it is a little far from Barbados, it is not too easy to get there. 5.40 p.m.

The airstrip in Carriacou is no good at all, and the one in Union Island is not much better, so the chance of your relatives even taking a carry-all with some cou-cou and thing in it for you when you are in detention cannot arise, you cannot have the creature comforts if you are in detention.

And the Act does not say that the Minister cannot send you to Elba or St. Helena, Ascension Island or any of the Malvinas Islands. He can send you anywhere, because it is not like the Prisons Act, where they said in 1959 that they would make any house in Barbados a prison. And then the Minister of Health, Mr. Miller, came in here and said the only reason why they said they would make any house in Barbados a prison was in case there was an outbreak of whooping cough or influenza; so that they would stop the spread of the infection by making any house a prison. But we repealed that, we repealed that since we got into power.

But under this Act, the Minister can send you anywhere, and after he sends you anywhere at all — it does not circumscribe the limits beyond which he cannot detain you outside of this island or inside of it — he can then make Orders saying what punishment you are supposed to get. He can say that a detainee can get 12 strokes of the cat every day for the rest of the period of his detention, and there is nothing you can do about it. (Hon. H. B. St. JOHN: That is not so). The Act says so, I will read it, Sir. (Hon. H. B. St. JOHN: It does not say so).

The Hon. Deputy Prime Minister says it does not say so. Well, you should not have sent us the Bill last week, you should have kept it back till today so we would not have a chance to read it. Section 5(1) states:

"A person in respect of whom a detention order is in force may be arrested without a warrant by a member of the Police Force and may be detained in such place and under such conditions as the Minister directs."

That is why I say he can send you to Union Island or Carriacou, St. Helena or Ascension Island, anywhere at all, or the Malvinas, properly known as the Falkland Islands. Section 5(4) states:

"Without prejudice to the generality of the powers conferred on the Minister by subsection (1) the Minister may give directions

(b) with respect to the discipline and punishment for breaches of discipline of persons detained."

Now, Ministers can punish people in Barbados, and the Hon. Member is telling me that that is not in the Act. (Hon. H. B. St. JOHN: I will reply to you when you are finished, all you have to do is to finish).

When I mentioned just now about going to places outside of Barbados, Section 7 of the Bill says that,

"the Minister may make regulations dealing with the circumstances of any situation arising or existing during a period of public emergency," and he may

"in particular make regulations in respect of the exclusion and deportation of persons from Barbados."

It does not say "aliens", it says "persons", anybody at all. Banishment. So if you have somebody who is likely to run against you in the next election, all you have to do is to make a Deportation Order. It is very, very simple, very democratic. You do not shoot them or anything like that, you make a Deportation Order. They criticise some people for not holding elections, but here you do not have to hold an election, you deport all your opponents or put them in detention.

This is a very serious thing we are playing around with here in this Bill, this is no laughing matter as some people seem to think. This is no slight infringement or encroachment on the fundamental liberties of the subject, it is a very serious matter.

But I was reading from the work of Professor Phillips on rights and duties in times of emergency and the statutory powers to deal with emergency, and where the Act was fully invoked during the general strike. That deals with the time of peace.

Now in times of war, the Emergency Powers Acts of 1939 and 1940, and I would wish to demonstrate that

the powers which are being invoked under the provisions of this Bill are more closely allied to the Defence Act and the Emergency Powers Acts of 1939 and 1940 than to the peace time provisions of emergency legislation in the United Kingdom.

The Acts of 1939 and 1940 gave a general power to His Majesty by Order-in-Council,

"to make regulations as appear to him to be necessary or expedient for securing public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the lives of the community."

Without prejudice to the generality of the preceding clause, it specifies certain particular matters which might be the subject of defence regulations, namely; "apprehension, trial and punishment of persons, the detention of persons whose detention appears to the Secretary of State — (who is a Minister)—to be expedient in the interest of public safety or the defence of the realm; the taking of possession or control of any property or undertaking, the acquisition of any property other than land, the entering and search of premises and the amendment, suspension and modification of any enactment."

Mr. Speaker, those were the war time measures. Would you believe that every single one of those war time measures have been embodied in this year of grace, Anno Domini one thousand nine hundred and eighty two in the Bill which is now being brought before the House? I will read side by side with the war-time measures. The war time measures gave the Minister power, apprehension, trial and punishment. Apprehension is found in Section 4 and Section 5, power of detention in Section 4, power of apprehension without a warrant in section 5(1)

"A person in respect of whom a detention order is in force may be arrested without a warrant and may be detained in such place and under such conditions as the Minister may direct."

Then it goes on to say:

"Detention of persons whose detention appears to be expedient in the interest of public safety....." exactly what the Minister said in here today.

The taking of possession of any property or undertaking is found in Section 7(2)(h).
5.50 p.m.

The acquisition of any property, entering and searching of property are also found in Section 7(k) and the amendment, suspension or modification of any enactment.

Now I want to deal with that, Sir, because this is a very serious matter. The amendment, suspension or modification of any enactment; these were the war time powers granted to the Minister under the Emergency Powers Act of 1939 and 1940 as a war time measure.

And I think I said in the early stages of my intervention here this afternoon that I wondered if the Government was at war with the people of Barbados, because when we read the provision such as contained in Section 7(2)(o), it goes even further than even the Emergency Powers Act in the United Kingdom which was a war time measure of 1939, because section 7(2)(o) of the present Bill which is before this House says

"the Minister may amend any law, suspend the operation of any law, applying with or without modification any law other than the Constitution."

Come back now to the United Kingdom Bill. The United Kingdom Bill did not give the Minister such sweeping powers. The United Kingdom Bill provided for the amendment, suspension or modification.

The present Bill before us provides for the suspension, the amendment applied with or without modification of any law in the country.

Now, Sir, this is where Parliament has to get in the act, literally. We have got to get in the act now, you and me, all of us have to get in now, because we are sitting down here today and being invited by the Rt. Hon. Minister to give him power to amend any law that we have passed in this House prior to the enactment of this Bill if he gets it through.

Do you know what that means, Sir? Do you know it includes a Bill relating to your salary too? Do you realise it says any law? The salaries of the Clerks of Parliament, the salaries of the members of the Civil Service can be affected.

Instead of coming here with a Civil Establishment Order, and saying I am only giving them one half of one per cent, he can sit down in his office and reduce their salaries by 50 per cent because the Governor of the Central Bank has advised him that the state of the economy, to which he has brought it, cannot afford to pay salaries that they were getting before.

That sounds ridiculous to you? I don't think so. This is a very serious matter. I as a person who has been affected would know. I probably am the only person who has been affected, where the Minister can sit down in his office and amend or change a law under this Act; any law. It does not say any law except the Constitution. (Asides) After this he does not have to amend the Constitution; the Constitution has gone. There would be no

Constitution. All these pretty words in the Preamble about fundamental rights and freedom, they do not mean anything. I am saying that, Sir. They do not mean anything at all.

How can any rational person sit down here..... (Asides) The Minister is going to tell me that the Cabinet did not intend to do that. I am not concerned with what they intend to do. I am telling you how I interpret this.

There was a calypso in Trinidad at one time which said "I fraid Karl". I wonder who he fraid now! I do not want to call names, but you see, it can be anybody. It does not have to be Karl; it can be anybody.

It is a very serious matter. It is not a light matter, and unless the people in Barbados wake up, no matter how many television appearances, no matter how many interpretations we are given here on the Floor of the House, this is a serious matter.

Every 15 minutes the Hon. Member for St. Thomas gets up and gives me another view of what the Cabinet feels. I am not concerned with what the Cabinet feels. I am concerned with what is wrong in the Bill, and as a lawyer I am concerned with what could possibly happen, not what is actually going to happen, but the possibilities, the horizons of liability that it opens, the avenues for the abuse of power that it opens, by the phraseology which is embodied in the terms and the four corners of the Bill itself.

That is what I am concerned about, and it is nothing personal between the Minister and me. He may have done it in the best of faith. You know, Mr. Speaker, I have to presume that he has done it in the best of faith, but you know different people look at different things in different ways, and in the state of trepidation under which he is now languishing, where he might not think that things are going as smoothly as he has admitted, as he would like them to go, and as we would like them to go, he may actually feel that he cannot survive without legislation of this kind.

He may feel that the Republic — we know that we do not have a Republic but I am quoting from Cicero — may come to some great calamity if something like this is not passed. We do not feel so. Do you know why we do not feel so, Mr. Speaker? We do not feel so because he managed to steer the ship of State for 15 years without invoking anything like this.

And I do not think it is responsible for the Minister to come in here or get on television and give people the impression that we left something there drafted that gives him the authority to do something like that, because it simply is not true.

We never came to the House for anything like this because we never even considered it. We would not discuss any foolishness like this with anybody in the Legal Department or the Civil Service, or even the Attorney-General himself could not be so foolish as to come to us with something like this as representing the working class people and ask us to bring it in Parliament.

Mr. Speaker, look at how the Hon. Member for St. Thomas, when he was in the Opposition, attempted to clobber the Government when we had justification we felt — and I still feel — in 1970, for introducing something which he has not repealed. And if he wants to repeal it, it is all right with me — it only means that we will have to stay up a little later for public meetings.

But he was against even applying for permission to hold a public meeting. He said that was an interference with the liberty of the subject, that no politician had any right having to write a letter to the Commissioner of Police telling the Commissioner of Police that he is going to hold a public meeting in Palmetto Square or Market Square or anywhere else between the hours of 7 o'clock and 11 o'clock at night. He said that was an infringement of the right of the subject.

Well, if that was an infringement of the right of the subject, this is a complete abolition of any rights that any subject in Barbados may actually have had at any time. It is as simple as that.

I do not want to quote the Hon. Member. It is very painful to me to get up and quote him — the passage about violence in Trinidad — because for such a responsible person as the Hon. Member for St. Thomas, who is now Prime Minister of Barbados, who was of full age, and supposed to be of discretion, could at that time say that the Government of Trinidad should be overturned by force, he might very well feel that what he calls irresponsible people, like the Hon. Member for St. Michael South Central — he calls him irresponsible, and he is responsible — but he might feel he might want to overthrow the Government too, and the best thing to do with him is to lock him up or send him to Union Island.

But for whom is the bell tolling? If he does that to Mr. Frank Walcott today and the Hon. Member for St. Michael South Central tomorrow, whose turn is it going to be next? We do not know. Nobody knows. There may be nobody left in here at all.

And where is the voice of the Church and the press in these matters now? They are silent. Don't they realise what is happening to them? Or have they so much trouble on their hands that civil liberties do not matter any more?

6.00 p.m.

They realise what is happening to them or they have so much trouble in their own hands that suddenly civil liberties do not matter any more. They cannot even get inside their own Church.

I do not know what is happening in Barbados today, Sir. It is a very serious state of affairs. It is not one that we can go to bed tonight or any other night with the thought that this legislation is in danger of being passed. It is not one that we can entertain with any spirit of quiet or equilibrium at all, no matter what the assurance is we are given about interpretations.

It is not a question of what two or three people over there feel or even ten or eleven of them. It is a question of why do you have to do it at all, if things are so good that you are apprehensive at what has the power to destroy the fundamental rights and liberties of the people of this country.

There is provision in the Constitution and the provisions in the Constitution make the provisions which are contained in this Act seem superfluous, because the provisions of the Constitution is the supreme law of the land, and Section 13 that I quoted before, because at the time when this Order was made, — it was actually made in 1966 — there was on the Statute Book of Barbados an Emergency Powers Act and a Better Security Act. What the provisions of the Constitution did was to place certain limitations on the Emergency Powers Act of 1939.

What I do not understand, and what we on this side, Mr. Speaker, cannot understand, is if you have a provision like Section 13, Subsection 2 of the Constitution of Barbados which says: "any person who is arrested or detained shall be informed as soon as reasonably practical in a language that he understands of the reasons for his arrest or detention, shall be permitted at his own expense to retain and instruct without delay a legal adviser of his own choice being a person entitled to practice Law," why do we need to have, after you have conferred something, which the Constitution does not give you the right to do — the Constitution does not give you the right to arrest without a warrant — why is it necessary for the Act under Section 5(2) to repeat the provisions of the Constitution, in Section 13(6) (a), (13)(6)(b) and 6(1) of the Act, 13(6)(d), 13(7), and all of those which are already enshrined in the Constitution of Barbados.

When we examined, in detail, the Bill which we are now considering, Mr. Speaker, we discovered that the major points of departure between the Emergency Powers Act of 1939 and the present Bill were the provisions which apply to arrest without a warrant which are not in the Constitution or in the Bill, and the deletion of the exemption of trade unions from the provisions of the Bill, and the power of a Minister to impose punishment for

reasons of discipline, and the provisions which stipulated that any Regulations which were made under the Emergency Powers Act of 1939 should be subject to the approval of this Parliament.

If I may go back very quickly, Sir, to Chapter 161 of the Laws of Barbados. There is no provision in the Emergency Powers Act of 1939, in this country, for a Minister to repeal, or amend, or modify any Act of Parliament — and that is another departure. And that particular provision is taken directly from the war-time Emergency Powers Defence of the Realm Act in United Kingdom and which now, no longer has the force of law in the United Kingdom.

They said in here that the Act expired in 1946. It expired in 1946, which was less than one year after the cessation of hostilities. Now, some 36 years later, we are going back to war-time measures in the United Kingdom, and invoking provisions giving a Minister power to change laws made solemnly here in this Parliament in the year of grace, 1982.

I hope, Mr. Speaker, that you could now appreciate why there is some disquiet and concern on this side of the House over the provisions of this Bill.

I wish to refer now, Sir, specifically to some of the remarks which were made by the Hon. Member, when he introduced the Bill here earlier today.
6.10 p.m.

The Hon. Member said that we have had *habeas corpus* suspension Acts in Barbados. Then he went on to say, "he believes." Now I always like to listen to the Hon. Member very carefully because when he says that we have had something and then he adds that he believes, it is not necessarily that he knows that there have been any such enactments in Barbados, or that he is firmly of the belief — he either knows or is firmly of the belief. But from my experience of the Hon. Member for St. Thomas — and I like to make a note of these things when he says them — it is a warning that he will come back and tell you that well you remember that we had *habeas corpus* suspension Acts in Barbados and that I believe there were such Acts. Well, now we are going to have one again.

Why do I say this? There is no provision in this Bill for a writ of *habeas corpus* to be brought against anybody who has been detained. The procedure by way of *habeas corpus* is a means of securing the release of a person, calling upon the person who has detained that person to show cause why that person should not be released. There is no provision in this Bill. If there is a common law writ, there has to be a provision. (*Asides*) Yes, but if you read the Bill carefully you have

established the procedure by which a person can appeal against his detention.

You have gone back on the old procedure, the war time procedure, to the Appeal Tribunal. The Appeal Tribunal will then make recommendations, but if the Minister does not agree with the recommendations of the Appeal Tribunal, the Minister does not have to accept the recommendations of the Appeal Tribunal. So your *habeas corpus* has gone through the door.

But if anybody was so benighted as to try the procedure by way of *habeas corpus*, I take the statement made by the Minister today, not so much a statement of his belief or his knowledge, but somewhere in the back of his mind, he would make it abundantly clear, that even if we did not have suspension of *habeas corpus* in Barbados, that he does not consider these cases proper cases, where you should be entitled to bring such procedure to secure the release of a person.

I know from my experience, and I am saying that, in my opinion, having established a procedure for an appeal, that a writ of *habeas corpus* would not apply.

But the Minister has thrown out the statute today, and he said that I do not know of any occasion on which we have had suspension of *habeas corpus* in Barbados by direct legislation. We may be suspending it here today, inferentially by the way in which we have established the appeals procedure. But I have made a note of it and I want to get it on the record that I have made a note of it. Therefore, if anybody comes to me subsequently in this Chamber, and says that I sought to give notice — and Hon. Members would have understood what I said, because in this debate I said we had suspension before, so why not let us have it again — we will have to watch that very carefully.

He then went on to discuss the Gordon riots in Jamaica and the case of the Governor — he did not call him by name, but the Governor of Jamaica at the time — who was impeached when he got to the United Kingdom.

Now I come to a very serious part of his introduction. The Hon. Member for St. Thomas said that in 1955 — and I asked for the debates on this, and have not been able to get them from the Deputy Prime Minister yet, I believe I was in the House at that stage(*Asides*).....I was not there during the debate, I was a Member of the House. (*Asides*) I cannot remember the debate that is why I asked the Hon. member to let me see it. (*Asides*) Yes, said that he would pass it on.

I have no recollection, Sir, of the amendment in 1955, the Emergency Powers Amendment Bill, but that would be embodied in the Act, as it now appears on the

Statute Book. But the amendment about peaceful picketing was made in 1939, as far as I can remember — (*Asides*) I was not a Member of the House in 1939 — and this extended the powers to deal with hurricanes and matters of that kind.

I was not there Sir, but what I am saying is that I remember, and was very interested to hear the Hon. Member saying something about transport last night, because in 1955, at least soon after the Transport Board Act was enacted, an attempt was made to introduce by Regulation in this House — nothing to do with the emergency powers in the Transport Board Regulations — powers to enter and search people's houses for documents and matters of that kind.

The Regulations, as far as I can remember, were withdrawn; because I made a search for them subsequently and could not find them. I do not know whether the Hon. Member for St. Thomas has been able to find these Transport Board Regulations. I had the Crown Law Officers search for the Regulations.

And Mr. T. T. Lewis and I objected when we heard about the Regulations. We said that you should not do it under the Transport Board Act and it had nothing to do with the Emergency Powers Act. They were withdrawn and then they disappeared.

Well, I hope that they will never be reintroduced under subsidiary legislation of that kind, because I do not think we should use Statutory Boards to introduce Regulations which interfere with the fundamental rights and liberties of the subject, such as the powers of search and arrest without a warrant and matters of that kind.

That is all I know about the 1955 Bill, because on that particular day, although I was a Member of the House, I was not there during the session when the Amendment was made, as it is clear from the debate. (*Asides*) No, they were not the Regulations I am speaking of, because it did not give the power of search that the original Regulations had as far as I remember.

Now the Hon. Member, during the course of my intervention, the Hon. Member for St. Thomas, said that the state of emergency would be imposed by the Governor-General acting in his discretion. I want to take him up on that.
6.20 p.m.

I pointed out to the Hon. Member what I believe 32(1) of the Constitution stipulated:

"The Governor-General shall act in accordance with the advice of the Cabinet or a Minister"

And the point that I was making there, was at variance with the point which the Hon. Member for St. Thomas

was making during the course of his Press Conference and television broadcast last night.

He had emphasised, I understand, that the proclamation and the declaration of a state of emergency was made by the Governor-General, and that the Minister could only act after a state of emergency had been declared.

And, here today, the Hon. Member for St. Thomas said, not only was that so, but that he had consulted with Parliamentary Counsel and their understanding in the Cabinet was that the words, "if the Governor-General is satisfied" conferred a discretion on the Governor-General, and that the Governor-General inferentially did not act on the advice of the Cabinet. I hope I am not misinterpreting. I am choosing my words very, very carefully.

My understanding of the words, "if the Governor-General is satisfied" is a question that in the actual proclamation, the form of the proclamation must stipulate, or must say, that the Governor-General is satisfied but the actual procedure by which he becomes satisfied is that he is persuaded by the Minister.

Now, where do I get this from? Where do I get this from? Who told me to say that? No less a person than the Rt. Hon. Member for St. Thomas. Let me quote him. This is what he said in his speech before I made that point. He said:

"It would be lawful for Cabinet to make any orders which it considers desirable",

And now — I have his words in italics. This is in his introduction you know, Mr. Speaker:

"if we persuade the Governor-General to declare a state of emergency."

Now, if the Governor-General is acting in his right, who tells him to go up there and interfere with the gentleman, saying he is persuading the Governor-General to declare a state of emergency? If the Governor-General is not acting on his advice, what right has he up at Government House at such a time? These are the words used by the Hon. Minister himself when he was introducing the legislation. He said:

"It would be lawful for Cabinet to make any orders which it considers desirable"

And I put, and underlined, in italics:

"If we persuade the Governor-General to declare a state of emergency."

Do I have to say more?

So tell your Parliamentary Counsel not to contradict you. (*Laughter*) Tell your Parliamentary Counsel — innocent, little girl — not to contradict you; that she must stay here and listen to the whole debate, and not only part of it.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, Sir, if the Hon. Member would give way. I am not dealing with that point, I am elucidating, Sir.

I said that is the belief of the Cabinet, it is still my belief, and Chief Parliamentary Counsel has furthered it. I do, after all, have to run the Government, and I am more familiar with what words like those mean than the Hon. Member, who is some years away from it, and I am satisfied on that.

But in elucidating, I would ask the Hon. Member to look at these things. Until 1966 the law said:

"The Governor in Executive Committee", which means the Cabinet.

An Order was made in 1966 changing those words, almost everywhere they appeared in a Law of Barbados, to, "Cabinet", but in that case they were changed to "Governor-General to be satisfied". I am trying to help the Hon. Member to interpret the words.

And secondly, will the Hon. Member look at the Constitution and realise there is another provision, which clearly is intended to come into force if the Governor-General is not satisfied, because there is another way of declaring a state of emergency, and that is by a majority vote of all the Members of the House of Assembly. In other words, if you can get 14 Members of the House to vote for you, you can declare it.

If, in the face of those two things, that "Governor in Executive Committee" was not changed to "Cabinet", and that there is an alternative procedure prescribed, he still thinks that the Governor-General acts on advice in declaring an emergency.

In the face of those two things, how is it possible to think that "satisfied" does not import discretion. (Mr. B. M. TAITT: He is getting mixed up.)

Rt. Hon. E. W. BARROW: I am satisfied — and I am not using my discretion — I am satisfied intellectually that it does not mean that at all; that it means that he has to act on the advice because the Constitution says so. But I am not relying on my intellect now, I am relying on yours — maybe I am fallacious in doing that — but you said that if you managed to persuade the Governor-General, but you did not remember that you had used

those words. (Rt. Hon. J. M. G. M. ADAMS: If I could tell him to do it, I would not need to persuade him.) But what are you doing up there at all? But you used those words that if you managed to persuade the Governor-General, you are giving him advice. (Rt. Hon. J. M. G. M. ADAMS: If I can advise and tell him to do it, would I need to persuade him?)

Mr. Speaker, I really cannot take the Hon. Member seriously. I have said before, I have quoted provisions of the Constitution where the Constitution says, the Governor-General in his discretion shall do so and so; and the Constitution clearly says that where the Governor-General is called upon to act in his discretion then he does not have to ask anybody his advice or consult with anybody else.

But the Constitution says that the Governor-General, "shall act on the advice of the Cabinet or a Minister of the Government acting on behalf of the Cabinet." So when they use the words, "if the Governor-General is satisfied," it only means if the Cabinet is satisfied.

And how could you give the authority to declare a state of emergency, on the one hand, to one person, and the right to detain people, on the other hand, not to the duly constituted authority which is the law courts or the judiciary or anybody, but to a Minister, who is also advising the Governor-General?

Because the Minister says so, would you declare a state of emergency? You are so much Governor-General now, you have a state of emergency. You make the regulations. The Governor-General is not in power to do that at all. He has to act on the advice of Cabinet.

Can you imagine any Governor-General, I am not calling the officer by name, in any country in the world sitting down and deciding that he is drawing the taxpayers' money and he is going to declare a state of emergency, when the Constitution has not explicitly given him these powers? That is all I am saying. It is simple.

But the Hon. Member himself in his speech said:

"It would be lawful for Cabinet to make any Orders which it considers desirable if we persuade the Governor-General to declare a state of emergency".

Does he mean by that that the Governor-General has a discretion and he has to go up there and persuade him to exercise his discretion? What he is doing is giving him advice. That is only the language which he was using. He was not aware that he was giving the game away when he said that, or that I was writing down verbatim what he said.

The Hon. Member went on to say something I dealt with before, that he said at the London Conference that we should not give Parliament the power to lock up people for drunkenness, and that the then Government resisted that.

All I want to say, for the record, is that nothing like that ever took place.

I have members who are present — well, not present at this very moment — members of the Opposition who were at that conference. I also have the original Draft Constitution of that conference. The Hon. Member is giving the impression that he got up there and persuaded somebody to take something that was in the Constitution, which was interfering with the fundamental liberties of the subject, and that we intended in the Constitution to lock up drunken people. That was not the thrust of their presence at the Constitutional Conference at all. 6.30 p.m.

Their presence at the constitutional conference was to try to persuade the Secretary of State for the colonies, as I say, not to grant Barbados independence. But I want to concede, just for the sake of this debate, to pacify them, that they were only up there to persuade the Secretary of State not to give Barbados independence alone, whatever that means.

I did not know they had two kinds of independence, independence with somebody else and independence alone. But they have since amended their stance and go about telling people that they were not really against Barbados getting independence, but they were against Barbados getting independence alone. In other words, they wanted independence with Gairy, and independence with Montserrat, and everybody else. I think that is what they were there for.

They never discussed the Constitution inside the Chamber. We drafted the Constitution, we took it up, and the Constitution went through as was drafted. (Hon. H. B. St. JOHN: I will tell the public the truth about the Constitution). What is the truth about it? (Hon. H. B. St. JOHN: The one you carried up that Fergusson drafted was withdrawn, and a new one was drafted by Professor Marshall). Is that right? Well you can say that because you were not in here when that Constitution was debated. The Hon. Member was not in here, and all he has to do is to go back and search the records of the House for the Constitution which was discussed in here before we went up to the London conference. (Hon. H. B. St. JOHN: Wind up, let me deal with you). I will decide when I want to wind up, Mr. Speaker. If the Speaker wants me to wind up, the Speaker could use certain rules, if he felt I was breaking the Rules of the House.

Mr. SPEAKER: Please.

Rt. Hon. E. W. BARROW: I am dealing with the address of the Hon. Member now, Sir. The Hon. Member went on to say that the present law — and he repeated it about three times — is that the Cabinet can make any law, the Cabinet can make any law, the Cabinet can make any law.

The Cabinet never made any law, this was the whole point, and the Cabinet certainly never brought any legislation here giving any Minister the power to arrest anybody without a warrant, or any power to detain any person, or any power to send anybody outside this country, or any of the powers which are now being conferred by this Bill, or to rescind any law, or to amend any law, or to modify any law in whole or in part. So that is my answer to that.

To get up, either on television or in this House, and say the present law is that the Cabinet can make any law, the Constitution recognised that there was an Emergency Powers Act, which we never invoked from 1961 to 1966, or from 1966 to 1976, and I want categorically to say here that I am not aware of the gentleman — either a present Minister of Health or anybody else — if any civil servant took it upon himself, I invite the Hon. Member to bring the documents signed by any of my Ministers and I will withdraw, or authorised by any of my Ministers to detain any member of the Barbados Labour Party, any person belonging to any trade union, at any time, when I had anything to do with the Government. It is as simple as that. I give the Hon. Member the assurance that if he can bring that evidence, I will go to the public and say that is my handwriting.

I asked the Hon. Member in here when he was referring to something in a draft if he saw my name anywhere near there, or my writing anywhere there and he told me no. The only writing on it was his own fine Italian hand when he said "this is too much", and I dealt with that already, so I do not want to go into that again.

We never made any such orders. If Barbados could exist peacefully, as he, himself, has said in previous debates, without any of these provisions, I think we should get on with the business of restoring the economy of this country instead of fooling around with legislation, which could possibly, in the wrong hands by the wrong people, be used in a punitive way, to encroach and infringe the fundamental liberties of the subject in this country.

Now, I want to come to one other misrepresentation which was made here. I have to deal with these things because I am in debate. When the Hon. Member gets on television, he does not have to answer some of the questions put to him — he can ignore them, or he can

toss them aside. But when he comes in here and he makes statements, he will expect that they will be answered. I have had to answer Mr. Henry Forde on this before. I want to say two things.

Mr. SPEAKER: Who is this Mr. Henry Forde?

Rt. Hon. E. W. BARROW: I beg your pardon, the Hon. Member for Christ Church West. Some time in 1976, he said in a broadcast that the Democratic Labour Party had passed.....

Mr. SPEAKER: He said so in this House?

Rt. Hon. E. W. BARROW: I believe he also said so in here, Sir, and I had to correct him. It certainly was repeated by the Rt. Hon. Member for St. Thomas today, that legislation giving the Minister power to open people's mail was passed by the Democratic Labour Party.

And I want to deal with that, because I had to correct him on this and show that that was a direct misrepresentation.

In 1975, Sir, the new Post Office legislation had to amend and consolidate the Acts relating to the Post Office and this is what the Act says. Far from giving any Minister any power to open anybody's mail, Sir....

Mr. SPEAKER: What is this all about?

Rt. Hon. E. W. BARROW: The Minister said today that during his time we had introduced legislation giving a Minister power to open people's mail, and this is exactly what is in the Laws of Barbados, Chapter 27A, Section 18:

"If the Postmaster has reason to believe...."

In none of the previous legislation was there any such provision at all, but Section 18(1) says:

"If the Postmaster General has reason to believe that any postal article contains materials in respect of which an offence is being committed or is intended to be committed, or if he is requested to do so by the Commissioner of Police, or by any member of the Police Force not below the rank of Inspector, he may require by notice in writing the attendance at the Post Office of the addressee of such postal article, or such agent deputed in writing by such addressee, and/or the person, if any, who made the request, and such postal article shall then be opened by the addressee." — That is the person to whom the letter is addressed — "or his agent in the presence of an officer of the Post Office deputed for the purpose of the Postmaster General

and of any other person named or referred to in the notice who attends."

6.40 p.m.

Now the purpose of this is that suppose somebody had put a bomb in a postal packet and they are suspicious of it: the Commissioner of Police says that he believes that this thing contains some deleterious material. The Postmaster General then has to send for the person and say, "this is yours, you open it here." — of course, if I were the Postmaster General, I would protect myself behind a screen or something and make the person open it — and if the person does not attend or refuses to come and open the parcel, the Minister can then direct the Postmaster General to dispose of the thing either by dumping it in the sea or something else.

I do not think it is fair for a person in such a responsible position as the Prime Minister of the country to come in here and suggest that we passed legislation in his presence to make it possible for a Minister to open people's letters.

And he also made another statement which I find slightly irresponsible, and which I know to be untrue. He said that Mr. Leacock said that he never told me. I wonder why he did not bring it out when Mr. Leacock was alive, because I said it when Mr. Leacock was alive.

When they made these charges about people's telephone being tapped and all that, Mr. Leacock told me the only way that anybody's telephone could be tapped was inside the Telephone Company. And I asked Mr. Leacock whether at any time any Minister, or the police, or anybody else, had ever given him any instructions or anybody in the Telephone Company, and he said categorically "no".

And the Minister comes in here today and says that Mr. Leacock said I was not telling the truth. (*Asides*) Well all right, let him go, he has shares in it, and let him ask the present Manager whether he can find any record or ask anybody connected with the Police Force Security, or anybody, if at any time at all, this was done.

I do not think that people in positions of authority should so abuse the privilege of their position as to try to bolster their case by telling things which are deliberate untruths, when they know that the corroborating evidence is no longer available. I said it when Mr. Leacock was alive and available, and the Hon. Member never made that statement when Mr. Leacock was alive, but he makes it now that Mr. Leacock has gone to the great beyond.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, the Hon. Member would be doing well — I can't deal so much with the telephone matter, because the Hon. Member has not contradicted what I have said for all his talk about Mr. Leacock. (*Asides*) I will deal with that if you ask.

What I said, Sir, was that the Hon. Member denied that telephones could be tapped, and Mr. Leacock contradicted him, and it appeared in the Advocate. I was present and heard it. The Hon. Member has, I believe, given, at the moment, an absolutely truthful explanation of perhaps what he intended. But I was present and heard Mr. Leacock deny it and it appeared in the newspapers of Barbados. The Hon. Member, no doubt, was misquoted and Mr. Leacock did not understand what he said or whatever.

But the matter of the Post Office is a more specific allegation, and if true, would have meant that I would have broken the Rules of the House by saying a falsehood about something that transpired when I was in the House.

The 1975 Post Office Act is not the first Post Office Act. The 1911 Post Office Act existed for many years, and Section 43 of the 1911 Post Office Act contains a provision which the Hon. Member has read out, but it also contained a provision, and I will read it out:

"Provided further that nothing herein shall apply to the opening, detaining or denying of a postal packet in obedience to an express warrant in writing under the hand of the Governor."

And when Mr. Fergusson was the Minister of Communications and Works, "Governor" was changed to Minister.

Now I am saying that as a fact. If the Hon. Member wants to put his credibility in the line against mine, I will get the debate.

I believe there was a lot of argument, you took part, Mr. Mottley took part, a lot of us took part in here in that debate, saying no Minister has any right to open anybody's mail, and I believe in consequence of that that when the Post Office Act was changed in 1975, the entire power was removed. (*Asides*) So what. It was changed by the Hon. Member, but it does not alter the fact that the Hon. Member's Government gave a Minister power to open people's letters for some years.

Rt. Hon. E. W. BARROW: The Hon. Member knows that was a consequential legal note amendment where the power formerly vested in the Governor would have to be transferred to a Minister, and as soon as it was reasonably practicable that was removed, and I challenge the Hon. Member to name a single instance where the Minister opened anybody's postal package.

There is no point in raising that, because if I knew that a Minister opened anybody's postal package, I would have the Minister dismissed, and I am sure the Hon. Member would have been the first person who would have drawn it to my attention. (Hon. L. S. CRAIG: You dismissed them for less than that.) Yes. (*Asides*).

Rt. Hon. J. M. G. M. ADAMS: On a point of order, the power is still in the Act. (Rt. Hon. E. W. BARROW: The power is not still in the Act.) Well read section 21(2). The Hon. Member has seriously misled the House because section 21(2) still gives the Minister, in the interest of justice, power to grant a warrant for the opening or returning of any postal article. I did not even realise that myself. It is still in the Act.

Rt. Hon. E. W. BARROW: But not for the Minister to open anything; to give a warrant in the interest of justice, so that if the court said that they wanted something opened, the Minister could give a warrant, but the Minister could not go in the Post Office and open anybody's mail, and you know that too.

If mail has to be opened, the Postmaster has to send for the addressee and ask the addressee to open his mail. (*Asides*) Well, if you want to repeal that, I would be glad if you would repeal that too.

When the Hon. Member has to go back for legislation for 1911 to say we did not tidy up this and we did not do this and we did not do the other, the Hon. Member really has to be raking and scraping. He really has to be in very desperate straits, as far as I am concerned.

I wish to go back to the Bill instead of the Post Office Act, but this was one of the points which had been raised by the Hon. Member in his introduction to the Bill itself, and that is the reason why I raised it, to show what the legal position is today.

The Hon. member went on to say, on the resumption, that a Government has to step carefully in changing law on emergency. And that was the stage at which, unhappily, he mentioned the Senior Member for St. Joseph making a strong point to protect the trade unions.

Now the Hon. Member made that statement about Government has to be careful in carrying out changes to the law on emergency, specifically on the question of the immunity granted to trade unions by the 1939 legislation, and I must come back to that; because he is aware, more than any other person, that both sides of the House in 1939, as I pointed out before — Mr. Speaker, in 1939 we are aware that the Trade Disputes Act and the Trade Union Act, two separate pieces of legislation were only enacted in that year — took the precaution, as he pointed out, to safeguard the rights of trade unions under the Emergency Powers Act by putting in I think it was sec-

tion 4 that "nothing in the Act shall be deemed to affect the rights of persons" whether they were in trade unions or not.

I will go on further to say that it really did not depend on the legalising of trade unions under the Trade Unions and Trade Disputes Acts of that year because they may have been passed subsequently, but giving the immunity, "to any person who was involved in an industrial dispute in a strike or was involved in peaceful picketing a furtherance or pursuant" – (I have forgotten the exact words used,) – "in contemplation of furtherance of a trade dispute". I think those were the precise words used by the Trade Disputes Act of 1939.

6.50 p.m.

Now the juxtaposition of those two events. Mr. E. K. Walcott, on the one side, Member for St. James, and the Senior Member for St. Joseph, Mr. Adams, both of them conceded that this exemption should go into that Act. Of gravest concern is the omission of that provision from the Bill which is now before the House.

There is no point in the Deputy Prime Minister trying to tell me that he can answer it, and there is no point in trying to tell me that they are protected somewhere else, because these two persons were legal luminaries. They both rose to the top of their profession. There were two gentlemen, both with whom I have worked. I learnt the ropes in the same way that I have tried to assist the Hon. Member for Christ Church East Central.

I learned a lot from them, and I had the greatest amount of respect for them in the law courts and in the practice of their law. And both of them conceded – and they never used to give away anything easily – that it would be desirable, and in the public interest that the rights of workers should be protected within the Bill itself, within the four corners of the Bill.

We are confronted with a situation today where we are repeating lock, stock and barrel, all of the provisions of the Emergency Powers Act of 1939. Not some, Mr. Speaker, but all of the provisions of the Emergency Powers Act of 1939. And we are introducing certain other provisions to which we are taking exception.

But I think what concerns most of the Members of this House more than anything else is the exclusion of a provision to which, even before I got up to speak, the Rt. Hon. Member for St. Thomas had adverted as having been agreed upon as something which is in the public interest by both sides of the House in 1939, diametrically as opposed as they happen to be on the political spectrum; diametrically opposed!

Certainly in matters relating to labour, and matters of that kind, I do not think they could be further apart than those two gentlemen; yet the two of them compromised on that issue. But two labour parties cannot see eye to eye on it now because the one Labour Party is saying we do not need it and we are saying, if you do not need it, out of an abundance of caution let us see it back in there, where, in the wisdom of previous Parliaments, it resided. Could you therefore blame us for being a bit over-cautious and suspicious? That the whole purpose of this Bill is to wipe that off the Statute Books?

I know that we are not imputing improper motives; because if you feel it should be taken off, take it off; and say that you are not in favour of protecting any trade union because you will have a confrontation with them, and therefore some of them want locking up – because you are entitled to feel so. We do not feel so, but I am not imputing improper motives. All I am saying at this stage is that you should tell us what your intentions are, but do not tell us that they are protected somewhere else. I do not want to hear that.

If they are protected somewhere else, protect them again here, so that they will have double protection. They will have protection before and protection after, because the protection was there all the time. Then we would not have to have legal arguments about the interpretation of the Constitution, interpretation of the Trade Union Act, we would not have to bring writs of *habeas corpus* and all that kind of thing, when it could be simply done by showing your good faith by reinserting, "the Clause proposed to be deleted should stand part". That is what I am saying. It is as simple as that. Put it back in. Let us see it there as a token of your good faith, and as an understanding on our side that the rationale behind this Bill is not something to diminish the rights of people who are engaged in labour disputes.

There is one other matter, Mr. Speaker, which is causing me some kind of concern. Towards the end of his address, the Hon. Member said that the Government intends to introduce legislation to deal with explosives and ammunitions. (*Aside*) Well, you will find that there is provision.

All of this seems to presuppose that Barbados is going to be soon in a state of war, and that in his anxiety to keep the Laws modern, the Government is going to introduce Legislation to deal with, and I quote his words, "unauthorised tapping of telephones."

Now you have to listen very carefully to the Hon. Member when he is speaking. It seems to me that there are two kinds of tapping or bugging of telephones – from the way that he put it – "authorised" and "unauthorised".

What I thought the Hon. Member would say is that he would make it illegal for anyone in the Defence Force, Colonel, whatever his name is, or Brigadier — I believe he is being promoted — Brigadier Lewis — (*Asides*) You read the *Gazettes* and you will see..... or Air Commodore. The Commissioner of Police, any Minister, or anyone — anyone at all — make it a criminal offence for anyone to tap anybody's telephone. I am not speaking about any unauthorised tapping, any kind of tapping of anybody's telephone.

I will tell you something more. I invite the Hon. Member to make it retroactive. I do not believe in retroactive legislation. Make it retroactive to 1961 and if you can find that any Minister, or any civil servant, or anybody in the Democratic Labour Party Government, indulged in any tapping of telephones, this is one bit of retroactive legislation I would support — lock them up for me, please, lock them up. (*Asides*). I do not care, lock them up. And if I can give you any support, by coming in and giving evidence that it was not authorised or unauthorised, I am saying make it retroactive as far back as you want, because I do not think we should have authorised or unauthorised tapping of anybody's telephone. Yes, Sir?

Mr. SPEAKER: Is the Hon. Member likely.....

Rt. Hon. E. W. BARROW: Are you tapping me? (*Laughter*).

Mr. SPEAKER: Is the Hon. Member likely to complete his address by 7.10 p.m?

Rt. Hon. E. W. BARROW: No. Sir.

SUSPENSION OF SITTING

Mr. SPEAKER: This sitting now stands suspended until 8 o'clock this evening.
7 p.m.

On resumption:

Mr. SPEAKER: This sitting is now resumed.

Rt. Hon. E. W. BARROW: Mr. Speaker, a few years ago, when I was entrusted with the job of teaching a special course to some bright young students at a university in North America on the question of hemispheric security, I asked them to list, without any prompting from me — but from their research — the greatest threat to a security in the western hemisphere during the past 100 years. We had been dealing with things like the Monroe Doctrine. We had been dealing with the Organization of American States, the Treaty of Rio which is current topical interest. We had been dealing with

the economic integration movements, the Treaty of Tegucigalpa, and other matters of that kind, which related to our own area, which is the Western Hemisphere.

What was interesting to me, was that they managed to find that the greatest threat to the security of the Western Hemisphere had come first from the Government of the United States of America where there had been 30 interventions in the internal politics in the 20th century alone, and the second greatest threat to the security of the Western Hemisphere happened to be the Governments in the countries themselves and not the Opposition party or the trade union movements — (*Asides*) I beg your pardon.

The Rt. Hon. Member for St. Thomas says that it shows the kind of people I was teaching. I am very glad to hear him say that, because the statement which I made was that the students, after research, discovered that the greatest threat was the United States of America and secondly the Governments of the area themselves. Now you know why I am glad to hear the Hon. Member for St. Thomas, the Rt. Hon. Prime Minister, say that? Because my students have been corroborated in their research by no less a person than the Rt. Hon. Member himself.

And I should like to read, Mr. Speaker, with your indulgence, from the words, which the Rt. Hon. Member gave to them in the course of the debate in this Chamber on May 26, 1970. On page 1630 of the Official Gazette of that date, this is what the Rt. Hon. Member said. The Hon. Member said "It shows what kind of people I was teaching". I think the Hon. Member would have qualified to enter my class, because this is what he said:

"It is obvious that threat to security can come from the lawfully constituted Government, and indeed, in most of the one-party states where Constitutions have been destroyed, it is the Government which has moved against public order, the public safety, the public security and the Constitution of the country. In general, in fact, I would state a proposition, that in the newer Commonwealth countries Governments are of a greater threat to security than Oppositions. I do not know of any Opposition revolution in any post-war Commonwealth country. I know of Army take-overs; — (Hark, take caution) — the forces of law and order destroy security and I know that Governments destroy the Constitution."

The Hon. Member says that these are Yale students, the brightest students in the United States. Yale, Harvard and Princeton students are supposed to be, I believe, scholars.

Do you know what the Hon. Member said when I went to the other universities? He said that he never heard of one of the largest institutions in the United States

which regards itself as part of the Caribbean, the Hon. Member would understand, a part of our world outlook — the Florida International University. He did not hear of that, but he must have heard of Yale.

These are the Yale students saying that the Governments are the greatest threats to security, and the Hon. Member says that shows the kind of students I had, and here the Hon. Member is corroborating everything that their research discovered. Because he said:

“In general, in fact, I would state a proposition, that in the newer Commonwealth countries, Governments are a greater threat to security than Oppositions. I do not know of any Opposition revolution in any post war Commonwealth Country. I know of army take-overs.”

The Hon. Member says that was before Maurice Bishop. Well two swallows don't make a summer and one Bishop does not make a political diocese, (*Applause*) as far as I am concerned. So if he is apprehensive about Maurice Bishop, and he has a certain paranoia about Maurice Bishop — he does not have to fear Maurice Bishop; Bishops come and Bishops go, but the people of Grenada will go on forever.

I cannot support everything or anything that is going on in Grenada, but the people of Grenada will have to deal with that situation in the fullness of time — it is not any of our business. So do not let the Hon. Member tell you that was before Maurice Bishop. You mean, we have to run and get our nose down under Mr. Reagan's shirt-tail because Maurice Bishop is in Grenada or Mr. Castro is in Cuba. Barbados was an independent country long before them.

Let me go on:

“I know of Army take-overs” — (I am quoting the Hon. Member) —

“The forces of law and order destroy security and I know that the Governments destroy the Constitution.”

Mr. Speaker, the very point I am making here today, is that it is not the Opposition or the trade unions, as the Hon. Member has said, who overthrow Governments. It is the Government, themselves, that destroy their own Constitution in their lust to obtain power at all costs. Some new inglorious Milton here may rest, some Cromwell goodness of his country's blood.

It is the Governments that destroy the Constitution as the Hon. Member has said, not the Opposition. Oppositions cannot destroy the Constitution. An Opposition does not have the majority to destroy a Constitution. It is the Government that can destroy Constitutions. It is the Governments that decide that they are going to curtail the fundamental rights and liberties of the subject of any country. It is the Governments that decide, like Mr. Burnham, that they are going to postpone elections. It is

the Government that decides that they are going to declare states of emergency, and under the guise of states of emergency they remove the democratic rights of persons to elect the kind of people who they want to see running and managing the affairs of the country over a period of years.

It is the Governments who do this; it is not the Opposition or the trade unions. And this is a point on which I have no greater authority than the Rt. Hon. Member for St. Thomas, himself. *Ipsa dixit* — he himself, has spoken.

He says it shows the kind of students I have when I say that my students did research and discovered that the greatest threat to the security to the region was (a) the United States of America and (b) the Governments themselves. If he is saying that in adulation and in praise of the students that were in agreement with his views, well then I understand what he was trying to say. If he was saying this to dismiss them as being immature or not being properly taught, it is a different matter altogether.

But let me go on, I have not yet finished. The Hon. Member said that security branches should aim at keeping the ring between the Government and the Opposition and not act as the police arm of Government.

I regret, Mr. Speaker, I deeply apologise, that the Hon. Member has introduced certain extraneous matters into this debate, but I wish to set the record straight.
8.15 p.m.

You see, the Hon. Prime Minister, in his delivery, gave the impression that members of the Democratic Labour Party Government.....We had nothing to do with the administration of the Police Force, and I hope that no Government would ever have anything to do with the administration of justice apart from seeing that the people are properly paid and that the accommodation is adequate.

The accommodation leaves a lot to be desired — the physical surroundings in which the people have to work, and that kind of thing. I would like to see the day when the judges do not have to sit down tediously and write longhand, that the typists, that I trained to take notes carry out their functions and that you can get records of proceedings. That is a bit on the side, Sir, I will return to the main subject again.

When the Hon. Member gets up here, he makes assertions about members of his own party, trying to mislead the public, or the event of which would tend to mislead the general public. And he got up here and said that somebody called Nestfield was induced to give false evidence or swear an affidavit. I resent that kind of thing, because this is what he said in that debate, and I am

quoting from the same page of Hansard. I did not raise it, he raised it, but I wish to set the record straight. (Mr. P. M. GREAVES: Which page?) On the same page, 1630. And this is what the Hon. Member said on page 1630 of the debates of May 26, 1970:

"I have been told by one of the parties concerned, that the statement made by the Hon. Junior Member for St. Peter about the activities of one Nestfield from Orange Hill, St. James being invited to swear an affidavit — I do not know he was invited to swear a false affidavit, but I know he was invited to get information and swear an affidavit in order to provide".....

Listen carefully, Mr. Speaker:

"in order to provide the Barbados Labour Party Government with evidence with which they could lock up the Hon. Junior Member for St. Peter. I know that is true, and it was wrong then, and it is just as wrong for the Security Branch now, that the Hon. Junior Member for St. Peter finds himself in opposition to the Democratic Labour Party and again in political opposition".

I am only quoting. I am quoting from the Official Gazette, the speech made by the Hon. Member.

He gets in here today and tells the House that the Democratic Labour Party Government was getting one Nestfield to swear an affidavit when he clearly said in 1970 — he is not on TV now, he has not got the aid of his cosmetician or hairdresser at this stage, or his prompter, teleprompter — he is here in Parliament — and he said here today that it was the Democratic Labour Party; but in 1970, he said it was the Barbados Labour Party which got Nestfield to swear an affidavit. And he said if it was wrong then with the Barbados Labour Party, it would be wrong now.

But I go further. I cannot allow these things to go unchallenged. I have no choice, because if I have a Press Conference for one and three quarter hours on matters of great pith and moment, of public importance, I get approximately three minutes and forty-five seconds on television. I timed it.

If the Hon. Member is stunned by any of the statements made about public issues within twenty-four hours, he can go and speak for half an hour on TV and we have no redress.

But, in here, according to Standing Orders, I have the right of reply to him; and if he makes any statement, I am going to use his own words to refute everything that he has stated in an effort to misdirect and confuse the

public on these major issues — and I am not going to let up on it at all. I do not care how much they curse me on the other side — if you allow them to, which I know you would not, Sir.

I am not going to allow them. (*Aside*) You can refer to me in whatever derogatory terms. I know who I am. I am proud of who I am. Every exam that I passed, I did not have to pay anybody for passing the examination. I wrote it with my fine Italian hand, so I do not have to ask the newspapers to say anything good about me — they can say bad all the time. So let us get the record straight. I am proud that I am the grandson of Catherine O'Neal. I am sorry she is not alive today.

I wish to know now whether we consider that we are in such a state, that we are apprehensive, that we have to bring the hammer down on some of the trade unions and incipient trade unions in this country. (*Aside*) The Hon. Member for St. Thomas, the Rt. Hon. Member — I would not deal with the other effusions which he made on that occasion. He said that he served me with drinks. I would not worry about that because to me that is *triviata*, not worthy of being considered by an august assembly like that. If he was not accurate, or he was inaccurate or he was never in the island when these things took place, that is a matter of record, which he can easily prove. I would not worry to waste the time of the House with matters of that kind.

But let me deal now with the Act, the Emergency Powers Act, which we are considering.

"If we really have a problem" said the Hon. Member on page 1636:

"that the Public Order Act can deal with, it is not the problem of the overthrowing of any Government; it is the problem of the outrageous nuisances, the people whom I call the sub-political spawn who infect the air of Barbados, and in that class, I must categorise Mr. Clarke; I do not want to attack Mr. Clarke any more; he is getting a lot of blows now, but Mr. Clarke is only a nuisance.

"Mr. Clarke has been telling people how to make Molotov cocktails since 1968..... but he gives it wrong."

This means that the Hon. Member knows how to make the correct Molotov cocktails.

"and he has been leaving out the sugar, Mr. Deputy Speaker. He has been giving it month after month: the two teaspoonfuls of methylated spirits, the wick, the lighter and what you do with it. But as far as we know, except for Mr. Sydney Alleyne, nobody has thrown a Molotov cocktail anywhere, and

Sydney Alleyne only threw his as a demonstration and not to do any harm."

What is the source of his information?

"Do you mean to say that all of this time the people have been exposed to Bobby Clarke and the Molotov cocktails and the price of methylated spirits has not gone up? There are no findings by the police, even in the cane fields, of Molotov cocktails. The people who set cane fires still prefer the time-honoured method of striking a match and making a hole in the canes."

Again, the Hon. Member is well-informed. (*Laughter*) He knew more than I knew:

"I do not know how they do it but they certainly do not leave any bottles behind, as far as is known. What threat to Barbados is Bobby Clarke?"

If Bobby Clarke was no threat to Barbados then, what threat is he now?

"What kind of threat is the wholly pseudo-philosophi....." I had to swallow that, Sir.

"What threat is the wholly pseudo-philosophising." This is what is written:

"..... philosophising Mr. Calvin Alleyne, Sir? What kind of threat even were Mr. Calvin Alleyne's philosophies when he used to appear on those platforms? Where is the threat to public order, and what has happened to public order as a result of that? They tell me that I must not mention Eric Sealy....."

This is the Rt. Hon. Member:

".....but he is the greatest nuisance, perhaps, of all. Who would be affected, really and truly, by anything Eric Sealy says? It is a disgrace that such as Eric Sealy should exist. I do not blame him, Sir, he is to be pitied, and I am with the Prime Minister on that. He is a victim of society; he has had no opportunity in life; from an early stage he was the victim of the old regime which did not make it possible for fatherless and motherless boys to have the self-respect which alone have allowed them to grow up decent citizens. Sir, it is not Eric Sealy to be blamed when he gets on a platform....." and says certain things. I really do not want to repeat that, Sir, because I do not think it has any part in this particular debate.
8.25 p.m.

The Hon. Member went on then to call other people's names, and this is what he said on the Prisons Act. (*Aside*). When I want medical advice from you, I will send you to school.

"On the question of the Prisons Act, all of a sudden out of the blue the Hon. Leader of the House launched upon hon. members the fact that the Barbados Labour Party had passed an Act saying that the Governor-General could declare any house a prison."

This is what the Hon. Member said in defence of that, Sir.

"This is a regular common form in Prisons Acts. It is an emergency power so that when you have emergencies such as envisaged in the Public Order Act and a number of persons are arrested and there is no accommodation for them at the Prison, the Officer-in-charge of administering the emergency declares some convenient dwelling a prison so that persons may be incarcerated therein without offence to the general provisions of the Prisons Act."

I go on to read, Sir, from page 1639 of the same issue of Hansard.

"The point I was making was that, even though it was passed by the Barbados Labour Party, it was brought into force by the Democratic Labour Party, and it was not brought into force early; it was brought into force after the Hon. Junior Member for St. Lucy had already been a Minister for nearly three years. It was brought into force unamended on 1st March, 1964; so there goes the Minister's argument about the ignorant legislation. If it was ignorant, why didn't he tell the Cabinet in 1964 that it was ignorant and change it without bringing it into force?"

Now, this is what I want to say on this, Sir. The Prison Act was brought into force, but that provision was repealed and taken out by the Democratic Labour Party. (Rt. Hon. J. M. G. M. ADAMS: Years after). How many? When? Can I proceed without interruption, Sir?

The Hon. Member then went on with something, which is not particularly germane to this discussion, again to rave and rant and fulminate against the passing of the Public Order Act, which is still on the Statute Book of Barbados. And if the Hon. Member wants to repeal it, I would have no objection. I think it has been legislation which has been salutary, which has been good for the country.

But you may remember earlier, Sir, that I had said that what we have to be careful about is that there may be persons who, because they are meeting a certain amount of resistance in the country to certain things that are going on, may want to invoke provisions which may restrict the freedom of expression of trade unionists and

of members of this society and think they deal with representatives in the House of Assembly.

In 1958, Sir, the sugar crop was delayed because there was a dispute between the representatives of the workers, who were members of the Barbados Workers' Union, and the Barbados Sugar Producers' Federation on the profits which had been made and the distribution of those profits.

The gentleman, who was at one time Governor-General of St. Lucia, Sir Allen Lewis, an eminent lawyer himself, was appointed as a Commission or the Head of a Commission to enquire into the dispute. The Barbados Sugar Producers refused to disclose, even to Sir Allen Lewis, the brother of the present Sir Arthur Lewis, the \$9.5 million excess profits that they had made as a result of the windfall earnings of the previous crop.

We supported, we the Members of the House of Assembly who were in Opposition at that time, in 1958 — I was not a Member of the House at the beginning of the dispute, but it was during the dispute that I became, again, a Member of the House — as I frequently have said, I had my sabbatical between the end of 1956 and April 1958 — we supported the Workers' Union in their cause.

The gentleman, who is now Sir Mencea Cox, and others went to Government House and invited the Governor to make a Detention Order or some kind of Order against myself, Mr. Cameron Tudor, Mr. Wynter Crawford and Mr. Frank Walcott, as you will see from my reading here now, as you will learn from the words of the Hon. Member for St. Thomas. (*Laughter*)

He went and invited them. Now, why did they not tell the workers that they were right to stick out for their rights, as I believe that you as a representative on occasion have had to tell the workers too, whether I agreed with you or not. This is when you are a representative of people; when you have views, you express them. We did not ask anybody to overthrow the Government of the country; far from it.

Now, what did the Rt. Hon. Member, the Member for St. Thomas, have to say on that particular dispute? He then suggested that the Speaker of the House, Sir Theodore Brancker, was one of the persons. He was not, but it suited his argument to suggest that Sir Theodore Brancker was one of the first persons against whom this Order was to be invoked. He was not, and this is what he said on page 1625. Mr. J.M.G.M. Adams stated this:

"Sir, in the 1958 sugar crisis, leaders of the Democratic Labour Party took certain views, which could very reasonably be held to have fomented industrial strife for political purposes....."

I am only quoting.

".....and were the subject of advice given to the Governor — advice that they should be arrested."

This is the Rt. Hon. Member for St. Thomas who was speaking at that time.

"In my view, the suggestion of arresting Mr. Speaker,....."

I have just said there was never any such suggestion, but it suited him to ridicule the Speaker.

"the suggestion of arresting Mr. Speaker, the then Leader of the Opposition, for revolutionary activities is just a joke."

Looking back at it, the only time it was suggested to arrest him was during the war, when under Regulation 18(b) it was suggested that Sir Alexander Hoyos, Sir Theodore Brancker and a direct relative of the Hon. Prime Minister should be arrested under 18(b), and I liked that gentleman. As a matter of fact, they are all honourable men, I like them. Let me put it this way, they are all co-religionists and that is the only thing that I know that they share in common.

"Looking back at it in the space of 12 years, I can realise how funny it is. To think that Mr. Speaker would be involved in the violent overthrow of anything more significant than the cup that cheers and the glass of hospitality, or perhaps, a case against his client — we can look on it now and see that it was absurd, but there was a tension in 1958. We might not feel so about the advice given about arresting the Prime Minister. I believe he was then the Junior Member for St. John. I am not sure at what stage the advice was given....."

and he went on and made certain mis-statements that I had made certain statements, which of course I will come to eventually.

Rt. Hon. J. M. G. M. ADAMS: If the Hon. Member would like me to elucidate, one sentence of elucidation. At least he agrees that on that occasion the Governor had a discretion not to follow the advice of the Cabinet.

Rt. Hon. E. W. BARROW: The point that I was making is that it was the Cabinet that was advising the Governor.
8.35 p.m.

I am making the point that the Cabinet Ministers went to the Governor and he may have talked them out of it, but if they had insisted I may have found myself in "Durance Vile". (*Asides*) Arrest Brancker for what? For drinking beer? *Nihil nisi bonum de absentibus.*

So it is the first time that we had a public admission, but we knew about it all the time. Sir Mencea Cox and the others went to Government House and said arrest Crawford, Barrow, Tudor and Frank Walcott, because we were telling the workers to stick out for their rights. Where do you think I stand? Do you think seriously, Mr. Speaker, that anybody like me or my colleagues ever stand on the side of big business in this country when the workers are trying to get better wages and better conditions?

I do not know that I should embarrass the Hon. Member anymore. In the same debate, on the same page, what the Hon. Member is saying is that I, who had been the rebel, and that kind of thing, was passing what they call the Public Order Act in order to ingratiate myself with the white people in this country, saying that I was a person who was always attacking them before, and I was doing it to get votes. I am concerned primarily about Barbados, and all the slander they say about things I said when they were not here, they did not know, are completely untrue.

But I have a duty to this country and this is what the Hon. Member said about the Hon. Member for Christ Church West. He said, "a black man must not be a stranger in his own country."

And he added: I would quite freely say, in my views on this subject, when I express views about the position that black people are to take in this country, those views are directed more against the behaviour and the homage paid to the foreigner in our midst than to local Barbadians.

"Those views are directed more against the behaviour and the homage paid to the foreigner in our midst than to local Barbadians despite the existence of the Yacht Club and the Bridgetown Club, where, if you wish to become a member, you will have to be a black man like Mr. Henry Forde, and not a black man like the great majority of people in Barbados."

That is page 1625. Sharing some licks he was.

The Hon. Member had a licence then. He was doing like 'Blind Elder', shutting his eyes and swiping all around; Opposition, Government, colleagues, everybody; he was taking a little swing at everybody, and he said that if you want to join certain clubs, you had to be a black man like Henry Forde, and not like the majority of us inside here.

Well you see, you have to be careful; you have to be consistent in these things. I, Mr. Speaker, am most concerned. I would not worry to quote all the debate. It is a very long debate. The Act, which we were then seeking to put on the Statute Book, was an Act which the Rt.

Hon. Member for St. Thomas claimed was one which was impinging upon the fundamental liberties of the subject.

He even went on to quote the case of *Duncan vs. Jones*, a well known authority, for the fact that police have a common law power to stop a public meeting if they think it would lead to disorder. He said,

"if the police can go and stop a public meeting on the authority of the case of *Duncan vs. Jones* for the very purpose which this Act says, why then do we need to inflict upon the police bureaucratic departmental duties of considering whether to issue permits for public meetings, while the *Duncan vs. Jones* powers are powers to be exercised by policemen on the spot?"

That brings me to a very important aspect of the Bill which we are now considering, and that is the question of the recourse which a citizen, who has a Detention Order issued against him will have. Where under the old Act, influentially, a person against whom a Detention Order was made would be able to go to the law courts of this island, under the new Act he has to appeal to the Tribunal, a Tribunal consisting of a Chairman appointed by the Chief Justice, and I think two other persons. And if the Tribunal makes a recommendation which was in the Act before, of course it is in the Constitution, the Minister does not have to accept that.

But the contention which I made before was a very important one. Those particular powers, emergency powers, when you look at the analogous United Kingdom legislation, were powers which were only to be exercised in a situation where the country is likely to be at war, because if you look at the 1939 and 1940 Regulations and the Acts made under the Defence of the Realm Acts prior to the involvement of Great Britain and the Commonwealth in a war, which was subsequently called World War II, you will see what happened immediately upon the cessation of the war — well, when I say immediately, immediately means 1946; the war ended in Europe in June 1945 and Japan a few months later, and in 1946 all of that came to an end.

We had emergency powers in 1939, and we never at any time, from 1939 until now, found it, or deemed it necessary, whether we had pending negotiations with any trade union in this country, or anything else, to repeal the 1939 legislation and bring in provisions like the ones embodied in this legislation giving powers of arrest and detention to the political directorate, and that is a point which we have to consider.

To say that it is the Governor-General who creates the emergency is no consolation, because as far as I am concerned, the Governor-General is the Minister. The Min-

ister through the Governor-General declares an emergency at 11 o'clock, and at ten past eleven he orders a person or persons who he want detained and deported out of Barbados detained and deported. And that is very dangerous to democracy in this country, and it is certainly subversive of the Constitution which we fought so hard to get established for the good governance of this country in which we live.

I just want to say this: there was provision that there should be no compulsory military service. That does not appear in this Act. That safeguard is not there. I do not have to repeat again that there is no safeguard for the trade unions or for workers because you would be entitled to stop me and say I am being repetitive. But I did not say before that there was no compulsory military service exemption.

But in the Act, it gives the Minister power to do what Mr. Albert Speer did. I do not know if any of the Honourable Members around here saw the film called "Inside the Third Reich". To me it is a kind of vindication of Mr. Albert Speer, who was Hitler's architect and Minister of Labour, where he used conscripted labour — people who were taken from their countries and brought into Germany and given a starvation diet — not even wages at all — in order to bolster up the war economy of Germany.

8.45 p.m.

There is provision in this Act — I am not saying that we will go so far immediately; I am not saying that we would go so far at all — but immediately enforcing people to do work which they did not find congenial, because there are provisions under the Emergency Powers Act, which we are now considering, to make people do work if it is found necessary. But if you have a Defence Force, make the Defence Force do all the unpleasant things instead of walking about and being insubordinate to officers.

Legislative supervision is another thing we should try to safeguard. There is no safeguard about the exclusion of the imposition of any form of military service. And whereas the new legislation makes provision — and I dwelt on this somewhere obliquely about *habeas corpus* — sets out a procedure whereby a person detained may appeal, which advice the Minister does not have to accept; inferentially, there is no recourse to the law courts anymore in Barbados.

I wish to say, Mr. Speaker, that you cannot solve economic problems by legislation. You cannot redress a balance of payments deficit by emergency powers. (Asides) The Hon. Member, the Deputy Prime Minister, says that is not the purpose. I did not say that was the purpose. Mr. Bob Marley has a song which says, "Who the cap fits let him wear it." I am saying what you cannot do.

The Hon. Member, in his peroration before he sat down, the Rt. Hon. Member for St. Thomas, said what cannot be done. I am saying what cannot be done too, and I am saying that you cannot solve economic problems by any Emergency Powers Act. You cannot force people to accept conditions, which they deem insupportable, by compulsory service or by detention. You cannot force a worker to work in an industry where he does not find conditions congenial by making an order. I am only saying what you cannot do, and if you try to do it, it is where you are only asking yourself for more trouble and you are compounding the very disastrous conditions under which the economy is now labouring.

We are in a state in this country, Mr. Speaker, in which, as has happened in my time, but not to this extent — during our dispensation, the regime of the Democratic Labour Party, the Government has found itself having to negotiate and even to settle disputes between the Workers' Union and the sugar industry. The Government has found itself having to take a stand about what the taxpayers — the taxpayers, not the Government, it didn't come out of our pocket — of this country could afford in the way of increases and so on.

But it did not perturb us, because we, as representatives of the people, appreciated the long leeway which the masses of this country had to make up. We did not fool the masses that Vahalla was there before them with the holy veil, that they had emerged to such a stage of enlightenment, and high standard of living that they had a standard, as I have heard in here, superior to the people in North America.

We recognised at that time, as we still do recognise, that the working class people of Barbados — and today the middle and upper middle, the emerging upper working class, the middle classes and all the people who are not wealthy in this country — are holding a lot of strain.

We have a situation in this country today that people who are monthly salary workers do not have any money to buy food by the third week of the month. That is a fact. I go to buy food every week. Nobody has ever bought food for me since I came back to this country in 1950, December 4, nobody, and I see things happening today that I never witnessed before; that people go up to the check out counter and when they get half way through the push cart — you know what Accountants call running a trial balance? They ask the cashier to do a trial balance for them to see if the amount of money they have is sufficient to cover when they get half way through — and invariably they have an idea and when they get half way through the amount of goods that they have there — they have to go and put back the rest on the shelves or leave them there. That is what is happening in Barbados.

Is Dr. Blackman, the Governor of the Central Bank, or anybody else is going to tell the workers of this country that they must hold strain, when the Prime Minister, himself, has promised the wealthy people in this country that he is going to reduce Income Tax to 50 per cent. The Reaganomics, the supply economics that is now going to be inflicted upon us, where the rich shall inherit the earth — and what are the meek going to inherit? The meek are now going to inherit the monthly bills of increased electricity rates that we were promised were going to come down last year just before the Election.

The people are getting uneasy. We do not want the people to get uneasy. We are not encouraging the people to get uneasy. As a matter of fact, Mr. Speaker, what we would like to do is to see that the people are not uneasy, but the people are getting uneasy and your answer to this uneasiness is to repeal the Emergency Powers Act of 1939 and introduce a Bill that makes it possible for you to put all of us in jail, including the people who are getting uneasy.

The timing is bad. If this were done in an atmosphere when everybody was happy in the country, then there would be no need for us to be suspicious. But it is being done at a time when, more than even in 1937, there is tension in the atmosphere in this country; when people see the people who are well off, and see the gap between them and the poor growing more and more; when people who have never paid Income Tax in their lives are being called upon to pay a 'barefoot tax' to support the Transport Board deficit of \$17 million.

This is being done at a time when, in the sugar industry, we do not know if the people who are growing canes are going to be remunerated for their labours, because when they send the canes to the factories they are being told, "no money for you because you have to pay us back what we overpaid you last year." — so the peasantry now is becoming involved in the unrest; at a time when the middle classes in this country, for the first time since 1961 — during the past 18 months or so — are being called upon to pay 18 per cent on their overdrafts.

People who have motor cars have to think about trying to sell them, but the people who want to buy them cannot get the loans from the bank. All of this creates a feeling of unrest in the country. This is not the kind of time to be introducing this Legislation.

My simple remark is this: if we managed without it for 15 years and you — not meaning you, Sir, I mean the Government in power — managed without it from 1976 to 1982, why do you have to introduce it now?

We are being told by the Rt. Hon. Member for St. Thomas that he is doing it to enlarge upon the liberties which the subjects of this country are enjoying.

We do not want more liberties. We want more money. I do not mean as Parliamentarians, I mean the man on the street, the civil servants. Everyone wants more money to beat the cost of living. We want price controls, because if we have price controls we would not have to have so much demands for increased wages. That is what we want.
8.55 p.m.

The basic problem in this country — I am going to surprise you now — is unemployment, and do you know the other problem in this country? It is not what you think. If Barbados had leaders and a super-abundant water supply, we would be the Garden of Eden, and any research which we would wish to make now should be devoted almost entirely to things like desalinization so that we could irrigate the cane fields like we were producing once — all the carrots, all the onions of the Caribbean, and all the sugar cane that the European Common Market could probably take under the quota that is allotted for the Caribbean. We could take over everybody's quota, like we used to do one time.

The problems in this country are unemployment and water, those are the basic problems in this country. The problem is not industrial unrest. If you can create jobs for the people, like I know the former Minister of Labour is trying to do — even if he is restricting it to his own constituency — it was making some kind of dent. *(Laughter)* Well, I am very serious, even if he was restricting it to his own constituency, if you solve those problems, there would be no need, Mr. Speaker, for this legislation.

I thank you, Mr. Speaker.

Mr. SPEAKER: Have you completed your address?
(Pause) You have completed. I signal that you should stop because we have approach the hour of interruption. Have you completed your address? *(Pause)* You have completed. All right.

We have now reached the hour of interruption and I must enquire if a Bill entitled the Emergency Powers Act 1982 is controversial or not.

Hon. L. S. CRAIG: Mr. Speaker, I can assure you, Sir, it is controversial.

Mr. SPEAKER: If the Bill is controversial we will have to stop discussion on this Bill at this hour.

If there is any other matter which is not controversial, we still have half of an hour.

Hon. L. S. CRAIG: Mr. Speaker, I do not propose to carry on Government Business any longer tonight, Sir. I think the Leader of the Opposition has proven his point beyond a shadow of a doubt, that he still has a little stamina. That is his real contribution today and I salute him for that.

ADJOURNMENT

Hon. L. S. CRAIG: I beg to move, Sir, that this House do now stand adjourned until Tuesday, May 25, 1982 at 12 o'clock noon.

Hon. Members can rest assured that when we come back here to debate this very interesting Bill, I have no doubt, Mr. Speaker, that it would take its normal course. I have no doubt, that it would probably go to a Select Committee and all the suggestions and the legal expertise which they have on that side and on this side: in the interest of all concerned, Sir, when we sit down in Committee, what is to be taken out will be taken out and what is to remain will remain, Sir.

I do not really believe that it is as controversial to my mind as it has been made on the public platform on Sunday night, Sir. And Mr. Speaker, in the interest of all concerned, you and all Hon. Members can rest assured that whatever there is in our power on this side, in the interest of all Barbadians, we are prepared to govern and carry out the course as we see fit.

We know that times have changed. What was in 1939 and then in 1948 and then in 1958, 1966, and now 1971 and 1982 — they have not only changed in Barbados but throughout the entire Caribbean, and, for that matter Sir, throughout the entire world.

Once again I salute the Leader of the Opposition who is showing us the stamina he has, that of Lorna Crique, in this matter. I will however advise him that, as captain of his team he should use himself though in short bursts to be a little more effective; long spells may affect him.

And I am happy to see him back here with us today and looking as fit as I saw him down the East Coast Road putting away some good chicken legs and Ribena. *(Laughter)* It was on that occasion that I had no doubt, Sir, he would be here today. That is why on the Tuesday, I was not querying your absence; I was simply drawing it to your members attention. You looked very fit on the East Coast Road, I did not know you had such a good appetite.

I beg to move that this House do now stand adjourned until Tuesday, May 25, 1982 at 12 o'clock noon.

The question that the House do now adjourn until Tuesday, May 25 1982, at 12 o'clock noon was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.
9.05 p.m.

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THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, 25th May, 1982.

Pursuant to the adjournment, the House of Assembly met on Tuesday, May 25, 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); Hon. Miss B. A. MILLER, (Minister of Education); Hon. L. B. BRATHWAITE, (Minister of Health); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Hon. L. R. TULL, Q.C., M.A., (Attorney General and Minister of Foreign Affairs); Hon. DeL. O. BRADSHAW, (Minister of Housing and Lands); Mr. L. L. SISNETT; Mr. P. M. GREAVES; Mr. R. E. BRATHWAITE; Hon. Dr. D. G. BLACKMAN, (Minister of Transport and Works); Mr. W. O. FRANKLIN, A.I.A.S., J.P.; Mr. H. A. BLACKMAN and Mr. A. TRUSS.

Prayers were read by Archdeacon F. A. Cayless.

Mr. L. E. SANDIFORD, Hon. V. L. JOHNSON, Rt. Hon. E. W. BARROW, Mr. B. M. TAITT, Dr. R. C. HAYNES, Hon. H. deB. FORDE and Mr. L. A. WEEKES entered the Chamber and took their seats.

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Tuesday, May 18, 1982.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes for Tuesday, May 18, 1982 be taken as read.

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

ORAL REPLIES TO QUESTIONS

Hon. L. B. BRATHWAITE: Mr. Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 15, asked by the honourable Member for St. Michael South, is ready.
12.30 p.m.

SUSPENSION OF STANDING ORDERS

Hon. L. S. CRAIG: There are two Private Members' Bills in the name of the honourable Member for Christ Church West who would like to put the First Reading of them today. I therefore, Mr. Speaker, beg to move that Standing Order 57(7) be suspended and in so doing, if it be the pleasure of the House that the House would kindly revert to Item No. (k) which is First Reading of Bills so that the honourable Member for Christ Church West would be in a position to have this Bill read a first time, Sir. I hope that there will be no dissenting voice in respect of this matter.

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

The question that Standing Order 57(7) be now suspended was put and resolved in the affirmative without division.

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

FIRST READING OF BILLS

On motion of Hon. H. deB. FORDE, seconded by Mr. L. L. SISNETT, a Bill to amend the Agricultural Society Act was read a first time.

On motion of Hon. H. deB. FORDE, seconded by Mr. L. L. SISNETT, a Bill to repeal and replace the Barbados Chamber of Commerce (Incorporation) Act, 1868 was read a first time.

GOVERNMENT BUSINESS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Government Business be the Instant Order of the Day.

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

Hon. L. S. CRAIG: Order No. 1.

Mr. SPEAKER: Order No. 1.

EMERGENCY POWERS ACT, 1982

Order No. 1 was called – To resume debate on the motion for the Second Reading of a Bill to make better provision for the public safety and defence of Barbados during a period of public emergency.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I listened with great interest last Tuesday to the speech of the honourable Member for St. John and the Leader of the Opposition, in the course of which, I must say, the honourable Member conducted himself with unusual restraint, and throughout the course of his speech I believe that the honourable Member tried to convey what he regarded as his honest interpretations of the Bill. However, I must say that, in my opinion, much of the interpretation by the honourable Member has put upon the Bill is legally inaccurate.

I think that had the honourable Member had more time to study this Bill in relation to the pre-existing law, and, in particular, in relation to the Constitution of Barbados, that the honourable Member would not have made statements; some of which, on sober reflection, I am confident the honourable Member will revise.

This Government is second to no one in Barbados or anywhere in its love of democracy. *(Applause)* I, Mr. Speaker, for the last 20 years of my life, have consistently, in this country and elsewhere, preached the virtues of democracy. I would not be a party to any legislation in this House or anywhere which would limit and deprive the people of this country of their fundamental rights. *(Applause)*.

It was for that reason, Mr. Speaker, that I along with others, bore the burden of the brunt of the vicious abuse which the honourable Member for St. John, when he was on this side of the House, hurled at us when we were on that side of the House, at the time of the Constitutional Conference.
12.40 p.m.

I took a great part in shaping the Constitution of Barbados. I took a great part in introducing checks and

balances, because, at that period of time, the evidence was clear – that unchecked, the honourable Member for St. John would have used his powers to crush alternative opinion in this country.

I am not going to speak in this House in the same vein in which the honourable Member spoke when he introduced the Public Order Bill or when he introduced the provisions for the Constitution of Barbados. I believe now, that the honourable Member is more mature, and he recognizes that the type of speeches that he made on those occasions were not the type of speeches that he should make in a democratic society – for the essence of a democratic society is that there must be alternative opinions, there must be a right to dissent; and there is also Sir, a corresponding right of those to put forward their point of view to put it forward.

The first heresy that I have heard proclaimed about this Bill is that it attempts to interfere with the Constitution of Barbados. Mr. Speaker, Sir, I invite honourable Members to look at the Bill and read it. The Objects and Reasons of the Bill sets out very clearly:

“This Bill seeks to make provisions for the public safety during a period of public emergency which are in conformity with Chapter 3 of the Constitution of Barbados.”

So that on the purblind, the vicious, the malicious – those who regard it as their duty to distort facts – could put forward the proposition that the intent of the Government in this Bill is to interfere with the Constitution of Barbados.

I go further, Sir. Section 2 of the Act reinforces this point. It says:

“This Act and the Regulations apply only during a period of public emergency as defined by Section 25(1) of the Constitution.”

So, Mr. Speaker, the provisions of this Bill are contingent for their operation upon the state of affairs which is envisaged by the Constitution.

Now, Sir, the Constitution itself – and the honourable Member, I am sure, would be the first to admit this – sets out the powers of a Government during such a period and also sets out the rights of the citizen, *vis-a-vis* the State, during such a period.

I want it to be made clear – and I am going to repeat it – this Bill only operates when there is a period of public emergency and the Constitution of Barbados sets out what is a period of public emergency. So let us go to that because this is very, very, vital and important. The public must be told that this Bill sets out clearly in Section 2 that it only applies in those circumstances where Section 25 of the Constitution says there is a period of public emergency.

Now, Sir, a period of public emergency is defined as when Barbados is engaged in any war or there is in force a proclamation by the Governor-General declaring that a state of emergency exist, or and this is most important, where there is in force a Resolution of each House supported by votes of not less than two thirds of all the Members of that House declaring that democratic institutions are threatened by subversion. So the Constitution, which was drawn up by that party and this party, clearly wanted to circumscribe and enshrine in the fundamental law of Barbados the circumstances under which there could be a state of public emergency in Barbados.

There are two situations in which the House does not have any authority or power, and there is one situation in which the House has sole authority: that is when democratic institutions are threatened by subversions. So therefore it is wrong for anyone to suggest that the Government is not acting strictly in accordance with the Constitution.

Now when can the Governor-General declare a state of public emergency? Section 25 (2) says it, and this, Mr. Speaker, is incorporated in reference to Section 2, because Section 2 says, very clearly, that this Act only applies when Section 25 (1) is in operation. Now a proclamation made by the Governor-General, shall not be effective for the purposes of Subsection 1 unless it is declared therein that the Governor-General is satisfied: (a) that a public emergency has arisen as a result of the imminence of a state of war between Barbados and another State, (b) as a result of the occurrence of any earthquake, hurricane, flood, fire or outbreak of pestilence, outbreak, of infectious disease or other calamity whether similar to the foregoing or not. In other matters which are normally regarded among lawyers as external events akin to acts of God, or that action has been taken or is immediately threatened by a person of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life.

Now, Sir, the first point that I disagree in law with the honourable Member for St. John is this: I say that the proper legal interpretation of that is that it is an objective test, and that it would be open to any citizen of Barbados to go before the courts of Barbados and ask for a declaration that the proclamation is null and void if there is no evidence in existence which can reasonably prove that the facts and contingencies envisaged in Section 25 (2) are in existence.

I go further. I disagree as a matter of law with the honourable Member when he says that, in the exercise of his powers under this section, the Governor-General is obligated to act under the advice of the Cabinet or the

Prime Minister. This is a fundamental point, and let me explain why I say this is so.

No court would hold that where the words are very clear, where the words state very clearly that a precondition of the coming into force of a state of emergency is that the Governor-General shall state particular statements that he is satisfied; is the honourable Member going to tell me that a court would say then, despite those clear words, that the Governor-General must be satisfied that the Governor-General is bound to accept the advice of a third party? Would the courts hold that the Governor-General is in a legal position in which he would have to tell a lie on a document if he were not satisfied? Of course not!

12.50 p.m.

It is my contention that by the use of the words, that the Governor-General must declare in the document and put his signature to it, that he is satisfied that the courts would hold that it was clearly envisaged that that was a matter of independent judgment of the Governor-General. And I am reinforced in that view by other sections in the Act, which set out, very clearly, the circumstances in which the Governor-General can act in his deliberate judgment.

Now, Sir, once we get that point out of the way, we begin to understand that the declaration of a state of emergency is a constitutional matter and that it is not at the whim or caprice of any honourable Member, Minister, or Prime Minister, to declare a state of emergency.

So we have two checks. One is that the criteria for the declaration of the state of emergency is set out in the Act and it is subject to objective interpretation by the courts, and the second thing is that a buffer has been built into the Constitution to ensure that there is an independent third party opinion who has to exercise his deliberate judgment before the contingency can arise.

It is for this reason, Sir, it is because of our confidence that this law conforms to the Constitution, that this Government is willing to submit this to a Select Committee.

We want everybody to come and give evidence. Let them come forward and put their legal heresies to the test in Committee. Let them come forward. (ASIDE: Hear! Hear!) Let them come forward. We invite them to come forward. Let the judges give their opinion on it in advance. Let the Law Society, let the university lecturers, let the churches, let the trade unions — let everybody come forward and give their opinions because the law and the facts are there for everyone who wishes to understand, who does not have an ulterior motive, who is not interested in stirring up fear in this country — that is all they want to do. That is all they want to do.

I know this, Mr. Speaker, in the four and a half hours when the honourable Member spoke, not once did he allow himself to say that this Bill was unconstitutional. Not once did he advance the contention that this Bill was unconstitutional, because he knows, he knows in his heart of hearts, that he is putting up a show, which an opposition has to do periodically to keep themselves in the public's eye.

I was over there for many years. The Rt. Hon. Member does not have as much experience as me in the Opposition. I know how difficult it is to keep yourself in the public's eye. You are always looking for an issue and if there is no issue you create one. (*Applause*) You are always looking for an issue.

On the other hand, if you are wise over there, you do not state your position in such a way that you can be contradicted easily. That is why the honourable Member did not say the Bill was unconstitutional. That is why he did not say that. The honourable Member could not say that, because in his heart of hearts he knows that the Bill is not unconstitutional. (Mr. P. M. GREAVES: Who said that?)

Now, Sir, I also want to say this: it is clear that the framers of the Constitution always envisaged that at some time in the history of a nation, there may arise circumstances in which it is necessary to have a state of emergency. The power to declare a state of emergency is an indispensable instrument of any state.

It is very interesting, Sir, to read, Sir, some of the views that were expressed in 1955, when the Emergency Powers Bill was passed. And I am quoting from the Official Debates of this Honourable House on July 14, 1955, in which an honourable Member said at page 1244:

"Sir, this Bill also deals with industrial matters; and as it now stands, the Government can decide tomorrow that where any strike may tend to threaten the safety of the community, the Government has the right under this Emergency Powers Bill to declare that an emergency exists and therefore the people engaged in that strike would be doing something illegal. I have nothing against the Government possessing these powers. I am one of those people who believe that to preserve law and order you should call on the Police. If you are a Government, you should have the power to call out the police to preserve law and order. If you are a Government, you have to govern."

Those were the words of Frank Leslie Walcott. (*Applause*) Hon. L. S. CRAIG: That is the shot.) (Mr. P. M. GREAVES: That is proper.)

Mr. Speaker, Sir, I am very pleased to hear Members, in a loud remark from the other side, saying that they recognise that there are circumstances in which it is necessary, and it can be envisaged, that you should have a state of emergency. But there is no big issue there. (Mr. P. M. GREAVES: It is a big issue.)

Now, Sir, if the Members on the other side say that they agree with these sentiments that you have to have powers to be used in a state of emergency, then the argument can only be to the extent of the powers. So what is the big issue? (Mr. P. M. GREAVES: The extent of the powers.) Oh. I always thought so you know. I know the honourable Member for St. John well, Sir, and from the tone of his speech, I knew that he was not really against the Bill. I knew that. I knew that. I knew that, Sir. I know he was only putting on a pappy show.

So, therefore, all the cheek can be taken out of this Bill because there is a consensus that you need to have powers in a state of emergency. There is a consensus that the circumstances in which a state of emergency can be declared is set out in the Constitution. (Mr. P. M. GREAVES: Exactly.) So, let us now go to an examination of the powers. Let us go to that.

Section 3 sets up a Review Tribunal. Now, Mr. Speaker, again that is an example of the law trying to comply with the Constitution because neither the state of Emergency Act of 1939 nor the existing Emergency Act of 1955 has any provision therein for a Review Tribunal. Neither of the two of them has in there provision for a Review Tribunal. But the Constitution sets that out. So, therefore, when we make provision for a Review Tribunal, we are only effectuating the objectives carried out in the Constitution. That cannot be unconstitutional. If you repeat in a Bill the provisions for a Review Tribunal which the Constitution itself empowered you to set up, how can that possibly be unconstitutional?

There cannot be any objective to that. I am going to deal with this — this is very important — I am going to do a clause by clause analysis of this Bill and extract the principles in the Bill to demonstrate that all of this talk about infringement of people's rights is nothing but humbug.
1.00 p.m.

Now, Sir, the Review Tribunal, and it is very important that we look at this. In Section 13(3) in which the fundamental rights of a person is clearly set out, that is, a person who is arrested or detained, Subsection (5) says:

"Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of the foregoing provisions

of this section to the extent that the law in question authorises the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency."

Subsection (6) says:

"Where a person is detained by virtue of such a law as is referred to in subsection (5), the following provisions shall apply —

- (a) he shall, as soon as reasonably practicable and in any case not more than five days after the commencement of his detention, be furnished with a statement in writing, in a language that he understands, of the grounds upon which he is detained;
- (b) not more than fourteen days after the commencement of his detention, a notification shall be published in the *Gazette* stating that he has been detained and giving particulars of the provision of law under which his detention is authorised;
- (c) he may from time to time request that his case be reviewed under paragraph (d) but, where he has made such a request, no subsequent request shall be made before the expiration of three months from the making of the previous request;
- (d) where a request is made under paragraph (c), the case shall, within one month of the making of the request be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among persons entitled to practise in Barbados as attorneys-at-law; and....."

Now, Sir, this Act is the law which sets out the tribunal in accordance with the powers granted by Section 13, Subsection (6) (b), and that is all Section 3 does.

Your Constitution says that during a period of public emergency a law may be passed providing for detention, but that any person detained must have a right to go before an independent tribunal, and that tribunal must be composed in such a way. Now when you pass a law which sets out that, the honourable Members on the other side are going to say that we are invading people's rights.

Mr. SPEAKER: The honourable Minister has two minutes in which to wind up his debate.

Hon. H. B. St. JOHN: Mr. Speaker, I go further. One of the greatest pieces of mischief I have ever heard of, I saw in today's paper. And I want to lay the mischief to the public's attention, because those who print such foolishness, without exercising independent judgment, do a great disservice to this country.

I want to lay on the Table of this House for the information of Members as a document of this House, the *Nation* of Tuesday, May 25, in which there is a statement by one Husbands, who claims to be a lawyer, in which he says, under the heading *Blow to Public Trial*, that this Bill infringes the cornerstone of the legal system in Barbados, because when a person is arrested under a Detention Order he has not got any right to counsel.

Mr. Speaker, the Constitution is replete with provisions which say that you have a right to counsel. Either that man did not read this Bill, or the Constitution, or the *Nation* reported him wrongly, or there is something wrong with his mental capacity to appreciate what he reads.

Mr. Speaker, I want to quote this, I want this down. Section 13 (6) (e):

"he shall be afforded reasonable facilities to consult and instruct, at his own expense, a legal adviser of his own choice, being a person entitled to practise as aforesaid, and he and any such legal adviser shall be permitted to make written or oral representations or both to the tribunal appointed for the review of his case."

That is enshrined in the Constitution, but such is the ignorance that we have to deal with, Sir. And I use the word "ignorance" advisedly — not in any malicious sense; in the sense which it properly means, just lack of knowledge, lack of industry to read, lack of appreciation of what you have read. God help Barbados if that is what we have come to, where people can deliberately mislead the public on so fundamental a matter.

We will go to a Select Committee, and we want all of them to come and justify their opinions, Sir. We have nothing to fear — this Bill is in accordance with the Constitution.

I just want to make one point.

Mr. SPEAKER: Time is not in the honourable Member's favour.

Hon. H. B. St. JOHN: Just the one point, Sir, two minutes..... less than two minutes, two seconds, Sir.

Mr. SPEAKER: You cannot have two minutes.

Hon. H. B. St. JOHN: Two seconds, Sir. On the question of the trade unions, I want to say this: under the existing law, under the Constitution of Barbados, you cannot require anybody to do forced labour. That is a constitutional right.

The Government has already said that, in its legal opinion, this Bill does nothing to interfere at all with the rights of a trade union, but the honourable Members on the other side think so. The Government is prepared to justify their point of view and show and point out to all those who feel so....

Mr. SPEAKER: The honourable Member must now conclude.

Hon. H. B. St. JOHN: that the Bill does not interfere with their rights. (*Applause*)

Mr. L. E. SANDIFORD: Mr. Speaker, we have just heard a speech from the Deputy Leader of the Government, the Deputy Prime Minister. Let me just get a few cobwebs out of the way first of all. He quoted from one Husbands who is supposed to have made some statement. He said, "one who claims to be a lawyer." But he could only be a BLP lawyer, and we are confirmed in this, that his antecedents and he, himself, are strong BLP supporters. So even your own supporters are confused about the measures that you are bringing down here today.
1.10 p.m.

Secondly, Mr. Speaker, certain points have been made, and certain points which have been made by the Opposition have been described by the honourable Member who just spoke as 'pappy show' and 'humbug'. He described criticism made of this Bill as humbug.

Now the position of the Opposition on this has been made quite clear, and in my presentation to this Honourable Chamber, I shall advance three main points:

First of all, the Government should withdraw this Bill. (*Applause*)

Secondly, if it then wishes to proceed, it should tell this House and tell the people of the country exactly what is wrong with the existing provisions to deal with emergencies, explain to the public in what way the existing provisions for dealing with emergencies are inadequate, defective, or deficient, and set out in a White Paper or in a Green Paper exactly what is wrong and how they propose to deal with these measures.

And then, thirdly, after they have provided ample time for the people of this country — not the 27

of us in here, the people of this country — to consider their proposals and their propositions and their critiques of the present situation, then they may prepare a draft Bill and come back and provide again ample time for its consideration. So we are saying that this is a very fundamental that we are considering.

I believe it was in 1979 that one of the leading newspapers in this country, the *Nation* newspaper, opened its columns to distinguished citizens of this country and permitted them to write articles on topics and issues which were considered of importance to this country.

And I believe one distinguished Barbadian — if my memory serves me right, it was Mr. Douglas Lynch — wrote an article about the amount of fear pervading in this country, and this particular matter that is before us raises fears and concerns in the minds of people.

And it is right and appropriate, it is the duty of the Opposition to articulate such fears and concerns, and it is the right and duty of the Government to provide ample mechanisms for public consideration of these matters.

Now I am not getting into the legal ramifications of this particular Bill. I want to deal with the political circumstances of this Bill.

No one on that side will deny that this is a measure that affects the fundamental rights of people. I am not saying at this stage that it abrogates fundamental rights — I am saying that it impinges upon and deals with the fundamental rights of citizens of this country.

And I am saying that whenever such fundamental rights enshrined in the Constitution of this country are referred to in any legislation, and the measures being proposed will affect those fundamental rights, one way or the other, that the Government should tread very warily and very cautiously, and should establish a special procedure to ensure that the people of this country are fully aware of the implications and the content of what they are putting forward, and ensure that there is ample time for public discussion.

But this particular measure here has been sneaked upon the people of this country. They were unaware of it, and that is the first grave charge against the Government — that in a matter affecting the fundamental rights of the people, it comes down as though it is any ordinary piece of legislation, merely by means of circulation among a number of other papers, and that is a grave charge against the Government.

I believe the Prime Minister carries members of the Press, sometimes, when he is travelling. He carried

public relations people with him to Ottawa to report his discussions.....

Rt. Hon. J. M. G. M. ADAMS: Now the honourable Member is mistaken. The honourable Member has given way, on a point of order. He is mistaken. The Caribbean Broadcasting Corporation, quite independently, saved me the trouble of carrying somebody from GIS. It is untrue that anybody was carried, if you imply Government expense or request. I personally saw little need for the coverage, but we live in different days now from the days of old.

Mr. L. E. SANDIFORD: I take the Prime Minister's explanation and I would not accuse him of carrying them along with him. They went along with him or flew along with him — just as when he walked to Government House other persons walked along with him on that occasion.

I am not saying that he should not carry them. I am saying that if he went up there and was fully reported, in respect of discussion with Canadian personnel, that this measure is one of fundamental importance and there is every reason why the people of this country should have been given full exposure. Call in GIS, CBC, Radio Barbados, Voice of Barbados and Rediffusion and let the people know exactly what you have proposed in respect of their fundamental rights. That is the first charge and it is a fundamental charge, and you cannot get around it by pointing to any person.

Now when we look at this particular measure, having failed gravely in that respect, having tried to sneak this particular measure up on the people of Barbados — and let it be known from now that the Opposition is not serving on any Select Committee in relation to this Bill because we believe that it should be withdrawn and you should come to the people of Barbados in the appropriate and proper manner — we are saying come out and say what is wrong with the existing legislation.

Come out and say in a Green Paper, White Paper, or whatever colour paper you want, and tell the people of this country in what way the existing legislation is inadequate. Then after there is that period of public discussion, you can then prepare your draft legislation, which will set out the ways in which the situation may be corrected, then you provide a period for examination of that draft legislation, and then we come and debate these proposals.

Let us look over there. I have reason to believe that this is a measure which does not carry the support not only of the people in the country but also of a number of persons out there who have grave doubts. On the Government side, itself, there are persons who have grave doubts about this: first of all about the way in which

it is done and, secondly, about some aspects of the drafting of this particular legislation.

Now I think today is a sad day for Parliament because in the previous legislation Parliament was associated in a particular way with the making of Regulations or Orders under the existing legislation that is being repealed.
1.20 p.m.

In cases of emergency, Parliament was associated in the business of making arrangements during those periods. The existing legislation, the 1929 Emergency Powers Act, made provision for Parliament to be meeting and to consult on these matters.

Now I say it is a sad day for Parliament, the body in which the people's representatives are supposed to sit. But in this present legislation there is no reference to Parliament at all. We are repealing legislation and we are obliterating — removing, rubbing out, erasing — any mention of this particular Chamber at all.

In 1939, note it, in 1939, when the oligarchy was ruling this country, there was no democracy in this country at that time. You had representative institutions. But there is no reference to Parliament in this legislation, whereas, in previous legislation, there was a reference to Parliament. You must get up and explain.

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation. I wonder if the honourable Member is aware that in 1947 the entire Burmese Cabinet was assassinated. And a state of emergency, under legislation very similar to ours provided various Members of Parliament meeting but Parliament could not meet because so many Members of Parliament had been assassinated.

Has the honourable Member considered that an emergency might, in fact, destroy Parliament, that things go forward, and legislation does not stand still?

And just as it happens, Mr. Speaker, we are contemplating putting in the Bill that any Orders may be subject to negative resolution — so the honourable Member need not dwell on that point.

Mr. L. E. SANDIFORD: I am not concerned with Burma. You can talk about Burma. Burma is a dictatorship or was a dictatorship or was a colony or whatever it was at that time. I am not concerned about Burma. And Burma does not set any examples or precedents for this country.

What I am saying is that the 1939 Act, before we had full democracy in this country, made provisions for Parliament to be associated with these measures. Do not

tell me now about the assassination of Members of Parliament or the Cabinet. I am not concerned about that.

I am saying that, by this repeal, any reference to Parliament is removed from the legislation. And I am saying that that is a sad day for Parliament because it is affecting, again, it is withdrawing some of the liberties and freedoms of the people and their representatives, and more than that.

This gives Ministers certain powers, this particular legislation puts a lot of power in the hands of Ministers. When once you have made a Detention Order, the Minister may do certain things; give directions. It may be that that is defined somewhere, I do not know. Who is the Minister? Who is the Minister under this that is to exercise all of these powers?

I cannot get a point of elucidation? I am asking. Get up on a point of elucidation. We have a piece of legislation before us. I wonder if the Prime Minister — I am willing to sit so that we can get some elucidation here.

I am raising a question here that provision is made for the Minister, after a Detention Order has been issued during a period of emergency, to determine or give directions concerning the place where a person may be detained, the conditions under which he may be detained and the kinds of punishments that may be inflicted upon the person. And I am asking who is the Minister? Who, who? (*Asides*). The *Official Gazette*? Who is the Minister?

In most of the legislation we know who has to exercise these powers. But we have a matter here in which so much power is being put into the hands of this Minister, and we do not know who the Minister is. I have looked at the legislation and first of all there is no Definition Clause here, no Definition Clause at all telling us who is this Minister to exercise these powers so we are..... (*Asides*). I am here to raise questions, because these are questions, and we have no answers to them at hand; and that is why we need to have more time for consideration of these matters. I am saying that it is hastily, ill-conceived legislation and that it should be withdrawn.

Now I am saying that as far as the reading of this Bill is concerned, it puts dictatorial powers in the hands of this Minister. Now by definition, dictatorial powers come about when, in the hands of one person, you have combined the power to create laws, the power to legislate — make the laws, then the power to judge and to determine who has broken those laws, and to change the laws.

I am saying that this particular Bill gives dictatorial powers to the Minister in a period of emergency. He has

executive powers. He has legislative powers because, as far as I can see, he can make Regulations to repeal any law at all. Any law, at all, that this Parliament has made can be wiped off the Statute Book in a period of emergency. (*Asides*) I am saying that that appears to us to be the position, and what we want to make clear is that we are not, as an Opposition, going to allow these measures to be passed without voicing and expressing our views strongly and potently on them.

We do not believe that we should sit down here and pass this kind of legislation that permits the Minister to remove any law from the Statute Book. The only one you cannot touch is the Constitution. That is legislative power. I have doubts whether this Parliament can delegate that power to anybody. I have doubts about that; whether this Parliament can delegate its law making powers to that extent to any, even a subcommittee, or a Committee of Parliament, or to one person. (*Asides*) I raised the question. I am no attorney; it concerns me. If you say it is existing law, you can set it out; but it is a concern that I have, and I raised it.

I well remember, Mr. Speaker, that, sometime in 1975, we introduced a measure called the Education Bill which gave to the Minister certain powers for improving educational arrangements in this country and we heard that that was a power Bill. It was a power Bill. I believe the Member for St. Peter was foremost in that discussion and criticism. It was a power Bill. All you were hearing about was power.

But now this particular measure that we have before us; into the hands of one man, the Minister, who is not even defined, is given powers to make laws, to remove laws, to do whatever he feels fit.
1.30 p.m.

Now I will admit — let me make it clear — that any country needs emergency powers and that is why, within the Constitution, provision was made for emergency powers. That is why, on the Statute Book, there are laws dealing with emergency powers. And we ask the question: in what ways are the existing laws defective and in what ways will the present Bill that we are considering here improve the fundamental rights of the people in this country?

It certainly could not be in the setting of the Review Tribunal, because, when I look at that Review Tribunal, there is reference to it in the Constitution. But, now, when I look at it, and I see that the Chairman is to be appointed by the Chief Justice, and then it will be composed of three members — two of them appointed on the recommendation of the Prime Minister, I see that the Prime Minister has a majority on that Review Tribunal. Then, having given himself the majority on the Review Tribunal, he does not have

to accept the recommendation of the Review Tribunal on which he has the majority. (*Asides*) The two of you agree on that then, but to me it does not make sense. If you set up this Review Tribunal, and then you have this particular measure, the Minister will have a majority on the Tribunal and then he does not have to accept this recommendation. I move on from the Review Tribunal because I think it is unsatisfactory. (*Asides*)

I will support any amendment to the Constitution which will improve the fundamental rights of the people of this country. I do not think this particular measure improves those fundamental rights in any way.

We have a long title to this Bill — an Act to make better provision for the public safety and defence of Barbados during a period of public emergency — and up to this particular point we have not been told how this Bill would make better provision for public safety and defence of Barbados. The only area is the Review Tribunal, and, the Review Tribunal, we have seen, is only a paper tribunal.

Then, we have to ask ourselves this question: what about this particular provision requiring persons to do work or render services? This is raising a lot of concern.

We are well aware that the 1920 legislation in Britain, as amended by the 1964 legislation, I believe, setting out these emergency powers, has actually been used in Britain. There are some people who might argue; do not worry about these things, you do not have to really use them; but we know that in Britain itself, between 1970 and 1975, those emergency powers were actually used on about five occasions, and the occasions during which they were used related to strikes in the country.

So the Government must tell the people of Barbados what has arisen, what are the circumstances which make this particular legislation required at this particular stage? What are the arguments, what are the reasons, what are the needs? This has not yet been set out.

I have demonstrated that in Britain it was used in circumstances of strikes. If the Constitution protects the right to strike, exactly what are the implications of this particular Clause "m" — requiring persons to do work or render services? What does it mean? During a hurricane.

Rt. Hon. J. M. G. M. ADAMS: Perhaps the honourable Member

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

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation. We talk about this work and services. Perhaps

the honourable Member would like to see a copy of the 1955 subsidiary legislation in Barbados and see what Orders were made then, and also see the Draft Emergency Orders, which existed all the time he was in the Cabinet, and see what plans his Cabinet had to order people to do work and render services. I have them here. I will read them out.

Mr. B. M. TAITT: On a point of order, Sir. During the course of this debate, Sir, Your Honour has ruled on the question of a point of elucidation. You Honour ruled very clearly on two occasions during the course of this debate today. I submit that the right honourable gentleman for St. Thomas has gone contrary to my understanding of that ruling you have given on a point of elucidation, Sir. I suggest that Your Honour should ask all honourable Members to desist from flouting the ruling of the Chair.

Mr. L. E. SANDIFORD: Mr. Speaker, from this side, our recommendations to the Government(*Asides*) You don't want to hear the recommendations? Our recommendations to the Government are (1) in view of the fact that they have proceeded on this matter in an inadequate and wrong way, by not taking the country into consideration, we are saying that this Bill must be withdrawn. And that is the position of the Opposition — it must be withdrawn.

Mr. SPEAKER: I am glad that you are not repeating yourself — not too often.

Mr. L. E. SANDIFORD: Not too often, but in these matters we have to do that for emphasis. We have to do that.

Secondly, I am unaware, as a member of the Cabinet, of any Draft Orders under any emergency powers, or anything like that, coming before me. I am saying that I am unaware of any. (*Asides*) I am saying I know nothing about those.

We are saying that we need a different approach to the politics of this country. And I am saying that if, and when, there is a change in government, the Democratic Labour Party Government will not be proceeding in this way. We are saying that you have talked of the past five years about when energy and wave energy and lagoons, and all kinds of things you have bombarded the ears of the people of this country with, but you have not taken the trouble to tell them that the present emergency powers are

Mr. SPEAKER: Tell them in your final two minutes.

Mr. L. E. SANDIFORD: In my final two minutes, I will not be like the Member for Christ Church. They have bombarded the public with information about wind energy and wave energy and other matters. We have heard how often a Magistrate's Court was to be constructed. But when it comes to the fundamental rights of the people, no explanation at all. No kind of 'by your leave', or we are proposing this for these reasons.
1.40 p.m.

I wonder, Mr. Speaker, if Government has lost its way. I believe this Government has lost its way and it is out of touch with reality in this country, and when you get this groundswell of concern — we have not even talked about opposition yet, it is concern that is being expressed in this country — and the Government appears to be so adamant that it is going to proceed to send something to a Select Committee when we are advising, on behalf of a vast number of people in this country, that the approach is completely wrong; if the Government does not accede, the Government stands condemned in the eyes of the people of this country of not listening to public opinion in 1982. And that is the gravest charge that can be made against those 17 Members over there who speak for the majority of people in this country. (Applause) (Hon. L. S. CRAIG: Give him five more minutes.

Hon. V. L. JOHNSON: Mr. Speaker, Sir, one of the parting shots of the Member for St. Michael South was that when his Party gets back into power it will not be proceeding in this way, referring to this Bill. I submit, Sir, that if you wanted to have evidence of how that Party, is likely to proceed in the future, you only have to refer to how it proceeded in the past. And in Barbados, we have abundant evidence of that Government's attitude to matters of law and matters relating to dealing with the people.

There is a great deal of hysteria, Sir, a great deal of emotionalism that arises whenever legislation of this sort is proposed and I think we should submit from the outset that there is nothing particularly revolutionary about this bit of legislation. Every country in the world that has any regard for democracy, and for the rights and safety of the majority, has seen it fit to enact legislation providing for the continuance of the safety of the majority.

I would like to submit, Sir, that laws, generally, are not enacted for law-abiding people. Laws of this sort are never enacted for law-abiding people. We have to make provisions for those eventualities where, for whatever reason, people directed by motives not generally in keeping with the motives that guide the behaviour of the majority of us tend to do things contrary to what the majority of us would subscribe to.

The Emergency Powers legislation of 1939, to my certain knowledge, has never had to be invoked in Barbados. (Rt. Hon. J. M. G. M. ADAMS: It was, in 1955.) In 1955, it was invoked. But if you were to look at what went on in 1955, Sir, I think you would be reasonably satisfied that nobody was ravished. The law-abiding people of Barbados were in no way inconvenienced, nor were their freedoms abridged. And the legislation which we propose now is not legislation setting out to take away the freedom of the people, but to guarantee the freedom of the masses of Barbadians.

We have, Sir, to examine the motives of the persons who are loudest in the condemnation of this legislation. I hear the Opposition voices. I believe, in one or two cases the trade unions have said that they have reservations. But if you examine the legislation and carefully analyse what it purports to do, I can see no grounds at all for any citizen of Barbados, accustomed to the Rule of Law, to have any difficulty with this Bill.

The majority of us in Barbados will never be guilty of murder, but the law dealing with murderers is a terror only to murderers, or people who will fall under the weight of the law. It is there only to protect innocent people from those who, from time to time, allow their passions to guide them into acts of extreme lawlessness.

So the honourable Members on that side can walk in this country absolutely assured that the only effect that the Statutes relating to murder in Barbados can have on them is that it will protect them from murderers. It is the same with this Bill. The Emergency Powers legislation sets out in clear terms, and in a more civilised fashion than the 1939 legislation, what will happen whenever the eventuality comes that emergency powers have to be resorted to.

Let us look, Sir, at what has happened in other places where emergency powers have had to be invoked. Let us assume, Sir, that there is an act of God, a hurricane or some other kind of catastrophe. Somebody must have extraordinary authority to direct the affairs of the country in those circumstances. It is not a normal occurrence, it is not an ordinary occurrence, so extraordinary provisions have to be made for the conduct of the country's business during such eventualities. That is what this Bill does.

If the water resources of this country are threatened, by whatever force, am I hearing the Opposition to be saying, Sir, that we must sit down in Barbados as hostages? When our water supplies are threatened or cut off by whatever event, we are to sit down as hapless hostages without any power at all.....(Mr. L. E. SANDIFORD: You have power now.)....to proceed?

If you will look at the 1939 legislation, Sir, you will see the charges, the penalties that applied in these circumstances — \$24. Those were penalties under the 1939 Act. This Act seeks to change the penalties that would be invoked when those circumstances come about.

The honourable Member, Sir, for St. Michael South said that his three main points of discretion had to do with:

(1) The fact that the Government should withdraw the Bill. Sir, if after sitting down carefully and analysing the requirements of the country and reaching the conclusion that legislation of this sort is necessary, going through the constitutional stages to make certain that there is no breach of the Constitution, submitting the Bill to examination by a Select Committee, giving people the opportunity to come and express their views, I would be ashamed of this Government if, in the face of a few noises, expected noises from the Opposition Benches, it should then come in here and talk about withdrawing the Bill. I would be ashamed of the Government in those circumstances.
1.50 p.m.

I do not believe that any good purpose is served when the Opposition and other pressure groups in the society go around whipping up public emotion seeking to set fear in their hearts about what is likely to flow from the introduction of legislation of this sort. It does not do the country any good and it does not speak well for the sincerity of the persons who set out to create that class of confusion.

The Opposition, through the Member for St. Michael South, has said that they have no intention of serving on a Select Committee to examine the Bill. So, Sir, if you are looking for sincerity, if you are examining motives, way up front the Opposition has said it has no intention at all of participating in this. That is consistent with the class of behaviour we have come to expect from the Opposition in here, because every time they have been offered an opportunity to serve, regardless of what it was, they refused to serve. So in that respect they must stand condemned, and the people of Barbados must examine them in that light.

Why are they afraid to sit down? If they have legitimate grievances, which can stand examination and which proceed from sincere motives, why can they not sit down and express those views, with the view in mind of making what changes in the legislation they feel are essential?

We are hearing that this Bill affects the fundamental rights of people. I do not believe, Sir, that just listening to those words should set us off in a tantrum.

Every piece of legislation passed in any emergency situation touches the fundamental rights of people. The Constitution sets out that there are circumstances in which the fundamental rights of people can be touched.

Let us assume that there is a riot or some other such occurrence in the City of Bridgetown. Are you suggesting to me, Sir, that my rights as a citizen of Barbados transcends the collective rights of the people of Barbados, and I should have free and unfettered rights to walk up and down and do whatever I feel like in circumstances like those?

In cases of emergency, curfews tell us when we can go out and when we can come in, and all of us, in those circumstances, acquiesce, because we recognise that those rights are curtailed only to safeguard the collective rights of people.

So merely saying that the Bill touches rights does not mean that the Bill ought in any way to be invalidated. It is an Emergency Powers Bill, and there are occasions when the State has a prior claim and a higher claim than any single individual in the community.

Those situations have to do, as I have just mentioned, with the right to congregate in certain circumstances. We can do that freely when all is well, but whenever there is a situation that threatens the collective safety of us all, every Government in the world, not Barbados alone, every one anywhere on the face of the earth that has any regard for its true responsibility to the people has powers to deal with situations that will make us stay in our houses in certain circumstances, when being outside may endanger ourselves or may endanger others.

Take a look at the situation in El Salvador. Do you mean to tell me, Sir, that people must be able to take their children and take a stroll down Main Street when on both sides of the road bullets are flying on every side? Are we in a position now to say that regardless of whatever is happening around us people must be free to do as they like?

Freedom — and we hear a lot of it these days — we are hearing certain pressure groups in the society saying that they should have more freedom than others.

I believe all of us are entitled to whatever protection the Constitution of Barbados offers its citizens, and the Constitution exists not as an instrument of terror, it exists as an instrument which protects us all. It is supreme, and nothing that we can do in here legitimately can transcend what is enshrined in that Constitution. So unless this piece of legislation can be demonstrated to be contrary to the spirit of the Constitution of Barbados, then there can be no legitimacy to the noises that we are hearing coming from the Opposition benches.

Whatever we do in a lawful democratic society is predicated upon a Constitution, so we are not cavaliers in here, we are not cowboys in here, we have not sought to suspend the Constitution; we are saying that whatever we have in this Bill is in consonance with what the Constitution demands we should respect.

I hear about a Bill being sneaked up on people. I do not understand the expression myself. Laws are debated in here, in this Chamber, and it is not possible for you to sneak up something when you have to come in here and debate it. You cannot sneak something on people when you have to go now and subject it to a Select Committee.

How can you sneak in a Bill? Notice was served in the usual way in which laws are circulated in Barbados, so how can anybody be talking about sneaking? If they had told me that we did not print it in the *Official Gazette*, nor did they bring it on the Notice Paper of Parliament, that would be sneaking it.

Mr. SPEAKER: Please. I take it the honourable Member would not complete in another ten minutes.

Hon. V. L. JOHNSON: No, Sir.

SUSPENSION OF SITTING

Mr. SPEAKER: This sitting now stands suspended until 2.45 p.m. today.
2.00 p.m.

On Resumption:

Mr. SPEAKER: This sitting is now resumed.

QUESTION TIME

Mr. SPEAKER: It is now Question Time.

Question No. 15 stands in the name of the honourable Member for St. Michael South.

Mr. L. E. SANDIFORD: Mr. Speaker, the Question reads as follows:

To ask the Minister of Health: 1. Is the Minister aware that there is generally an unhealthy and unsightly build up of refuse and garbage for unduly long periods at certain locations in the constituency of St. Michael South, particularly at Palm Tree Place near the southern junction with Lukes Avenue, at Clarke's Avenue, near the southern junction with Browne's Avenue, and at the crescent of First and Second Avenues, Beckles Hill? 2. Will the Minister indicate what plans he has for having those areas cleaned on a more regular basis than pertains at present, thereby removing the health hazard and nuisance

to those who reside near or traverse the areas identified?

Hon. L. B. BRATHWAITE: Mr. Speaker, the Reply to Parliamentary Question No. 15, asked by the honourable Member for St. Michael South is as follows:—

The unsightly build-up of refuse in the areas in question is mainly due to illegal dumping at "No Dumping" sites by residents.

A twice weekly refuse collection is provided for the area and is adequate. The residents must however desist from illegal dumping which imposes a strain on the Sanitation Service Authority Collection service.

The areas have been cleared and are being maintained in a satisfactory manner.

Mr. SPEAKER: That brings us to the end of Question Time.

PRIVATE MEMBERS' BUSINESS

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

Order No. 1 under Private Members' Business stands in the name of the honourable Member for St. Michael South Central, whom I do not now see in his place.

Likewise, Order No. 2 stands in the name of the honourable Member for St. Michael South Central whom I do not see in his place.

This brings us to the end of Private Members' Business for today.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business will now be resumed.

When the suspension was taken, the honourable Member for St. Michael West Central, the Hon. Minister, was addressing the Chair.

Hon. V. L. JOHNSON: Thank you, Mr. Speaker.

Part of the criticism levelled at this piece of legislation had to do, Sir, with the fact that the Act sets out provisions under which people can be detained if, in the view of the Minister, their continuance at large would pose a threat to the public safety. But we should constantly bear in mind, Sir, that the purpose enunciated

for the Bill is to make provision for the public safety during a period of public emergency.

Now if we have established that there is reason to believe that the continuance at large of any individual, who is caught up in the circumstances surrounding a declaration of an emergency, may pose a threat; then the Minister may order his confinement. But, Sir, the Bill, in respect of democracy and the rule which has always characterised societies such as Barbados, calls for the establishment of a tribunal which is comprised of persons of the order of the Chief Justice of Barbados and other persons deemed by him, in consultation with the Minister responsible, to be people who in these circumstances are likely to discharge the obligations within the context of the laws of Barbados, in a manner that would guarantee the freedom of even those persons who are suspect under the law.

Within fourteen days after the commencement of detention, a notice must be placed in the *Official Gazette*. At Section 6,

"A person who is the subject of a Detention Order may request that his case be reviewed by the Review Tribunal and where a request is made, no subsequent request may be made before the expiration of 3 months from the making of the previous request."

That man, or whoever it is, has the right of appeal to the Tribunal. And the Schedule of the Bill sets out that:

"The Chairman shall be appointed by the Chief Justice from persons entitled to practise in Barbados as Attorneys-at-Law."

Now, Sir, in these times in which we live, I submit that virtue does not necessarily reside in any person's breast — it is men who corrupt systems. But, as nearly as possible, we have every legitimate right to expect that the Chief Justice of Barbados is a man who can command the respect of Barbadians. And it is with that intention in mind that the Tribunal calls for the appointment of the Chairman picked by the Chief Justice himself. How much higher can any Government go, to guarantee the right of the individual in circumstances like these?

I submit, again, that the Opposition cannot be regarded as sincere when they come in here and make the kind of criticisms that they have been heard to make, when they recognise that under the Bill these provisions are there and they are written down for every one to see.

"The Review Tribunal — (I am reading from the First Schedule again) — must afford a person referred to in paragraph (1) — (must afford, it is not discretionary) — a reasonable opportunity to present his case in person or by counsel at the proceedings before the Tribunal."

Now Sir, I know that the honourable Member for St. Michael South, in his submission, said that we need a different style of politics in this country, and he was talking about the fact that the Minister has certain powers under this Act.

I do not know how you administer a country without, at the same time, recognising that the people who are appointed to serve are persons whom the public at large has every right to believe will act in accordance with the Constitution of Barbados.

One of the things for which this country has long since established its reputation is for being an organisation, an entity in which the Rule of Law is always paramount.

The Minister responsible for public safety must be regarded as an individual competent to discharge his constitutional obligations in a way that would satisfy the majority of people of Barbados. He cannot satisfy everybody.

The Opposition, when they were in power, exercised their constitutional prerogative, and the honourable Member for St. John, in his discretion, felt that the system under which he had operated for so long was no longer operative, and he delegated to himself the power of review for the appointment of judges in Barbados.
3.00 p.m.

He delegated that function to himself. No longer the Judicial and Legal Services Commission, but he, himself, will now have the right to say who will be a judge and who will not be a judge, the honourable Member for St. John did that in 1974.

Now I did not hear them out there complaining at that time that no man should have that authority. They believed that the man who was at the head of the system was competent to go and do as he did in that day. But even with checks and balances, they are telling us that the Minister responsible for public safety in Barbados ought not to be the one who should have the right to consult with the Chief Justice in the appointment of a tribunal.

I would like, Sir, to deal for a moment with the question which seems to be disturbing the minds of the unions. In the 1939 Bill, there is a provision which states that under certain circumstances peaceful picketing may go on in conditions where a public emergency exist, and people are becoming all upset because the present Bill does not provide for the inclusion of that section.

The unions in Barbados, Sir, so far as we have been able to reflect, have established a historical position that gives us reason to believe that all things continuing as they have been, we can expect responsible action on the part of established trade unions. And I, Sir, would like to

go on record as lauding the prevailing attitude in industrial relations in Barbados over the years.

However, Sir, there are occasions when, in the drafting of legislation, it becomes necessary, from time to time, to anticipate that it may not always be possible to expect that all of us will behave in a way that we are expected to behave. But I have already indicated, earlier in my speech, Sir, that no provision in this Bill, nothing at all that has been written in here, is calculated to interfere with legitimate exercise of freedoms by responsible people or organisations or institutions. We are not seeking to take away the powers of anybody, but I have already said these provisions are emergency provisions that are calculated to deal with things that occur out of the ordinary.

I believe, Sir, that as long as you have institutions that are headed by individuals, men, there are going to be occasions when you can expect aberrant behaviour. And the Government must be in a position, at all times, to deal with aberrant and devious behaviour wherever it exist.

I am one of those people who do not believe that by merely hollowing and shouting for the rights of workers that everything that happens behind that label must be regarded as things with which the rest of us, the majority of us, will agree, and to which we will subscribe.

There are people who, in sheep's clothing, will do all sorts of things; using all kinds of smoke screens, serving their own ends. But they will be crying out workers rights, workers rights, when all they intend to do is to create confusion in this society. And I am saying, Sir, that wherever confusion exists, it is the responsibility of the Government, whichever Government is in power, wherever a situation exists that threatens the safety or freedom of any of us, to be able to deal with that.

If the members of the Opposition benches cannot see that principle, perhaps that is reason enough why they need to spend another 10 years in Opposition learning how to govern. And we will give them the example. I do not believe it serves anybody's purpose for a Government to be afraid of its responsibilities when those responsibilities become clear.

I, for one, will join the Member for Christ Church East Central in affirming that I will not ever be part of any oppressive movement on the part of this Government, I will not lend my voice to support reckless over-riding of the people's rights. And as long as I have a voice in this society, and as long as it falls to me to be responsible to the people of Barbados, the people of St. Michael West Central, I will continue to discharge my duties in a way that I feel will redound to the creditable running of

all of the things which fall within the ambit of this Government.

No form of dictatorial or totalitarian oppressive behaviour will ever, in my view, form part of the conduct of this Government; and when it does, I will tell you now that I will not be part of it. You can put that in your pipe and smoke it.

So when people come in here making a lot of shouts and noises, talking about what this Government intends to do, I will tell you, and certainly I am telling the people of St. Michael West Central: they can go to sleep tonight and know that their representative, whom they have put in this Chamber, will stand up for what we have always stood up for in Barbados — that is decency, the Rule of Law and the preservation of order.

And if lawless men for their own selfish desires, should conspire to disturb the peace and security of Barbados, then this Government will discharge its responsibility under the Constitution, and will enact laws to certify that all of us in this country will be able to continue to live free and unfettered.

3.10 p.m.

Nobody has to be worried about the Barbados Labour Party Government. It was this Government that laid down the foundations and the pillars on which the democracy in this country has been built. We have a long-standing tradition. The trade unions, fighting for the Barbados Labour Party.....

MR. SPEAKER: You have a very short two minutes in which to wind up.

Hon. V. L. JOHNSON: Yes, Sir. Was it not the Barbados Labour Party that gave birth to the trade union movement in Barbados? And can a mother forget her suckling child, that she would not have compassion upon the children of her womb? The Barbados Workers Union is a child of the womb of the Barbados Labour Party, Sir. Let nobody in this country ever forget that.

It was we who saw that workers were oppressed for years, labouring under and bowed down by oppression for centuries. And it was the Barbados Labour Party under that great starlet of democracy, Sir Grantley Herbert Adams, who put all at risk, life and limb, to establish the bulwarks of our freedom.

You are telling me that having laboured so long and so hard for something we have always believed in, we will now be the architects of its destruction? You can go and tell that to the minions of the Democratic Labour Party, whose only concern is to get back in power so they can ride like cowboys over the rights of people. But don't

bring it in here and tell it to the Barbados Labour Party. We will have none of it.

Mr. Speaker, I would like to thank you for your indulgence. I would like to close, once again assuring that the people of Barbados can go to sleep under the Barbados Labour Party, certain that their rights, as long as we remain in control, will always be safely guarded.

Mr. H. A. BLACKMAN: Mr. Speaker, there are three brief points I would like to comment on first.

My colleague, the honourable Member for St. Michael South, in his contribution to this debate, questioned whether Parliament had the authority to allow the Minister as it said in this Bill to amend or change the laws, and there were asides thrown around that this was already in the Constitution and that it is found in Chapter 161.

I have perused Chapter 161 about ten times, and I cannot find any part in Chapter 161 where it allows any Minister to change or amend as stated in this Bill at present. That is one comment I would like to make.

Hon. L. R. TULL: A point of order, Mr. Speaker. The Constitution of Barbados is in Chapter 1 of the Laws of Barbados, not Chapter 161, Sir. *(Asides)*

Mr. H. A. BLACKMAN: Mr. Speaker, the Emergency Powers, Chapter 161 *(Asides)* I will continue, Mr. Speaker.

Mr. SPEAKER: Let us have a little more order.

Mr. H. A. BLACKMAN: Mr. Speaker, I will continue.

Hon. L. R. TULL: On a point of order, Sir. It is not usually my intention to try to mislead the House. I would like from the Hansard Reporter exactly what was said.

Mr. SPEAKER: Please, that is what I intended to do. Mr. Clerk, please find out from the Reporter what was said. *(Pause)*

I have here the transcript from the Hansard Reporter. The Member for St. Philip South is speaking and it reads as follows: "There were asides thrown around that this was already in the Constitution and found in Chapter 161 and I cannot find where it allows any Minister to change or amend the Bill at present." 3.20 p.m.

The honourable Member may continue.

Mr. H. A. BLACKMAN: Thank you, Mr. Speaker, nowhere in Cap. 161, or in the Constitution, can I find where Parliament is allowed to delegate powers to any Minister to change or amend the Laws of Barbados.

The next point I would like to make, Mr. Speaker, is this, the honourable Member for Christ Church East Central.....

Hon. L. R. TULL: On a point of order, Sir, both in Cap. 161, Sir, and in the Constitution of Barbados, the Minister has power — in fact in the Cabinet in the Constitution — there are powers given by Statute for the Minister to require people to carry out certain jobs and services. I can give the honourable Member the references if he cannot read the Law himself. (Mr. P. M. GREAVES: It did not say that, it said to change laws.) (Hon. DeL. O. BRADSHAW: Alright Philip, take it easy.) (Hon. L. R. TULL: But the Laws are there.)

Mr. H. A. BLACKMAN: Mr. Speaker, I will say again, there is nowhere in this Cap. 161, or in the Constitution, where Parliament can delegate powers to any Minister to change the laws in Barbados; and I will repeat it from now until Christmas.

The second point I would like to make, Mr. Speaker, is this, the honourable Member for Christ Church East Central spent a long time on the question of the prerogative or the discretion that the Governor-General has in declaring a state of emergency.

I thought that the Rt. Hon. Member for St. John had dealt with that point effectively.

Certain remarks made by the honourable Member for St. Philip South were ordered to be expunged from the Record by Mr. SPEAKER.

I will continue, Mr. Speaker. The honourable Member for St. Michael West Central stated that the Democratic Labour Party has always refused to sit on any Select Committee and other Boards.

I would like to say, Mr. Speaker, that two years ago, although the Democratic Labour Party was against the change of the electoral boundaries in Barbados, two of our members sat on that Select Committee. The impression that the honourable Member for St. Michael West Central, was trying to give is not a true reflection of what happens in Barbados.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I rise on a point of order. An honourable Member cannot get up and say that nowhere — well, he can say that nowhere in the Constitution can he find, or nowhere in whatever it is can

he find a rule that a Minister can change a law, because that reflects on his powers of search. But it is not true.

There are many, many Acts of Parliament which authorise the Cabinet or a Minister to amend the Act; many, many Acts. There are Acts which can be amended by Order. The Minister of Finance has extensive power to amend Acts of Parliament.

These statements should not be in the Record of the House of Assembly — the reporters will believe them. They are not going to publish them to make the honourable Member look ridiculous — and, as a new Member, we should not encourage him to be ridiculous either..... (Hon. L. S. CRAIG: He is no longer new)..... (Hon. L. R. TULL: He has been here for a whole year.).....they are going to publish them because they do not know any better and they may think that it is true.

Mr. SPEAKER: Point made.

Mr. H. A. BLACKMAN: I will proceed, Mr. Speaker. The Rt. Hon. Prime Minister, in his address, appealed to the people of Barbados for reasonableness in dealing with this Bill before us. The Rt. Hon. Prime Minister, on each occasion that he had to speak on this Bill since his return to Barbados, has accused the Democratic Labour Party, in his words, of "monstrous hypocrisy." On every occasion, he said this. (*Aside*)

I am saying, Mr. Speaker, that if ever speeches made are likely to hasten the need for a state of emergency, it is speeches like those. Because if you say that the Democratic Labour Party is against this Bill, that they are hypocrites, and if you say that what the Democratic Labour Party is doing is purely political; what, in effect, you are saying to the people in Barbados is, since this is political, those of you who are Bs support the Bs, and those of you who are Dems support the Dems. And nothing is more likely to cause or hasten a state of emergency than that sort of situation.

What I find alarming is that members of the Press could interview the Rt. Hon. Prime Minister on an Emergency Bill which is affecting every single person in Barbados, or will affect every single person in Barbados, including members of the Cabinet, and members of the Press did not think it possible or did not think it wise to take along a copy of the Emergency Powers Bill when they were interviewing the Prime Minister — if any one of them had a copy of the Bill, they did not use it — and that is my criticism of the press.

You see the basic difference, Mr. Speaker, between the Democratic Labour Party and the Hon. Prime Minister is that the Democratic Labour Party took the Bill and read the Bill to people. They read what was in the Bill. The Hon. Prime Minister did not.

If the Hon. Prime Minister wants to take the people in Barbados in his confidence and wants the people in Barbados to have confidence in him, what the Hon. Prime Minister should have done was to take the Bill and go through it, clause by clause, and let the people in Barbados know exactly what is in the Bill.

There is no doubt in my mind, Mr. Speaker, that this Bill is a hasty document and an uncalled-for document. We already have Emergency Powers. We already have the Public Order Act. We want to know what is the reason for the Bill at this time and we want to know what was wrong or what is wrong with the existing legislation.

3.30 p.m.

I have heard the honourable Prime Minister and the Deputy Prime Minister say that they will go through this Bill clause by clause, and I sat here, and neither one of these two gentlemen went through this Bill clause by clause.

Hon. H. B. St. JOHN: Mr. Speaker, on a point of order. I must object. I specifically went through, so long as my time allowed me, four sections of this Bill, and Your Honour ruled, and indicated to me that my time had expired. I object strenuously to the honourable Member for St. Philip South stating inaccuracies of fact in the House with respect to my comments. I ask Your Honour to call on him to withdraw that. That is a gross inaccuracy and it is accusing me of false statements on the Floor of this House.

Mr. H. A. BLACKMAN: Mr. Speaker, ...

Mr. SPEAKER: Please. The honourable Member has made objection to certain remarks which, when attributed to him, accuse him of making false statements on the Floor of this Honourable House. I have to call upon the honourable Member to withdraw them.

Mr. H. A. BLACKMAN: I withdraw them, Mr. Speaker.

Mr. SPEAKER: The honourable Member may continue.

Mr. H. A. BLACKMAN: Mr. Speaker, I will first turn to the Bill, Section 3, Subsections (4) and (5) which read as follows:

"On a review of the case of a person to whom this section refers, the Review Tribunal may make to the Minister recommendations concerning the necessity or expedience of continuing or discontinuing the detention.

"No recommendation made under subsection (4) is binding on the Minister."

My point here is this, and I have listened attentively to three speakers on the other side and neither one of them has touched this point, the previous law said in relation to Subsection 4: "but, unless it is otherwise provided by law,....." and I would like to know why this section of the Bill was omitted. These are the answers we want to get in here. Why was that section, "but, unless it is otherwise provided by law" omitted?

Hon. H. B. St. JOHN: Mr. Speaker, on a point of order. The honourable Member is misleading the House deliberately, because there is no previous law that deals with this. It is the Constitution that deals with it, and the Constitution specifically says that the Minister does not have to act in accordance with the Tribunal, so the honourable Member cannot get up in here and make a statement of fact that the previous law..... *(Aside)* He said that, the honourable Member said that, and that we deliberately omitted it.

Mr. H. A. BLACKMAN: Mr. Speaker, may I read the Constitution? "On any review by a tribunal in pursuance of subsection (6)....."

Mr. SPEAKER: Please. For the benefit of the Hansard Reporter.

Mr. H. A. BLACKMAN: I am sorry. It is Clause 13, Subsection (7).

Mr. SPEAKER: Please, please.

Mr. H. A. BLACKMAN: Clause 13, Subsection (7), page.....

Mr. SPEAKER: Please, please, please. I am sure the Hansard Reporter must be confused by now.

Mr. H. A. BLACKMAN: Mr. Speaker, it is Section 13, Subsection (7), and I will read what it says:

"On any review by a tribunal in pursuance of subsection (6) of the case of any detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by whom it was ordered, but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations."

Why was it not included in this? This is the question that I asked. Why was not that part included? This is a safeguard here, so why include the rest and not this?

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation. Can I ask the honourable Member what are the words he wants included?

Mr. SPEAKER: Mr. Prime Minister, no point of elucidation!

Mr. H. A. BLACKMAN: No point at all. May I proceed Mr. Speaker?

Mr. SPEAKER: You may continue your address.

Mr. H. A. BLACKMAN: Mr. Speaker, I turn now to Clause 5 Subsection (3). *(Asides)*

Mr. SPEAKER: Please. The noise is affecting the Hansard Reporter; please be quiet. The honourable Member may continue.

Mr. H. A. BLACKMAN: Thank you, Mr. Speaker. I turn now to Clause 5, Subsection (3) of the present Bill we are debating, and it says:

"The Minister must not later than 14 days after the commencement of the detention, cause notice thereof to be published in the Official Gazette."

That is what this Bill says. The Constitution also contains the following:

"The Minister must make a report to each House stating (a) the number of persons detained, and (b) the number of cases in which the Minister has not acted in accordance with the recommendations of the Tribunal."

Why were those words left out in this Bill? This is what we want to know. Why did you take out parts of the Bill and leave out parts?

3.40 p.m.

You see, Mr. Speaker, those two additional clauses safeguarded people who had been detained so that they would not rot away in prison without anybody knowing. The Constitution specifically says that the Minister must state the number of persons detained and report it to each House, and the number of cases in which the Minister has not acted in accordance with the recommendation of the Tribunal. Those were the safeguards we got put inside. Now they are not here, Mr. Speaker. *(Asides)*

Mr. SPEAKER: I take it you are assuming that when or if the Emergency Powers Bill becomes law that the Constitution dies.

Mr. H. A. BLACKMAN: No. What I am asking, Mr. Speaker, is why is it not there. That is what I want to know. *(Asides)* The other things are in the Constitution as well, so why take out some of the things from the Constitution and leave out some? Those are the questions and we need answer in here.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, the honourable Member is, I think, casting doubt on the motives of the mover of the Bill when he says that some

things have been picked out from the Constitution and others have not been picked out.

The Objects and Reasons of the Bill state that this is a Bill which seeks to make provisions which are in conformity with Chapter 3 of the Constitution.

It is very dangerous for any person who is not a lawyer to make pronouncements on law. I am sorry to say that. I do not mean to give offence. The most significant thing which is in the Constitution, which is not in the Bill — as the honourable Member for St. Michael North, who is a lawyer only in name, may realise if he looked at the two things — is that the Bill does not make any provision for declaring an emergency. Read it, because the provisions for declaring an emergency are in the Constitution and do not need to be repeated in the Bill.

Mr. SPEAKER: The honourable Member is making a speech.

Rt. Hon. J. M. G. M. ADAMS: There are other things in the Bill which are not repeated because the Constitution provides for them.

Mr. SPEAKER: We cannot have this.

Mr. H. A. BLACKMAN: Mr. Speaker, I go further and I come to the Second Schedule on page 10 of the present Bill.

The honourable Prime Minister went out of his way to tell the people of Barbados that he is extending liberties.

I want to know, Mr. Speaker, if you are extending liberties of the citizens of Barbados why it is that you are changing the penalty from \$96 or three months imprisonment to \$1,500 or six months' imprisonment. I want to know if you are extending liberties why you should change \$24 to \$100. I want to know if you are extending liberties why it is you have to change the penalty of \$10 and make it a fine of \$500 or three months. If this is extending liberties, I prefer the liberties as they are now.

Mr. SPEAKER: That is a point for the Committee stage. It is a point, but it could better be dealt with at the Committee stage.

Mr. H. A. BLACKMAN: Mr. Speaker, I will go further. Chapter 161 of the Emergency Powers Act states.....

Mr. B. M. TAITT: Mr. Speaker, on a point of order. I wish to draw to Your Honour's attention, with the greatest respect, the rule concerning the right of an honourable Member to be heard in silence. I submit that

some honourable Members are not paying sufficient attention to this rule. I draw it to your attention.

Mr. SPEAKER: Members are not paying.....

Mr. B. M. TAITT: Are not paying attention to the rules which require that an honourable Member must be heard in silence.

Mr. SPEAKER: Well, if the honourable Member who has just sat down has been silenced today, it is remarkable. But I thank you for your intervention.

Mr. H. A. BLACKMAN: Mr. Speaker, on page 8 of this Bill we are debating at the moment, Section 10 says:

"The Emergency Powers Act is repealed."

In the Emergency Powers Act, Section 4, Subsection (2) it says

"Nothing in this Act or any order made shall make it an offence for any person or persons to take part in any strike or peacefully to persuade any person or persons to take part in any strike, or peacefully to persuade any person or persons to take part in a strike."

That is what is said in the Emergency Powers Act, Cap. 161. The Emergency Powers Act is repealed.

There is nowhere in this Act where I see that section of that clause whereby any person or persons can take part in any strike or peacefully persuade any other person or persons to take part in a strike. There is nowhere in this Bill that I see that. We want to know why it is not in here.

These are answers we need. Why is it that you take certain things out of here and put in here and leave out certain things? Why can you take out some and leave some? Until we get those answers, and until the people of Barbados get the answers, we cannot agree with this Bill.

We are saying to the Hon. Prime Minister that the people of Barbados do not want any emergency legislation. We already have emergency powers, we already have the Public Order Act; so what is the need for this? The Hon. Prime Minister will have to convince us of the need for this. Thank you, Mr. Speaker. *(Applause)*

Mr. B. M. TAITT: Mr. Speaker, I have been listening to this debate from the time when the honourable gentleman for St. Thomas introduced it, and the sterling performance by the Leader of the Opposition, whom I believe on that occasion, last Tuesday, dealt with this Bill in its entirety — as it relates to the requirements

of this country and the whole question of the need for the Bill at this time.
3.50 p.m.

Mr. Speaker, I believe that that is a question which is legitimately being asked by the people of Barbados. I think it is well-known, Sir, that whenever there is new legislation brought to a legislator, that that legislation seeks to correct a mischief — that is the term used, Sir. And I should like to ask the Prime Minister and the Attorney-General, and indeed honourable Members on that side, what is the mischief which you seek to correct by the bringing of this legislation at this time.

It would seem to me, Sir, that they must know something, which they do not feel it necessary or convenient to reveal to the rest of us citizens of Barbados, which would need them to feel that they have to bring legislation at this time, which, according to their own indication, will improve on the present legislation.

Mr. Speaker, I have perused this Bill, I have looked at it with my colleagues, and I cannot find, except for the appointment of a tribunal, which is called for under the Constitution, that there is any improvement on the emergency powers legislation, which currently exists.

If it is that the Honourable Prime Minister and his Government felt that because in a situation in Jamaica, more recently, or in a situation in Guyana, where the question of appointment of a tribunal figured in the decision making in a particular case, or cases, that it was necessary to appoint a tribunal, Sir, then it would seem to me that an amendment of the current emergency powers legislation to make room for the appointment of a tribunal would have been sufficient. However, Sir, we have been given a Bill, the Objects and Reasons of which seek to make provisions for the public safety during a period of public emergency, and, they say, which are in conformity with Chapter 3 of the Constitution of Barbados.

Now, Mr. Speaker, earlier today the honourable Member for Christ Church East Central raised the question as to whether anyone would dare to question the constitutionality of any provisions of this Bill. At the risk of incurring his wrath, I would like to invite Your Honour, and that gentleman, to turn to those aspects of this Bill which have been creating the most problems.

Section 4 of the Bill creates the power in a Minister. My colleague, the honourable Member for St. Michael South, has already raised the stylistic question which the Government will have to address its mind to.

Notwithstanding the new approaches to drafting, I believe that in the Emergency Powers Act it would be

necessary to identify the Minister and not rely on the holding of a portfolio to identify a Minister who would be given powers — and powers less than these have been described as well nigh dictatorial.

But, Sir, notwithstanding that question, if you look at Section 4 (1), Section 4 (1) (a) and (b) give to the Minister directions as to what the Minister should do. Those directions, more or less, conform with the requirements in Chapter 3 of the Constitution.

Mr. Speaker, the problem comes in the very next clause. This question has not so far, as I have heard, been canvassed, and I wish to draw to Your Honour's attention that Section 4 (2) says that:

"A defect in the grounds to which sub-section (1) (b) refers does not invalidate the Order."

Now, Mr. Speaker, Section (1)(b) deals with containing, precisely, the grounds of the detention. But I would like to direct Your Honour, Sir, to the Constitution at Section 13 (6) (a)

"Where a person is detained by virtue of such a law as referred to in sub-section 5" —

and that is under the emergency powers, Sub-section 5 deals with Emergency Powers —

the following provisions shall apply — "he shall, as soon as reasonably practicable and in any case not more than five days after the commencement of his detention, be furnished with a statement in writing, in a language that he understands, of the grounds upon which he is detained."

I wish to suggest that where 4 (2) in this current Bill before us seeks to oust the Minister's error or defect, that to the extent it succeeds or that it would succeed that it would be in contravention, or at least in collision, with Section 13 (6) (a).

Mr. Speaker, all of those instances, which we have had so far, where there are Bills similar to our Bills, where there are Constitutions similar to our Constitution, whenever a detainee, or a person who has been held, has managed to escape such detention, or has managed to go before the courts successfully, so far it has been precisely because there was a defect in the grounds to which the subsection 1 (b) refers — that is, the grounds of the detention, or there has been a defect in a condition precedent which was not met.

I am suggesting to the honourable Members that this ousting of the remedy which a detainee might have, does, in my opinion, conflict with 13(6)(a). It may very well be held to be a moot point, but even so, Mr. Speaker, no one will doubt that these things become important.

In 1970/71, when George Weekes of Trinidad and Tobago found himself detained, it was precisely on the ground of a defect under the Human Rights Section of the Constitution — where the grounds under which he was detained were supposed to be given to him — then Sir, there was held to be a defect in the grounds — and it was on that ground and that ground alone, or at least primarily — that George Weekes was able to get his freedom.

I go further, Sir. It has been contended by the other side, and I believe the honourable Member for St. Michael West Central, whom I do not now see in his place, sought to suggest that the people of Barbados must have sufficient confidence in a Minister, any Minister, that they must not allow the fact that wide powers are given to the Minister to cause them concern.

Mr. Speaker, Sir, in the first place, there is an error in suggesting that a law which we pass is for a particular Minister in a particular Government. When we pass laws of this kind, Sir, we must protect the people not only from Ministers in that Government, or subsequently in this Government, but from Ministers *ad infinitum*.
4.00 p.m.

No one knows which Minister is going to be the Minister serving in that capacity at the time when these emergency powers, if we should pass them, would be called into effect. It is therefore very important that the powers, which are being given to a Minister, should be examined, and examined in the greatest detail.

Mr. Speaker, I bring in aid, to confirm my point, a situation in the sister island of St. Kitts. On two occasions in recent times Ministers, and in one case the Governor, or Governor-General, had in fact issued a proclamation of emergency. And the Governor or Governor-General, being the authority with the power which it is now sought to give the Minister, proceeded to give, in the one case of Mr. Reynolds, the kind of conditions to which we are referring in this piece of legislation, the grounds of the detention, and which are to be found in the Constitution.

Now the Kittitian law was even more stringent than this one. The Kittitian law, the Bill of Rights, required that the detainee be given a statement in writing, specifying in detail, the grounds for his detention. In the case of Mr. Reynolds, whom, apparently, had as his major problem the fact that he was sympathetic to, or believed

in the Opposition party, he was told in his grounds that during the year of 1967, both within and outside of the State, he encouraged civil disobedience throughout the State.

Now, Sir, (*Asides*) — not an honourable Member on this side — Lord Salmond, in the Privy Council, said: "It is difficult to imagine anything more vague and ambiguous, or less informative, than this notice. It was indeed a mockery to put it forward as specifying in detail the grounds on which the plaintiff was being detained". That is, for those who wish to know, the 1980 Appeal Cases, 637, at 661E.

Now, Mr. Speaker, the point I want to make is this. Here was a Minister of whom it could be said, as the honourable Member for Christ Church West Central said today — he was an honourable man. Or here was the Governor-General in a sister state of whom it could be said that he was an honourable man, and that he would be competent, and that he would be a man with whom the people of St. Kitts could go to sleep at night: because we have to assume that Ministers, generally speaking, are competent people. That is not the point.

The point is that during a time of emergency tempers are high, people who have responsibility tend to have coloured glasses — the people who do not have responsibility may also have coloured glasses. I am saying that the law must make provision for coloured glasses, on both sides. I am saying that if we have a piece of legislation which puts so much power in the hands of a Minister, and that legislation seeks to oust one of the few areas we have had, in our experience, that detainees may be ousted; I say that may, in fact, be running very close to, if it is not in collision with the Constitution.

I go further. In a similar situation in St. Kitts concerning Dr. Herbert, well-known to politicians and people in Government throughout the Caribbean, Dr. Herbert was told in his grounds for detention that on several occasions he had encouraged people "to overthrow the lawful government by armed rebellion."

I am saying that under this legislation a Minister could have given that as the grounds and that would have been sufficient grounds under this legislation, because "a defect in the grounds to which Subsection 1(b) refers, does not invalidate the order." And the judge in St. Kitts — Nevis Anguilla, and indeed as it went to the highest courts, they would not have been able to find that the law did not make proper provision for the Minister, or the Governor-General, as the case may be, or for the Authority, to be vague and ambiguous in the grounds.

For those reasons, Sir, we are saying that the Government takes another look at the kind of powers which they wish to put in the hands of a single Minister.

I do not myself, Mr. Speaker, wish to traverse ground that has been gone over time and time again. But I wish to say what is the position in other Commonwealth countries with regards to emergency powers. It struck me, Mr. Speaker, that if we were seeking at this stage, fifteen years after independence, to bring in legislation that was to assist in the implementation of the Constitution, that we would tend to look at what has been happening in other parts of the world. Now, Mr. Speaker, we live in the Western Hemisphere. It strikes me, Sir, that in the United States, except for the power on the part of the President to declare an area of the United States a disaster area — and that power is based in an Act of Congress, it cannot be found in the Constitution *per se* that each time there is an emergency — that is to say if there was war or pestilence, Congress would have to pass specific legislation, or the State in that particular area would have to pass specific legislation. But generally speaking, the President could declare the area a disaster area in order to help things move in a particular way.

Mr. Speaker, it may not be that they wish to look at the United States, so we turn to a country like New Zealand. Mr. Speaker, New Zealand had, in 1932 what they called the Public Safety Conservation Act. Since 1932, the New Zealanders did not consider it necessary to amend that legislation, apparently. In 1962, they passed a thing called a Civil Defence Act, which they amended in 1968, and all they sought to do was to deal, generally speaking, with the question of war and the question of regional problems.

Mr. Speaker, the point I want to make about that legislation is this: it is still subsisting as far as I have been able, in the short time, to ascertain. But you know, Sir, they make no provision in their legislation for a Minister to have wide powers insofar as the courts are concerned. What they have done is that they have generally left the portion which is still to be found in the 1920 United Kingdom Act, where you go before the courts.

Now I am making that point to say that another bone of contention that I have with this Bill is the concept of detention. Do not rush to me and say that provision for it can be found in the Constitution, because we, in 1982, cannot regard the Constitution, if the Constitution is defective, as providing the basis for us to continue down in a line which is not acceptable to any of us who consider ourselves progressive.

The concept of detention of "a" by "b" while "b" is in power, ought to be a concept that neither side in Bar-

bados in the political arena, or, indeed, the generality of the public, should find comfort in, because we have seen people in this Caribbean who have held power, and we have observed them in their exercise of power. And we are not satisfied, at least this honourable Member is not satisfied, that the people who exercise power in the Caribbean necessarily pay sufficient attention, or, sometimes, any attention, to the glorious, wonderful and lofty concepts that are enshrined in Chapter 3 of our Constitution.

Mr. Speaker, time does not permit me to give examples of that, but I think it is well known. One only has to know to look at the kind of play which goes on in places like Dominica and Antigua. I cast no aspersions on them, because I do not have enough information. But one day a man is Prime Minister and the next day they have him as a man who has been arrested and is being pushed around. We have, in Antigua, a man who is a Prime Minister; and the next day his opponent gets into power and he is arrested. He takes two to three years before an Appeal Court says that he was wrongly arrested or illegally arrested.

I am suggesting that when the people of Barbados start to be concerned about the bringing of emergency legislation, and when that concern is couched around the time when there is industrial unrest in the community, it is not unreasonable for citizens to believe that the legislation has a particular purpose. It is not unreasonable for citizens to ask, "Is this legislation for BIGWU?" "Is this legislation for Frank Walcott?" "Who is this legislation for?"

4.10 p.m.

It may very well be, as the Government would have us believe, that their timing of progressive legislation has coincided with now; but we have reasons not to accept that, Sir.

Some time ago in this Honourable Chamber, the honourable Member for Christ Church West, who was then the honourable Attorney-General, brought a bevy of bits of legislation to this Chamber and suggested that that legislation was progressive. So progressive was it, Sir, that the Labour Party, in its Manifesto, was able to brag about it. At page 27 of that document, which I believe is already a document, of this House, they said that:

"The measures taken by the Barbados Labour Party Government to strengthen the Rule of Law has now placed this country foremost among the free countries of the world. Reform of the administrative law, the establishment of an Administrative Review Tribunal, the establishment of the office of Ombudsman, and a reform of the Supreme

Court Act, were all designed to protect the liberty of the individual."

But, Mr. Speaker, would you believe, Sir, as we have heard in this Honourable Chamber, they are not bothering with the appointment of the Ombudsman yet. They have to hold that in abeyance as part of the economic difficulties. They have not proclaimed the Act, the Act which they bragged about that they brought it for progression. They have not yet proclaimed the Act, the establishment of an Administrative Review Tribunal.

I believe, Sir, that those were the thoughts and the wishes of the honourable Member for Christ Church West, who is very academic and scholarly in these matters, Sir, and who used to travel around the world — I am sorry he is not here, but I am sure his colleagues will tell him — and whenever he comes across a piece of legislation, he carried it to his people in the Chambers and say, "Barbados has not got this yet, hit me with piece." (*Laughter*) But, the wiser heads, or older heads, or shrewder heads are now prevailing; and they have said we have to stop this Henrymania which has been sweeping the Attorney-General's Chambers.

Be that as it may, I am making the point, Mr. Speaker, that this concept.... (*Aside*) I do not wish, as it is being urged upon me, to suggest that the present holder of the post of Attorney-General is not sufficiently schooled in these matters and therefore, is taking time to catch up — I am not going to be persuaded on that at all — but I am making a point, Sir, that when they come and say, as the Prime Minister has said that he wishes to expand the rights, we have got to run and hide. Every time the Prime Minister says he wishes to give me something, I run and hide. The Prime Minister is not known for giving anybody anything of a nature — Mr. Speaker, I am going too well to go down that road.

Let me put it this way, Sir, the Prime Minister cannot say to me that he is expanding my rights, when, in fact, in my search for precedent, the only thing I can find that is reminiscent of this Act is the 1971 Trinidad Act, when Trinidad was in a state of chaos.

Mr. Speaker, it takes a little time. But when Trinidad was in a state of chaos, Sir, they passed Act No. 29 of 1971. And it is in this Act that one can find these provisions which have been given to the distinguished Minister, whoever he or she may be — 6 and 7 in particular. But 7(1), Sir — and note as I pass that in 7(1) they do not say the Minister must make Regulations or shall make Regulations — they say 'he may.' And in 1(2):

"The Minister may in particular make Regulations in respect of"

And then they go on.

Subsection (b) is subsection (e) of the Trinidad Act. Subsection (d) is subsection (c) of the Trinidad Act. Subsection (h) is subsection (k) of the Trinidad Act. Subsection (i) is subsection (k) of the Trinidad Act, and (k) is (h), and (j) is (l), *et cetera*. And it is only in the Trinidad Act, that we begin to find this terrible mania for giving the Minister that kind of power.

But there is something which they could easily and ought to have taken from the Trinidad Act, the very last section. That same Act in Trinidad and Tobago House, Section 25, said this, Sir:

"This Act shall cease to have effect on the expiration of the period of public emergency unless sooner determined by proclamation of the Governor-General in accordance with Section 8 of the Constitution and published in the Gazette and such proclamation may relate to any particular section or part thereof."

In other words, even when the Trinidadians were faced with insurrection, even when it appeared that the Government of Trinidad — I do not wish to say on the urging of the Prime Minister, the then Leader of the Opposition of Barbados — but even when in Trinidad they were going to do what the Leader of the Opposition in Barbados had said was necessary to remove the Government of Trinidad; the Government of Trinidad still had the presence of mind to enact legislation that self destruct.

We are in a peaceful time. We had been told by the honourable gentleman that Barbados has never had it so good, that the relations have never been so peaceful. Why then, Sir, Trinidad can have an Act that would self destruct in 1971, but we have to get one that is going to replace a permanent Act.

Mr. Speaker, do we need more protection than the people of Canada? In Canada, Sir, when they passed what they called an Act to confer certain emergency powers on the Governor-General in Council, Chapter 96 of the Statutes of Canada, this was in 1952 I believe, you know what they did, Sir? They put in Section 2, after having set out in 2 (1) something very akin to what we have set out in section 7 (2) of this particular Bill, they went on to say this:

"Notwithstanding anything contained therein the powers conferred on the Governor in Council by Subsection 1 do not include power to make Orders or Regulations in relation to:

(a) arrest except as incidental proceedings under Section 3"

and I will read that in a minute.

"detention, exclusion or deportation of any person."

- (b) censorship or the control and suppression of publications and writings;

or

- (c) expenditures of monies otherwise than in accordance with an appropriation by Parliament except expenditure of money from any fund or account established by Order or regulation in connection with his scheme of control for the purposes of that scheme of control."

In other words, Mr. Speaker, in Canada, who only got liberated the other day, Sir — Canada finally got their Constitution patriated — in Canada in 1952, thirty years ago, the Canadians felt constrained to take from the Governor-in-Executive Council — not a Minister, not the Governor-General — the Governor-in-Executive Council — they said that they would not give him powers of arrest and detention.

In 1982, we in progressive Barbados find it necessary and desirable to put in the hands of a single Minister the power to arrest, the power to detain, to determine who shall be detained.
4.20 p.m.

Mr. Speaker, a lot has been said about the United Kingdom. What is not well known, and what has to be said, is that the 1920 Emergency Powers Act is still the ruling Act in England, except that a substantial amount of the emergency power which had been given immediately after the War has been whittled away until now all that is left is an Act of 1964 which sought to change the old Act.

Mr. Speaker, it is remarkable. In 1964 the British felt it only necessary to change their 1920 Act by substituting "if His Majesty feels, etc." by saying words to the effect that where they perceive a threat. That is all the change they considered it necessary to make. But more important, at no time in the United Kingdom have they given or do they seek to give even.....

Mr. SPEAKER: Even in these final two minutes.

Mr. B. M. TAITT: Even in these final two minutes, Sir, they did not seek to give the power of detention to a Minister, except in a time of war. And even then, in the great case of *Liversidge v. Anderson* — and the honourable Members must be aware of it — it was made very clear that the question of the liberty of the subject ought not to be played with, ought not to be interfered with. And even though that was a majority decision, it was only a matter of time before what was said by the great

Lord Acton became the norm for the United Kingdom, and for all the progressive thinking people who, unlike the honourable Member for St. Michael East, follow that system of law.

Mr. Speaker, what we are saying on this side is that we accept the principle that a Government needs emergency powers. We accepted that principle when we were in Government, and hence there was the Emergency Powers Act. We saw no reason to change it then, you have given us no reason to change it now, so we, like the rest of the people in Barbados, ask you: why?

Mr. Speaker, let it not be felt, as some people may feel, that there is some arrangement by which the Government of Barbados is required to make certain decisions within a certain time. There are some people who seek to tie the coming of this emergency legislation with the coming of the CBI. There are some people who raise questions as to whether we can repose this kind of power in a Minister, when the Government of Barbados may have in fact been involved in the sending, for example, of troops from Barbados to St. Lucia on the eve of general elections in St. Lucia, without any consultation or any discussion within Parliament.

They do not have to, Sir, but if a Government is going to allow troops to go to St. Lucia, if it is going to allow the Trident to go to St. Lucia on the eve of elections, we have to worry about emergency powers legislation. We have to ask whether the Government is, in some way, trying to set itself up as the authority in the Caribbean.

I will have some more to say about this trip to St. Lucia, it is not called for now, but will the Prime Minister confirm — let him confirm for us that this emergency powers legislation has nothing to do with any *quid pro quo* for U.S. investment. Let him confirm that these emergency powers are not to deal with the unions, let him confirm that the unions in Barbados must be able to go to sleep at night in the knowledge that any laws in Barbados.....

Mr. SPEAKER: You have now come to an end.

Mr. B. M. TAITT: Finish the sentence, Sir..... will allow them to operate as free citizens in a free country. Thank you very much, Mr. Speaker. (*Applause*)

Dr. R. C. HAYNES: Mr. Speaker, I rise to join my colleagues who have spoken on this side in their firm call for the withdrawal of this Bill, which is unquestionably the most obnoxious piece of legislation brought before

this Parliament in the past 60 years, and which is so defective, as has been pointed out by the many speakers on this side, that it cannot be repaired in any Committee of this Honourable House, whether it be a Select Committee or otherwise.

Sir, over the past ten days or so, having received my Order Paper, and having seen this particular Bill among those papers, I have spent a lot of time researching, in detail, the social and political aspects of emergency legislation in Barbados, and indeed how such legislation came into being, and to try to see this present Bill in the context of what transpired in this peaceful country of ours.

It is to be noted, Sir, and I think that one of the defects in this type of legislation is that emergency powers have been largely introduced into this Parliament to deal with two categories of emergencies.

One aspect relates to those which occur as a consequence of natural disasters, some of it embodied in the Better Security Act of 1920, in the Emergency Powers Act of 1931, in the amendment to the Emergency Powers Act of 1948 and the amendment to the Emergency Powers Act of 1939 which took place in 1955, a gradual extension from powers affecting hurricanes, disasters occasioned by hurricanes and earthquakes, to disasters relating to fires and so on.

Those powers, generally speaking, have not been the cause of much debate in this Parliament, since a review of the legislative debates the general principles of that category of emergency powers have never been challenged, only a question of details.

What becomes a much more serious problem, Sir, and where this Bill is, in my mind, the worst Bill among this category of legislation brought before this Parliament, is where emergency powers have been brought to bear on matters affecting the working people of this country and where in times of economic and social stress we find that there is a continuing trend over the past 60 years to bringing legislation of this nature.

The Better Security Act of 1920 was amended in 1927 as a direct consequence of a dock workers' strike in Barbados, and the amendments to that Act constituted a major threat to the rights of people to get together and associate in order for their betterment. At that time, Sir, Dr. Duncan O'Neal, who was not a member of this Parliament at the time, fought a major struggle against those amendments which culminated in a petition to the Secretary of State, but they were unable to follow it up and it became part of the laws of Barbados.

4.30 p.m.

The next major effort to bring in legislation of this nature in Barbados occurred in 1939, when the Emergency Powers Act was introduced in this Legislature by the late Mr. E. K. Walcott.

And today I want, on the floor of this House, to pay tribute to the late Sir Grantley Adams, who fought valiantly to ensure that those rights, which are now being taken away by this legislation, were enshrined in that Emergency Powers Bill.

I am not afraid at any time to give due where I see due must be given, and, Sir, I want to just refer to one or two of the points which he made at that time. He pointed out that that Bill was a direct attempt to curtail the activities of the Barbados Progressive League. He opposed the Bill in principle. He opposed a suggestion by Mr. Christie Brathwaite that that Bill should be sent to any Select Committee because he felt very strongly that the rights of the people of Barbados were being whittled away and the place to debate it would be in the Committee of the House and in public.

Sir, he went even further, to point out that the purpose and intent of that Bill was anti-trade union. And one of the major contributions that he made was to force the then conservative Government to include in that Emergency Powers Bill a provision that nothing in that Bill should prevent people from associating in a form of trade union. Although they were not established at the time, nevertheless there were several groups which had formed themselves, various artisans and other groups, together and the beginning of the trade union movement was formed in Barbados.

He went on to point out, in fact he said that the Bill was such a bad Bill that it should be spewed out — I repeat, "spewed out" — by Parliament. Those were the exact words which he used. He said that it gave the Governor more power than a Hitler — and this Bill contains more powers than that Bill contained at the time.

He pointed out that that was permanent legislation, and Sir Grantley Adams could be speaking today in this Legislature. This speech is entirely relevant to what is taking place here.

He pointed out the permanency about the legislation, since it was not brought in to deal with a specific emergency and would cease when that emergency finishes, and that there was a permanency about it which was destructive of the civil rights of the people of Barbados.

He went on, Sir, to point out — and not only point out, but to argue successfully, and got it included in the Bill — that the powers conferred on the Governor should be in Executive Committee at that time.

He also insisted that there should be legislative control by Parliament of any emergency powers being exercised in this country.

He also raised the very pertinent question as to what would happen if the House was dead — that is, in the event of a dissolution of Parliament and an emergency arose during that period. And, in fact, he forced the then conservative Government to include in that Bill provisions for the recall of Parliament — and he himself worked out the difficulties that would have to be sorted out in order to get around the provisions of the Representation of the People Act, or the equivalent at that time.

I would strongly advise anyone wanting to deal with this present piece of legislation to go back and read what Sir Grantley Adams had to say in 1939, when he responded to that Bill on behalf of the people of Barbados and on behalf of the workers of Barbados. And I feel proud today that I can stand in this Legislature, many, many years afterwards, and read what he said. And I feel sad to see the present Minister taking the same position of the late E. K. Walcott, and making the same kind of apologies — saying that the rights of trade unions are protected elsewhere and do not need to be included in the Bill; the same kind of apologies in respect of legislative control; and the same kind of apologies in relation to allocation of power, and taking away such powers from the Legislature of Barbados.

Now there are many people, Sir, who believe that this Bill would only affect the disadvantaged in the society and those who require the protection of trade unions. But Sir, when you go through the history of emergency powers in Barbados, if you look at the amendment to the 1939 Act which took place in 1955, the employers in this country might be interested to know that when that amendment was brought in by the late Sir Grantley Adams, that it had nothing to do with Hurricane Janet because the amendments were drafted long before Hurricane Janet.

And, in fact, during the debate on the floor of this Parliament, the late Sir Grantley Adams revealed that, on that particular morning, he had received information — that the bus concessionaires would have withdrawn their services unless they had got an increase in bus fares, which would have had the same effect as if the bus men had gone on strike. That actually took place in this Parliament.

So the point I am trying to get across is that whatever group there is in Barbados — whether it be employers, whether it be doctors, lawyers, other professional groups, or whether it be people normally referred to as the working class people — they are all affected by this piece of legislation.

And I want to say this to honourable Members on the other side: it affects you all too, even in Government. And I will tell you this: last night I made a list of ten of my friends, whom I knew at University, who disappeared; having been arrested under this kind of Emergency Powers Act in various countries around the world — and only one of them was arrested when he was in Opposition; the others were arrested when they were in Government.

And very often it is the disaffected colleagues of the Minister that holds these powers who are the first to find themselves incarcerated so that they cannot talk. They are the persons who are whisked away in gaol.

So you all have as much a vested interest as we have in ensuring that there are adequate protections in this Bill. You have to have enough interest to make sure that there are adequate protections for the individual citizen in this country as anybody else.

Now, Sir, I am opposing this Bill and I am calling for its withdrawal on fifteen grounds. I made a note of the fifteen.
4.40 p.m.

One — it is quite unnecessary. There is nothing taking place in Barbados which requires this kind of legislation. And if you are saying that you have to bring in this kind of legislation as a consequence of provisions within the Constitution, then what you should do is to contact the Leader of the Opposition and see if there is any need for a constitutional amendment, if you have to bring this in for that particular reason. So that is no reason, whatsoever, advanced.

The only reason advanced so far is that you are bringing in a piece of legislation tidying up what the Constitution says. If the people of this country, if Her Majesty's Loyal Opposition, objects to it; then you do not have to bring in this piece of legislation. There are other ways of dealing with it. So that is a nonsense proposition that has been put forward.

Two — I would like, Sir, again to take the position of the late Sir Grantley Adams — and this has been borne out by the history of the Caribbean — that where you have social and political unrest, aggravated by economic conditions, that bringing legislation of this kind tends to make tensions much worse in a country — it does nothing to alleviate those tensions. And one only has to look and see how the situation deteriorated in Jamaica, after the emergency powers were invoked in that country, to recognise that Sir Grantley Adams certainly had shown considerable foresight in his assessment of the impact of this kind of emergency legislation on countries such as ours.

The third point, Sir, and another point that he stressed — and I want to stress it too — is that this kind of legislation would make sure that people who take a moderate position in political life, like myself, might find it difficult to continue along that line, and control other extremists within the society.

The same sniggers that you heard there on that side, Sir — Sir Grantley Adams had to complain about the same sniggers on that side at that particular time. At that particular time — the same sniggers, by the same people! But I noticed that one was smart enough not to snigger, because he knew what I was driving at, that is the honourable Prime Minister.

The powers of the Minister, I do not think that anyone should want to have any such powers. It is my feeling, Sir, that no individual should have that kind of power in this country, or in any other country, and I do not see why anyone should wish to have them.

The fourth point concerns the question of what happens to people in detention. I think it is quite wrong to give a Minister any kind of power to punish anyone in detention, as is set out in this Bill. It does not stipulate the limits of the punishment.

Suppose a Minister decides that he should punish by hanging. Let us say that a Minister decides that the punishment for a breach of discipline should be hanging, should be a firing squad, should be some form of torture. There must be some limitation on that kind of clause within that kind of thing. You cannot put in that. You just cannot give a Minister blanket power to punish people in detention for breaches of discipline.

Nor does this Bill tell you what is the status of such detainees. Are they going to be treated like common criminals? Are they going to be considered political prisoners and therefore be guaranteed those internationally recognised rights which are accorded political prisoners? None of these things are spelt out in this Bill.

It is impossible, Sir, for us to sit down in any Select Committee and even begin to think of examining this Bill. This Bill is irreparable — it cannot be repaired by any kind of Committee. It needs to be withdrawn. It needs to be redrafted, if brought at all, and, certainly, it is the kind of legislation that should never have appeared before this Parliament.

The Government itself should be embarrassed that they have to sit down here and hear this kind of attack on the gross incompetence that is indicated in bringing this kind of Bill before the House.

Even when we pass laws in here we fix penalties. We fix minimum and maximum penalties when people are

brought before the courts of this country. We fix the penalty for an offence. And you bring in blanket provisions in this Bill saying that a Minister has the authority to order the punishment of people for discipline when they are in detention, particularly when you have already said in the same piece of legislation that the person need not have committed an offence! He only has to be deemed a person likely to commit a particular offence, he only has to be suspected that is enough to have him detained; that is enough to have him punished in whatsoever way a Minister can determine!

That cannot be acceptable to any Barbadian. It cannot be acceptable to anyone committed to the principles of justice. It cannot be acceptable to anyone committed to the principle and the sanctity of human life and human decency.

We cannot support this Bill — we are demanding its withdrawal — and we will not sit down with you in any Select Committee, even to consider it.

Sir, there are other areas that are equally important. Nothing about the conditions under which detainees may be released is in this Bill, nothing.

If you declare a state of emergency, and that, Sir, is rather controversial — the circumstances in which an emergency can be created in this country. Governments themselves can create artificial conditions and declare a state of emergency, so you can rot in jail for two years because a Minister feels that you are a person who is likely to create a situation in a country of this kind.....

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation. The honourable Member should read. He heard me speak, and he saw me present the Act. He knows quite clearly that the Act applies only during an emergency. When the emergency is over, the Act falls; any penalties imposed under the Act falls to the ground.

You cannot sentence people to any years in jail under this Act. You cannot hang them. You cannot impose on them any final punishment because the law applies only in time of emergency. He knows that.

Dr. R. C. HAYNES: The emergency may last for two years, it may last for three years.

Then, there is a question of compensation for human suffering. I see some indication of compensation for property and that kind of thing in this Act.

Do you know the emotional trauma that someone may go through if a person is taken away from his family unjustly because of the suspicion of a Minister? Do you know the financial hardships that might be imposed on this family?

You have indemnified yourself against any action being brought against you when they hold that person, so how will he ever be compensated? It is a very important matter, as far as I am concerned, and there is no provision for it in this Bill.

On the question of access to the courts, Sir, I am advised, I do not see it here, I saw it within the previous Emergency Powers Act of 1939; when it was quite clear that as a result of any orders made under that particular Act, then the person would go before the Courts. That is not in this Act.

I am not a lawyer, and I do not wish to get into this area, but I understand — I do not know whether it is true — that the principle of *habeas corpus* can be applied even if you are arrested under this Act.

If that is so, then there is some reasonable redress. If that is not so, then that will also be a serious omission; and something that cannot be supported by me, and cannot be supported by an member of the Democratic Labour Party.

Now, Sir, the other area is the area of legislative control — wiped away by this Act. Enshrined in all previous emergency powers legislation in this country, Parliament had a say in the matter. Now, Parliament has no further say in the matter as a consequence of this piece of legislation.

The trade unions, Sir. I am very suspicious where I see a blanket clause in a Bill requiring people to do work, and then you come and say that that relates to hurricanes. Spell it out in the law. Write inside of the Bill that that provision only applies to hurricanes.
4.50 p.m.

When that is applied in the Act as it stands now, as far as I am concerned, that is tantamount to industrial conscription. I want to use the same words used by the late Sir Grantley Adams again, when he sought to get that provision in the 1939 Emergency Powers Act — that he would not tolerate a situation of industrial conscription in this country.

That clause provides that possibility and there is no point telling me that trade unions are protected elsewhere in the Constitution. If you are sincere — and I am sure you are, as an honourable Member — then what you will do is make sure that that clause says

what you mean it to say. Otherwise it is quite unacceptable to us.

Sir, that particular clause might mean that people can be forced into military action in Barbados against their wishes — “compulsion to provide work and services etc.”, and accept the compensation that you offer. What do you think. This is slavery again? Are you trying to enslave this country once again?

The people will not, and we will not permit you. And people, like myself, who are prepared to stand up and speak from conscience — and any time conscience differs from party position, I will elect to speak from conscience and this time it does not differ; we cannot permit this kind of law to go on the Statute Book.

I am ashamed that, as a bunch of lawyers, you would allow yourself to come in here with this kind of legislation, and as the so-called inheritors of the position taken by the Barbados Labour Party in the 1930s, 1940s and 1950s. I am ashamed of you. The position you are taking is the position taken by the oppressors of the masses of people in this country. You are their successors.

Mr. SPEAKER: The honourable Member has two minutes to wind up his debate.

Dr. R. C. HAYNES: Thank you, Sir. You are the successor, in the way you think, and feel about the people of this country, to people like the late E. K. Walcott (*Asides*) Political successor — don't get me wrong.

And the position you took is very interesting. When I listened to the introductory speech of the Rt. Hon. Prime Minister of this country, I said that you could be listening to Mr. Keith Walcott as he spoke in this House in 1939. I could not believe it. The position he took ducking the issue of trade unions, ducking other various issues, really surprised me. I was shocked, Mr. Speaker. The way how history has repeated itself!

It is for all these reasons that we have taken the position that this Bill must be withdrawn. We feel that it is such a bad Bill that, since we opposed it in principle, and since the principles on which we opposed it are so fundamental, we cannot sit down with you in any Select Committee.

It is not a matter of tidying up legislation. We will have to continue to challenge the basic principles of this Bill, and we will get nowhere whatsoever.

We demand on the Floor of this House, in the interest of decency, in the interest of concern for human life, for human suffering, and in the interest of harmonious relations within this country, that you withdraw this Bill

from this House and go back and look again at the previous legislation and see if you can come up with something which is far more compatible with the aspirations of the people of Barbados, and the history of this country, bearing in mind the position taken of your own party in the past.

Thank you very much, Mr. Speaker. (*Applause*)

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Mr. Speaker, Sir, I would like to move that this sitting be now suspended for fifteen minutes, for a short break.

The question that the House be suspended for fifteen minutes was put and resolved in the affirmative without division.

5.00 p.m.

On Resumption:

Mr. SPEAKER: This sitting is now resumed. When the suspension was taken, the honourable Member for St. George South had given an intimation of his intention to address this Honourable House.

Hon. L. R. TULL: Mr. Speaker, Sir, every time legislation comes before Parliament that touches on the fundamental rights of citizens in their society, there is an outburst of emotion that tends to shroud the realities of the bits of legislation that are intended; and this one has been no exception.

I heard the honourable Member for St. Michael South today, Sir, the Deputy Leader of the Opposition, say that it is time for a new kind of politics in this country. I could not agree with him more. I think the time has come when politicians of every ilk should try to set out for the public, whom they are intended to serve, the true facts behind a lot of the intricacies involved in governmental policy.

I, myself, Sir, have not been on the island through all the pandemonium, that has been created through public meetings and so on, in relation to this legislation, and, therefore, I am not as up-to-date with all the arguments that have been put out as, perhaps, I should be. But during the last twenty four hours, Sir, I have been trying to glean, from various sources, much of what has been said over the past week or two; and I would say, Mr. Speaker, that there has been, on the part of anti-Government forces, a lot of verbal sound and fury signifying nothing. (*Aside: Hear! Hear!*)

I want it to be understood by the House, and the whole country, that there is not a single member of the

Opposition who can be more committed to the good of the people in the country than I am.

Sometimes you get the feeling, Sir, when you hear the Opposition talk, that they are concerned about what happens to people in this country — but nobody over here is. Well, I just want it to go on record that I have no intention of ever voting positively for any legislation in this Chamber that I feel is inimicable to the interest of the people that I am intended to serve.

And we have to do that, Sir, we have to clear away all the emotion from the debate, we have to strip it bear. And when we have stripped it, we have to look at the bare facts and assess and analyse them.

The Opposition finds itself, Sir, in its usual state of disarray. The honourable Member for St. Michael West made what I consider to be one of the more reasonable speeches that he has made in this Chamber since I have been here, and it was countered immediately by the honourable Member for St. Michael South Central who spoke immediately after.

The honourable Member makes the point that legislation should be for all time; that the legislation we are passing today, Sir, is not intended to be legislation to be giving this Government, on this side, powers, and not successive Governments.

I always like to think, Sir, when I am considering legislation, about the ultimate result for a far time in the future.

There may be some time, Mr. Speaker, when the other side may be the Government, and I would want, as a citizen who lives in this country, and who intends to live in this country for the rest of my time, to feel the assurance, if the law that we are trying to pass was put in the hands of the other side at some time in the future, and that I could feel a certain security. And if I did not feel that, Sir, I would not vote for this legislation! It is as simple as that. (*Applause*)

There is a concession by everybody, Sir, because I do not think that anyone has said, other than one honourable Member — and we have got to learn his style, Sir, and the level of the triviality, the level of the responsibility, Sir, even the level of hyperbole that characterises him — it is generally accepted that there must be emergency powers legislation in any country, Sir.

Any country that allows itself to get into a state of serious civil unrest and has no legislative tools to deal with it, is a country that has no vision. It is a country

that does not understand what is going on. And we have a consensus, Sir, that there is need for Emergency legislation in Barbados. Where do we go from there, Sir?

I want, Sir, to strip this debate of a lot of the emotion. The honourable Member who just spoke before me said that it was — I wrote it down, Sir — the most obnoxious Bill in the last sixty years, Sir. That is what he said. And he said it was the worst piece of legislation ever to come in here. Now the honourable Member for St. Michael West did not say that, nor, indeed, did the honourable Member for St. Michael South, nor, indeed, did the Rt. Hon. Leader of the Opposition, the Member for St. John.

It is easy to make these emotional statements and whip up public opinion and public feelings at such a pitch as to cause certain social disruption in this country. And I am saying, Mr. Speaker, that it is the type of thing that those who are put in places of responsibility in this community must consider very carefully.

It is very dangerous, Sir, to encourage the people to lose credibility in their institutions and in their leadership, Sir. This is a different thing from the normal party jostling for winning elections and so on. When a political party, in its unmitigated yearning and longing for power, is prepared to stir up the people, in many cases who do not understand these things, and to misrepresent the purport of legislation for personal and immediate ends; I say, Sir, that that type of person is a danger to this society.

And, Sir, this goes beyond any partisan politics. I would feel the same way if a Member of my side behaved with such irresponsibility. And if I needed to do it, I would say so publicly; if the shoe were on the other foot.

I have learned, Sir, that the politics of irresponsibility makes usually responsible people use others to satisfy some kind of bizarre aspiration in themselves — and this is what has been happening in this particular piece of legislation.

I warn the honourable Member, Sir, that if he sows the wind he is going to reap the whirlwind. One of these days, one of these days, the very raw and primitive instincts that he is stirring up in the public of Barbados will work against himself.

Now the honourable Member bases his own case, in relation to this debate, on the position taken by the revered founder of the Barbados Labour Party. His whole speech was based on what the founder of the Barbados Labour Party had said in debate some time ago.

That does not, Sir, fit well in the mouth of the honourable Member because it is at least thirty years that I have heard the honourable Member abusing and reviling the late Sir Grantley Adams; at least thirty years. And now, he would bend to his will, Sir, the utterings, the wisdom, of that late gentleman, in his pernicious cause.

Four things have emerged out of this debate, Sir — not only out of this debate but out of public debate — that need to be addressed. I heard the last honourable Member who spoke say he had fifteen points of disagreement and, in tune with the tactics he employs in here, Sir, by the time his time came, he had only mentioned five.

In the first one he said that it was unnecessary, that there are no conditions subsisting in Barbados at the moment to warrant any new legislation on Emergency Powers. Now, that is a statement that is so silly, Sir, that it should not warrant a further comment, but I would make one.

Common sense says that you do not wait until you have circumstances giving rise to the need for Emergency Powers to pass the legislation. Because even he said, Sir, that when there is an emergency people tend to act rashly and without considered judgement, and, therefore, in those circumstances, it would not be right if you bring the legislation. You do it when things are calm. 5.30 p.m.

But the honourable Member goes on in point two to contradict himself in point one, because he quoted the late Sir Grantley Adams again, Sir, and he said that social and political unrest aggravated by economic conditions should not be met with that way.

What he is saying is that there is social and political unrest in Barbados. That is what he is saying, Sir, but yet the first point he made was that it was unnecessary to have this legislation now because the circumstances do not warrant it.

So, at first he says you do not need the legislation because things are calm in Barbados. And the second point he makes, why he cannot support it, is that there is social and political unrest in Barbados, and when we introduce legislation to counter that, emergency legislation, he says it is counter productive.

That is the kind of argument we hear from people who are more interested in grand standing than in addressing themselves, purposefully, to the issues at hand.

He went on to make the point about forced labour, Sir. He said industrial conscription, some idiotic term that has nothing to do with the terms in the Constitution, nor in this Bill before Parliament, nor in any of the other

Bills to which reference has been made today. It has absolutely nothing to do with industrial conscription.

The honourable Member goes further, Sir, and I think it requires a colossal amount of gall for that honourable Member to put conscience as an issue in this debate. I would think that the last person in this Honourable House who would want conscience to be an issue in this debate is the honourable Member who spoke.

I have heard the honourable Member talk about pecuniary compensation for mental suffering for your family and all that. I have heard with my own ears, Sir, the honourable Member for St. Michael South Central making pejorative and nasty and vicious remarks about the honourable Member for St. Michael South East, two or three years ago, and at that time he did not have the contemplation, the hurt and the pain and the feelings of the man, even for children. He did not care then, and comes in here trying to fool people that he is concerned about these things today.

I am finished with that, Sir, because the public will have to judge whether the honourable Member who just spoke, and others like him, are more concerned about their welfare than the honourable Member for St. George South. I am willing to put my reputation and my credibility, in the interest of the people of Barbados, before the public at any time in relation to the honourable Member who spoke.

Now, four points were made, Sir. When I strip them of all the talk and all the emotion and all the demagoguery, four points were made. There is concern about trade unions' rights; there is concern about the Review Tribunal and the efficiency of its recommendations; there is concern about the issue of forced labour and the issue of the wide powers of the Minister. Nothing else in the last ten days has emerged other than those four points, and I am going to deal with them.

If you take the issue of the Review Tribunal, Section 3(5) of the Act says that no recommendation made under Subsection (4) is binding on the Minister, and there is a big song and dance about that. But what does the Constitution say in Section 13(7)? Section 13(7) says:

"On any review by a tribunal in pursuance of subsection (6) of the case of any detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by whom it was ordered, but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations."

I mention that to show that in this Act there is a faithful repetition of the terms of the Constitution of

Barbados. I have heard the Democratic Labour Party boast of this Constitution that they have given to Barbados, and now they are criticising the express, not the implicit, terms of the Constitution of Barbados.

Now, Chapter I of the Laws of Barbados is the Constitution, and Section 1 says

"This Constitution is the supreme law of Barbados and, subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void."

You do not have to worry about the whole string of red herrings put across the trail of this particular piece of legislation, because the Constitution is the supreme law of the land. And there are, in this Constitution, provisions guaranteeing the rights and the security of persons in this community.

We have, Sir, the second point, the one on forced labour. Section 7(2) of this Act that we are dealing with today says:

"The Minister may in particular, make regulations in respect of

(m) requiring persons to do work or render services."

They quarrel about that, Sir, and the emotive phrase from the honourable Member for St. Michael South Central is that we are going back to slavery.

That is the kind of platform nonsense you talk around the country at night, when people are drinking a bottle of rum and they are not too concerned about these things. You do not get in here and insult the public of Barbados and the legislators in this Chamber by talking that arrant nonsense.

The Constitution of Barbados has a provision against slavery, and no law passed by this Chamber can counter the entrenched provisions of this Constitution.

But here what we have in Section 14(3) (d) of the Constitution, and I am talking about this forced labour:

"(d) any labour required during any period when Barbados is at war or in the event of any hurricane, earthquake, flood, fire or other like calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of

that calamity, for the purpose of dealing with that situation."

That is saying that the expression "forced labour" does not include those circumstances.

That is what the Constitution of Barbados says, the supreme law of the land, and none of us in here can pass anything that conflicts with the entrenched provisions of this Constitution, not so easy. It is very easy, Sir, to whip up people's emotions, but as I say, we have to lay these things bare.

We have the contention by honourable Members on the other side of the wide powers given to the Minister under this Act. Now, there are two things. Under this Act, these wide powers that I am hearing about, Sir, where you are required to protect property, the exclusion and deportation of persons from Barbados, the whole lot of them, the requiring of persons to do work or render services — which is the main one they complained about — when you look at Chapter 161, the one that the honourable Member for St. Philip South was terribly confused about — he did not quite understand these things — his Leader used to say some years ago that you should not exercise yourself in matters that are too high for you — and he would have done himself a lot of justice to have kept out of this debate. Chapter 161 says this:

"Notwithstanding any other provisions of law, when a proclamation of emergency has been made and so long as the proclamation is in force, it shall be lawful for the Cabinet to make any orders whatsoever which it considers desirable in the public interest."

You talk about giving the Minister too much power? This is an Act in the laws of Barbados that was there all the time the Democratic Labour Party was the Government of this country. It says it shall be lawful for the Cabinet to make any orders whatsoever which it, the Cabinet, considers desirable in the public interest.
5.40 p.m.

Do you know what orders can be made in this section? I am not going to read them all, but I will read two, maintenance and transportation by land, air or water, and the control of the transport of persons and things.

Now what does that say? That says to me that, under the existing Act, Cap. 161, the Emergency Powers Act, the Cabinet, right now and as of this very minute, has the power to make an order to make sure that you get your things in the harbour and at the airport and transport going and all that. That is what this says. And yet, you hear the Democratic Labour Party going out in the byways and telling people that this is the most monstrous piece of legislation ever passed in this country,

because it gives a Minister too much power, when, already, the power is enshrined in legislation in this country.

I take the point, Mr. Speaker, that you may want to have legislative review. That is the only point I am considering from the honourable Members. I have not consulted on my side, but I feel strongly about that, that these regulations should be subject to negative Resolution so that Parliament can review them. And I am going to recommend.....(*Asides*)

You cannot tell me affirmative. You have already said that you are not prepared to sit down in Select Committee and discuss this. If you are not prepared to sit down in Select Committee to work out this Bill, I do not want to hear you. Go out in Independence Square and talk to the people who are not prepared to hear all of it. (*Asides*) You all can talk as much as you like.

I am challenging any member of the Opposition, or any two, or three, or all ten, to meet with me on a public platform outside, televised, so that the whole of Barbados can tune in and hear a debate on this Bill. (*Applause*) You can name the time, and the place, and I am prepared to debate with any of you the provisions of this Bill that is before Parliament today. (*Asides*) Don't mind the honourable Member for St. Michael West. He made a good speech today and he is feeling good now.

Now we had the fairly idiotic comment from the Rt. Hon. Leader of the Opposition that is mouthed by the honourable Member for St. Philip, who I think is a disaster in this Chamber.

I do not know how he got in here. Anybody who can make the confused, rambling tied up contribution that he made in here today should not be a member of this Chamber. The people want proper representation and perhaps they did not know, but I will have a chance to tell them in St. Philip South in the process of time.

What does the Leader of the Opposition say? He is saying something about the Governor-General not having power to declare a state of emergency and some foolishness about if the Prime Minister woke up and heard that the Governor-General had declared a state of emergency. I was not in here last week but honourable Members would know what he said.

Do you want me to understand seriously in 1982 that

(a) the Governor-General of Barbados is going to declare a state of emergency without any consultation with the Government? (*Asides*)

Now you listen to me. You made your point, let me make mine. For the whole ten minutes that I have been talking you have been giving a warning that if I said anything you did not like you would jump up.

(b) Do you believe that the Governor-General — he does not live in Tahiti, he does not live in Afghanistan — he lives right in Barbados — do you believe he does not understand whether circumstances are right in Barbados to declare a state of emergency, and if on a quiet afternoon on May 25, 1982, the Prime Minister drives up to Government House and tells the Governor-General that he wants him to declare a state of emergency that the Governor-General would snap to attention and say "yes, Sir"?

What kind of nonsense am I hearing from people on the other side? You have got to relate these things to reality.

And I want to say something else in relation to this. You can have a good law; and if you have wicked people administering it, they are still going to make things difficult for the people in the community. Do not fool yourselves. You can pass a good law and if you have wicked people administering it — and I would not identify any on this occasion. I will use another forum to identify the apostles of wickedness, but not here — if you get a sufficiently wicked and ignorant Government, they can bend a good law and do all kinds of wrong to the people in the community. If you get a foolish law and you have got a man who has a good heart, then he might bend the bad law to good purpose.

That is not to say we must not come with good law; but this is a good one. Mr. Speaker, I am prepared to recommend a number of amendments to this Bill — not substantial amendments, but tidiness in the legislation, taking into account the opinions, advice and perceptions of decent thinking people in this society, who are not interested in stirring up a lot of mayhem, but are interested in the maintenance of stability in this society. I will take their contributions into consideration.

There was a point made by the honourable Member for St. Michael West. I do not want to make him feel too good this afternoon, but I am going to take that point into consideration too. It is one of the better points he made.

It is a pity that we did not get that type of contribution from the other people who spoke. The honourable Member for St. Michael South said he really was not getting tangled up with the law, that that really was not his thing and that he was going to deal with it as a political matter.

If he had told the man who ran next to him the same thing, he would not have made a fool of himself on matters of Law. It is clear that he does not understand. He talks about habeas corpus, but he does not have the slightest clue about how *habeas corpus* ties in in respect of the Emergency Powers Act.

He could have asked the honourable Member for St. Michael West — he was out of law school recently and one or two things would still be fresh in his mind, or he could have asked the honourable Member for St. Michael South East to explain habeas corpus to him, and how it ties in to this whole thing. (Laughter) They always laugh when they get good advice.

Now, Mr. Speaker, I believe it does not require a whole lot more to focus on what really are the contentious points in this piece of legislation. There was only one that I did not deal with, and that is the trade union rights.

I have looked at this very carefully, because they are not as interested in trade union rights as I am. They always give the impression that if you are in Opposition you are interested in the trade union and the workers, but if you are in Government, you are not interested.

I believe that I have got a higher percentage of employees, as opposed to employers, in my constituency than any other honourable Member. I do not represent an employer class; I represent an employee class — people that I would work hard for, because they look after me and I would reciprocate.

They keep spouting out these things all the time about trade union rights. I have looked at this and there is nothing in this Bill that seeks to limit the rights of trade unions to have strikes and peaceful picketing during an emergency. I looked hard and I did not see it, and I am inviting any honourable Member on the other side to get up and show me the section in this Bill that they say limits the rights of the workers in this country.

That is all there is in this debate:

- (1) force labour — The Constitution protects that, and, moreover it is in the existing law of emergency powers. So that is no big thing — and it is not new.
- (2) This is in relation to trade union rights. I do not see anything in this legislation that curtails the rights of trade unions as they are with the existing law.
- (3) I do not see any problem with the Review Tribunal. The honourable Member raised a point that I again am going to yield to, but the Review Tribunal's recommendations are not binding at the moment, as the law obtains at this very minute. The authority has not got to accept the recommendations of any

tribunal— so we are not bringing that into the law for the first time.

(*Asides*) If you said to me “why don’t you put it in”, and you talk to me reasonably, then we might consider it, but to go out there and tell the people that it is the most vicious piece of legislation you ever saw and now come begging, I cannot entertain that.
5.50 p.m.

That is what the law says now. The Constitution of Barbados, Section 13, Subsection 8 says that the authority is not obliged to act in accordance with the recommendations of the tribunal. That is what the Constitution of Barbados says. And you go about fooling people that we are coming with a wicked and vicious piece of legislation, and the law widens the powers of the Minister.

I have dealt with that already because, as I have said, Chapter 161 makes it lawful for the Cabinet to make any order whatsoever. You want anything wider than that? Any order whatsoever that it considers in the public interest. Public interest is a subjective thing. The people making the Order are the sole judges of what is in the public interest.

The honourable Member for St. Michael South is seeking a crumb. The Constitution says that it must be an independent and impartial tribunal. I am going to live the terms of the Constitution of Barbados. It says it must be an independent and impartial tribunal, yet the First Schedule says

Mr. SPEAKER: The honourable Member has one minute in which to wind up his debate.

Hon. L. R. TULL: The First Schedule says that the Chief Justice can nominate an Attorney-at-Law practising in Barbados to the Chairmanship of the Review Tribunal, and that the other two persons are to be appointed, also by the Chief Justice, after consultation with the Prime Minister.

In my view that is in contradiction of the Constitution. I have no doubt where I stand in relation to my vote. If the Constitution says it must be independent and impartial, this honourable Member will go along with the Constitution. So I do not see any difficulty in that, Sir.

Mr. Speaker, I think that the debate on this issue must continue and I am hoping that honourable Members on the other side do not put their tails between their legs again and run away from the serious discussion of this Bill in a Select Committee.

If there are really concerned about it, and if they really believe that it is dangerous, and if they really believe that its proposals are inimicable to the interest of

the people of Barbados, they have a duty, and a responsibility, to sit down in a Select Committee with the Government and go through it clause by clause; and let us agree on ways in which Parliament can say that this is now a Bill that cannot cause the problems that are now envisaged. Thank you: (*Applause*).

Mr. W. O. FRANKLIN: Mr. Speaker, Sir, over the last couple of days I had of necessity to do some very serious soul searching since, as the people’s representative, I am charged with the serious burden of trying to put their case and trying to protect their rights if I see that these rights are being infringed; and trying wherever the rights are being extended to agree with this extension of their rights.

Mr. Speaker, I would hate to believe that I am a monster. I would hate to believe that I am a hypocrite. I would hate to believe that I am wicked, and I would hate to believe that I am one of those people who sit on the Opposition Bench and purposely mislead the people of Barbados. And I was so much taken back by the words of the Leader of this Government that I felt it absolutely necessary to examine myself to see if I fell into this group of monstrous hypocritical people of Barbados, who were seeking only to poison the minds of the electorate and to mislead them for purely political purposes.

Since, Mr. Speaker, that was never my intention, it would never be my intention, I subjected myself to some very serious soul searching and I resorted to the people who put me here, Mr. Speaker, my constituents, and I sat with my constituents and I pondered this Bill.

When I pondered this Bill, Mr. Speaker, I resolved in my non legal way to examine this Bill and if, as was said by the honourable Prime Minister, that the Bill sought to extend the liberties to the people of Barbados, my conscience would dictate that I agree with this Bill *in toto*. So, ignorant as I am of the Laws of Barbados, but guided by a clean conscience in consideration for the oppressed in Barbados, I proceeded in my own ignorant way, Mr. Speaker, to look at the provisions of this Bill.

I resolved, after I looked at the provisions of this Bill, my conscience would dictate to me how I should vote and how I should speak.

The first thing, Mr. Speaker, I came across was Section 4(1) of the Bill. I looked at it, Mr. Speaker, I read it. I looked at it again and I read it again. And, as it will be charged by the other legal luminaries on the other side — that such things are too high for people like me, I would still like to read it again. It says as follows:—

“If during a period of public emergency the Minister is satisfied with respect to any person

that, with a view to preventing that person from acting in a manner that is likely to endanger the public safety, it is necessary to provide for his preventive detention, the Minister may make an order, referred to as a "detention order".

What this does, Mr. Speaker? This charges a Minister, who is responsible for the administration of this Bill, to exercise the tremendous responsibility of not allowing himself, in the moment of heat, in the moment of political opposition, in the moment of maybe social unrest, of keeping a clean, clear mind — that he would not think that somebody, who, at the moment, might not be in favour, is capable of creating an act that would create a public emergency and if for some reason whatsoever that Minister thinks that you are capable of creating an emergency, he can put you into preventive detention.

I remember, Mr. Speaker, just after the 1976 election, in one of the most sober speeches by the honourable Prime Minister in this country, that the honourable Prime Minister used words like "The elections are over, the heat of debate is behind, and now is the time for all people of goodwill to join together in unity and push Barbados forward." And I said those were the words of an outstanding statesman, and I looked forward for the joining together in unity for the pushing of Barbados.

What happened within a very short space of time, Mr. Speaker? We saw an Act, believe it or not, that was the beginning of this divisiveness in Barbados, when the honourable Prime Minister, on his way of calling for unity, asked Mr. Duffus to proceed to Barbados to sit on the Duffus Commission.

And whether the honourable Prime Minister, or any Members on that side believe it or not, it was the first straw in the divisive politics in Barbados; when we saw the then ex-Prime Minister of Barbados, who had worked for fifteen years, ceaselessly in the interest of the people, being subjected to the cross examination of people up there — with the likelihood, Mr. Speaker, that the man, who had taken this country into Independence, could have been on the wrong side of the law and be placed away at Her Majesty's pleasure.

6.00 p.m.

And you better believe it, Mr. Speaker... (*Asides*) I am glad that the Attorney-General is a very brilliant person and everything is foolishness to him. But I sat down and listened to him and he could not be more foolish than the lot of us, Mr. Speaker. A nutshell lawyer, but he believes that he is so brilliant! Everybody else is stupid, but the honourable Member; and he throws out challenges, left, right and centre. He is the most brilliant thing ever blessed in this country.

Hon. L. R. TULL: Sir, on a point of order. The remark made by the honourable Member for St. Philip South in relation to me, is a slur to my qualifications and I feel that I should set that straight. I have an honours degree in Law from the University of Oxford. You do not get that out of a nutshell. (*Laughter*)

Mr. W. O. FRANKLIN: Mr. Speaker, I withdraw the imputation but I am tired of sitting here and listening to the honourable Member for St. George South imputing ignorance on everybody's part besides his.

Mr. SPEAKER: You could only hear it if the Chair allowed it.

Mr. W. O. FRANKLIN: As I said, Mr. Speaker, we saw then, just after the 1976 election, the first straw that started the divisive politics in Barbados, with the introduction of the Duffus Commission. And that came just after the great speech by the Prime Minister calling for unity for us to press forward.

If we have seen that, Mr. Speaker, do you blame us on this side for being a little worried about the extensive powers that are being placed in the hands of a Minister? Do you blame us on this side, Mr. Speaker? If you look at today's newspaper, right on the first page — and I read from the *Nation* newspaper — you see three people.... (*Asides*) I am making it a document of the House if you want, Mr. Speaker.

Mr. SPEAKER: It is already a document of the House.

Mr. W. O. FRANKLIN: I saw three persons and about fifteen empty seats on the front page of today's *Nation*. And under the heading, 'Poor Attendance at Meeting', it says:

"The poor attendance at the private sector meeting called yesterday to discuss Government's proposed Emergency Powers Bill, was attributed largely to a fear of publicity by the invitees."

Mr. Speaker, if they on the other side want to convince themselves that there is no fear in this country, I am saying that they have lost their conscience. If they want to say that there is no fear in this country, I'm afraid that there are not very close to the people in Barbados.

There is too much fear in this country, and the fear in this country has been introduced by the lack of faith that people have in the present Administration not, in any way, to interfere with their rights or privileges. And I am saying that now is a very wrong time for legislation of this kind to come before the House of Assembly; a very wrong time.

Let us have a look at it. The honourable Member for St. George South has said in his contribution that almost everything in here is either in the Constitution or Cap. 161 of the Laws of Barbados — emergency powers. If everything is inside there, why do we need it?

But if you look, you will see why we need it. Nowhere in the Constitution or the Laws of Barbados, as far as I have seen, is that section which I just drew to your attention which gives the Minister responsible, the extremely wide powers of only having to believe that you are capable of committing an act to put you in preventive detention.

So that is an extension of your liberties? When I asked my people in St. Philip North if they think that this is an extension of their liberties, they said, "No, you cannot get in the House of Assembly and say that that is an extension of the liberties of the people of St. Philip North. If that is an extension of the liberties of the people of St. Thomas — well, they can have it; but it is not an extension of the liberties of the people of St. Philip North." And I would not allow myself to sit here and vote for that clause or any clause like that.

I went on a little further and there were certain things which I discovered did not exist in the Constitution or Chapter 161. I noted that there is no reference to 7(2)(f), the exclusion of the deportation of persons from Barbados, in the Constitution nor Chapter 161. I noticed that in (2)(k) there is a new provision which extends the existing provision for

"the seizure of anything in its detention for so long as may be necessary for the purpose of any examination, investigation, trial, and enquiry."

I noticed that 7(2)(m), requiring persons to work or render services, was in neither the Constitution nor Chapter 161. I noticed that 7(2)(o), amending any law, suspending the operation of any law applying with or without modification any law than the Constitution, was also absent.

Mr. Speaker, after I have seen all these things I have a very easy job. My job is not a difficult one. I am not a devious person, Mr. Speaker. I don't take part in conspiracy. I am not hypocritical. I am not opposing for opposing sake. I take my guidance from the humble people of St. Philip that I am part and parcel of, Mr. Speaker. I had to ask myself the very simple question, if those two new provisions in this Act extended the liberties of the people of Barbados. I concluded in my own humble way that they did not extend the liberties of the people of Barbados. Therefore my job is a very simple one.

I am not getting involved in the entities of the law for anyone to tell me that I should not take part in

anything that is too lofty for me. I don't have to, Mr. Speaker, my speeches are dictated by my conscience. Those who feel that they are more representative of the people, I am sure that their utterances don't associate them with the representation of the people they claim they act for. I don't have to be involved; my conscience dictates to me what I should say in this Parliament. It is very simple — that I say and do what is in the best interest of the people of Barbados on the whole. So we have a very simple exercise to do.

I understand that one of the Members on the other side said that there should be no fear of putting these kinds of powers in the hands of the Minister. Why should there not be any fear? Are you telling me, Mr. Speaker, that the moment you become a Minister of Government that you suddenly become endowed with all goodwill, good faith, and all Christian tendencies; that all the hatred in your heart has been moved away, all of any revengefulness has been moved out of your conscience and you have a pure conscience and everyone can certainly put their lives in your hands; that they can get down on their knees and say, "I have put my hands in the Minister who could do no wrong?"

I do not believe that having been elected by the people of Barbados have elevated us to that plane of higher thinking, that plane of purity, that we can entrust this type of legislation in their hands and can go to bed every night feeling that everything is all right.

Even if we pre-suppose that in the present Administration we have people of this type of character, let us suppose that some new Administration, by some unfortunate thing for the people of Barbados, someones with less lofty characters, should assume the lofty seats that they now have and are asked to exercise these particular powers. Can I seriously sit down in this Parliament and pass this particular legislation to entrust the fate of my children into the hands of people yet to come who I do not know of their character, integrity, goodwill, or their love for the people of Barbados? I cannot, Mr. Speaker.

6.10 p.m.

As I said, Mr. Speaker, my task is a very simple one. I have examined the legislation, I have consulted with my people, I have pondered it in my heart, and I am resolved that there is no extension to the liberties of the people of Barbados. And I am also of the opinion, as is so well put by the other side, that in the Constitution of Barbados and the Emergency Powers Act there is ample legislation to take care of any circumstances that may arise on the present situation. Therefore, I am bound by conscience not to support any extension of these powers and place them in the hands of anyone, be it the administrators of Government or otherwise.

Thank you. (*Applause*)

Hon. H. deB. FORDE: Mr. Speaker, Sir, normally when one mentions the subject of preventive detention, or when one mentions the subject of emergency, there is a great deal of emotion.

This is not unusual. In fact, it is not unusual in democratic countries for there to be this type of reaction because genuine democracies have come to appreciate liberty. Therefore, people are rather concerned if there is any such bit of legislation. Regardless of whether it comes in the form of this Bill, or exceptions to absolute freedom as is provided for under the Constitution, there is always a fear, sometimes not based on objective analysis, of the consequences of legislation that seem to contain restrictions.

But let us be honest about it. Every democratic country which needs to preserve liberty and democracy must provide restrictions on freedom. There is no such thing as absolute freedom. Everybody has some restriction on his right to do as he chooses in law, because you cannot have social cohesion unless you restrict the rights of people in some way.

We can argue about the limits of those restrictions and the limits in war time or in peace time or in times of emergencies. What we cannot argue about is the need for proper legislation dealing with the circumstances in which there must be restriction of people's freedom.

What has concerned me about the debate about this Bill so far is the emotionalism which has surrounded the Bill, and the fact that the Bill is becoming lost in a plethora of political considerations rather than in a genuine attempt to update the necessary legislation in Barbados and deal with safeguarding the fundamental rights of the citizens under the Constitution.

I do not know how many people have taken the opportunity to recognise that the existing emergency legislation is an existing law, and, as an existing law, if it is inconsistent with the provisions of the Constitution, it prevails over the fundamental rights of the Constitution. I want to repeat it, Sir. The present existing legislation, being an existing law insofar as it is inconsistent with the fundamental rights provisions contained in the clauses up to Clause 23, prevails over the Constitution, as of now.

(*Aside*) My friend has said not, Sir. He must look at the section. My friend, the honourable Member for St. Michael North West and myself had a lot of argument about this in the Committee which dealt with these fundamental freedoms. But that is so. That is so. He must look at it.

In fact, one of the arguments which we had at the Constitutional Conference in England was there ought to

have been a cut off date, by which all existing laws which were inconsistent with the Constitution should fall to the ground — and the Democratic Labour Party strongly resisted that. We are some sixteen years beyond the Constitutional Conference and no serious attempt has been made to ensure that existing laws conform with the Constitution.

The honourable Member is seeking, he can look in Sections 26 and 27 of Cap. 3, Sir, and he will see the definition contained therein. I will give him per verse, Sir.

I had a hand in drafting these provisions and so did the honourable Deputy Prime Minister, the honourable Prime Minister, the honourable Member for St. Michael North and the Rt. Hon. Member for St. John. There is no other Member in the House who has known the Constitution more than we do. I still have the Minutes on it, Sir.

So when I make the point, Sir, that the present emergency legislation insofar as it permits the Cabinet, call it the Governor-General, to make Orders that are inconsistent with the provisions contained in the fundamental rights of the Constitution is very defective; I know.

And one of the things we had been pressing the Rt. Hon. Member for St. John to do — he had a few remarks to make about me last week when I was not here — he always talks a lot of foolishness in my absence — was to have given a cut off date to get rid of all such existing provisions.

But the Democratic Labour Party is a Party of schizophrenia, characterised by the attitude manifested by the Rt. Hon. Member for St. John. You know why, Sir? I am surprised that this party which came in here and had passed legislation allowing a foreign corporation, HARP, to set aside the fundamental rights of citizens of Barbados, should now be getting up and contending that they are prepared to defend democracy.

I want to remind people, Sir, the Rt. Hon. Member for St. John took away the right of the people of Barbados to defend their property as against HARP, a corporation in which Mr. Carlton Brathwaite and Dr. Bull had the greatest say, which was oppressing and producing missiles to deal with the people in southern Africa.

Not a word from the Democratic Labour Party. As a matter of fact, not a word from my friend Mr. Frank Walcott either on that. One of the most serious infringements of fundamental rights, and that is one of the Bills we wanted to get at at the Constitutional Conference in England. The honourable Member knows that; my friend for St. Michael North knows that as well.

6.20 p.m.

The Democratic Labour Party never comes in here with clean hands, they are a party of political expediency and lacking completely in principle. That is their problem.

I have to be very hard on them, because when the Rt. Hon. Member can say that I get around talking about fundamental rights whilst my Government is passing legislation, he forgets that he is one of the worst examples of people who says things, who preaches what he does not believe in — and his action shows consistently that he has trampled on fundamental rights and privileges.

I need only cite the HARP legislation as one example of very bad legislation brought, not in a period of emergency, not in the interest of Barbadians, but in the interest of the friends of the Rt. Hon. Member for St. John — Dr. Gerry Bull and Carlton Brathwaite. It is important to recall these things and to underscore them.

I am glad that there are some members of the Democratic Labour Party who are now beginning to see the light of day, but it has taken them to go into Opposition to understand these views and these ideas and this attitude. I understood it quite clearly when I was an under forty, and I took abuse then for it, because that was the trend which they introduced.

Now, Sir, in my view the existing legislation is in several respects defective. I think the time has come when, as a matter of urgent national priority, Government must find the resources to do a complete study of all laws that are inconsistent with the fundamental rights provisions so as to bring them into line as soon as possible.

The second point I want to make, for people with a bit of objectivity, is that the Constitution itself recognised that there are circumstances in which Government must declare an emergency, and in which there will be certain limitations on the freedoms of the individuals, going even beyond the limitations that exist outside of an emergency.

Mr. Speaker, let me illustrate the position for you, if I can find Volume 1 of the Laws of Barbados. It is nonsense to come in here and pretend that there are not normal laws which deprive people of their liberties outside of emergency. If I may take Section 13:

“No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases:”

For instance, Sir, “for the purpose of preventing the spread of an infectious or contagious disease.”

Let me take that, that is Clause 13 (g). So, at the moment, the Government has the power to pass restrictive legislation depriving people of personal liberty if the purpose of that legislation is to prevent the spreading of infectious or contagious diseases.

Let me give you an example then, to be concrete. Let us suppose that we have a general strike — because they are bothered about a general strike — and during the general strike as well contagious diseases break out in this country. Do not tell me you do not have the power to pass legislation to deal with the position in order to control the strike and contagious diseases.

The honourable Member is laughing, he has to laugh at that, Sir. Do you know why? Because the Law Lords in the Privy Council have ruled and looked at the circumstances — and there is case law on this — that you look at the purposes for which the legislation is passed and you do not simply look at the motive to find out what is the motive of the person. There is no mystery about these matters.

Let me give you another example, Sir, because the point will come home gradually. You can restrict the freedom of a person in Barbados now outside of an emergency in case a person is suspected of being addicted to drugs or alcohol, for the purpose of his cure or treatment. Do you hear that, Sir? You can pass laws in here to restrict the rights and personal liberties of alcoholics and persons addicted to drugs. (Mr. B. M. TAITT: That is not so).

The honourable Member tells me that is not so. Let him read it, Sir. (Mr. B. M. TAITT: Do not mislead the population again). The honourable Member should look at the manner in which our laws happen to be drafted, and you do not have in those circumstances to go through the section 49 procedure of setting aside the constitutional provisions. That is the situation, and the honourable Member should look at it. You do not have to go through the section 49 procedure in those circumstances. (*Aside*). The honourable Member can get up and talk as much as he likes afterwards.

I have told the honourable Member already there are certain laws that do various things that are exceptions to the absolute freedoms, and they are not unconstitutional in those circumstances. It is where they are not under those limitations that, if you want to get outside of them, you then have to go through the section 49 procedure to get a two-thirds majority in order to set aside the fundamental rights provision. That is basic law, Sir. The honourable Member says that I am misleading? Let him take me to the Privy Council and see if I would not win, then; particularly now I am back at the Bar, Sir, and refreshed for him? That is absolutely trite and good law.

So when I see a piece of legislation that is going to excite people, I begin to ask how far does this Bill go. One of the things that the Bill does is to begin to establish some of the machinery which is provided for in the Constitution of Barbados. Whether or not it is

necessary to repeat it verbatim is a matter that is doubtful.

I believe that out of an abundance of caution in this type of legislation, one is seeing that people seem happier if you repeat verbatim the provisions that are contained in the Constitution. Probably that is why the draughtsman here has gone out of her way to repeat the constitutional provisions dealing with the Review Tribunal.

Now, Sir, the honourable Member wants to know why a Review Tribunal. I heard the Attorney-General make a point, and it is a point again that has been missed by a lot of the commentators. The Democratic Labour Party takes all the credit for the Constitution although a lot of the improvements in this Constitution occurred by the hard work of the then Opposition party, and, in particular, the chapter dealing with fundamental freedoms was not as originally envisaged in the draft that was published by the Democratic Labour Party.

The work on reviewing that was done by Mr. Patchett, Sir Roy Marshall, the honourable Member for St. Michael North, the Deputy Prime Minister, the Prime Minister, myself, the honourable Hilton Vaughan, Mr. Jack Dear and Mr. Erskine Ward. Those are the people, and Sir James McPetrie, who spent the time working and labouring away in order to get the fundamental rights provisions to the extent to which they were.

I can list the people, Sir. Those were the people who did the work in the Committee and went through each one of these clauses, and in some respects they did not go as far as we would have gone ourselves to deal with the provisions.

But I am saying that what we are seeking to do here is obviously, to conform with review tribunal provisions as contained in this legislation.

I want to go back to Chapter 161 and the Better Security Act. I was saying to the honourable Member for St. Michael West, who spoke when I was not in here, and to the honourable Member for Christ Church West Central, that if you look at the present Emergency Powers Act, of which so much fuss is being made, that the so-called protection contained in Section 4 is a figment of the imagination of a lot of people, and it is more a psychological protection than a real protection. I think if honourable Members are objective, they will agree with this.

6.30 p.m.

Let me read it for you and give you a set of circumstances that could occur. The provision in Section 4(1) says:

"Nothing in this Act shall be construed to authorise the making of any orders imposing any form of compulsory military service."

That is all Section 4(1) says.

Section 4(2) says:

"Nothing in this Act or any Order made shall make it an offence for any person or persons to take part in any strike or peacefully to persuade any other person or persons to take part in a strike."

Now the right of peaceful picketing is also contained in other legislation in Barbados. That is the first point I want to make. It is contained in other legislation in Barbados. There is no need for it in this either, except to the extent that this legislation at the moment is inconsistent with the fundamental rights in the Constitution.

And I am contending that if the Democratic Labour Party are going to tell the people that they will revoke this Act, and go under the existing legislation, they are taking a backward and archaic step in keeping provisions that are contrary to the Constitution in the law. That is an indictment I am making against you.

The Democratic Labour Party would have to go a step further and say that they are not only not going to accept the legislation that we are bringing down, but they are going to repeal the Better Security Act and they are going to repeal the Emergency Powers Act and bring updated legislation that would conform in all respects with the fundamental rights of the Constitution. They have not said so yet.

The Rt. Hon. Member for St. John in the last stand, the so-called four hour speech to prove that he is still a man, made a speech without in any respect saying that he would set aside this legislation, and that is the challenge I am throwing out to you all.

If you are serious about fundamental freedoms and rights, do not only say that if you win the Government you will set aside that legislation, because then you would not have an Emergency Powers Bill at all. You must go further and say that you will set aside the Better Security Act as well, which does not conform with the Constitution as an existing law.

Let me give you an instance, Sir. The honourable Member for Christ Church West Central is a practising lawyer like me. He knows that the only effect of those words is to say that you cannot make it an offence. It does not prevent an order being made under the Emergency Powers Act that contains other restrictions other than to make those restrictions a criminal offence.

That is the point I am trying to make. Or is it too high for them, Sir? I rather believe it is a little bit too high for them. I heard a lot of arguments in here. But therefore you can pass legislation in which you can have civil damages, you can have injunctive powers, even in a general strike, in circumstances such as these without offending Section 4(1) of Cap. 161.

I believe that the psychological impact was all that mattered. In fact, if you look at the 1955 debate, Frank Walcott himself admitted that there was not that much protection, particularly when we had the Better Security Act still existing on the Statute Book in those days.

And it is untrue to go around pretending that this provision is so pervasive that it provides a complete network to allow people to strike willy-nilly without at all there being any restriction on the right to strike.

I believe that if the honourable Member was not merely being Devil's advocate, but we were both writing an opinion for a client; that he would agree with me.

It is an illusory section in many respects, that Section 4, subsection (2). I would not expect that the trade unions would be urging the preservation of that section. I would expect they would be arguing for something that is better than what is contained in that section — that is what I would expect them to be arguing — if they believe in fundamental rights and freedom, always admitting that there are circumstances, not only in war time but in peace time, in which they themselves — would have to accept some restrictions on their right to strike. It is true in Britain that various Orders are made under the necessary legislation. They have to concede that, dealing with such matters.

Now it is being made to appear as though this is the first time that you had legislation of this type anywhere in the Commonwealth. Look through all the Commonwealth countries, not only those that are dictatorships, like Grenada — and this is the other hypocrisy of the Democratic Labour Party, and the Rt. Hon. Member for St. John — the split personality that he projects every time he comes to argue.

He can get on the radio in Grenada and say that he does not believe that anything is wrong with the Government of Grenada, where Maurice Bishop gets up and promulgates a law — by saying I say it is the law over the radio; and that is the law. That is the interview he can give, and then come in here to make a four-hour speech to try to convince people that he is serious about preserving democracy.

Give him back power and you will see how much democracy he would practise.

Duffus said all roads led to him. That is exactly why the honourable Member for St. Michael South, my good friend, did not know that the Rt. Hon. Member for

St. John kept a series of Emergency Orders that he could have done anything with at any time.

I know you didn't know. When I became Attorney-General, I found them though.

He kept a series of Emergency Orders that he had under the Act — I will deal with them and I am going to say why it is possible to have them — which he could use at any time, and they were as wide as anything you can think of.

Frank Walcott is talking about the right to strike. The honourable Member for St. John would have chucked him in prison one morning, if he turned around, under some of the orders that he had there. Why doesn't he come into his seat and listen now? He can go around and fool the people.

As Attorney-General, and Minister with the right for internal security dealing with the Prime Minister, I asked for all the orders that they had made; and they had the orders there ready and willing to deal with everybody from Eric Sealy back, from time to time. (*Asides*)

The honourable Member was Minister of Home Affairs. He is going to defend it by saying he cannot wait until a flood takes place before he has the necessary legislation, if he knew that the Prime Minister had the legislation ready.....(*Asides*)

The honourable Member is saying they came down from the old colonial times. Do you mean then that the Rt. Hon. Member came down from there? They were kept during the Democratic Labour Party's time.

The honourable Member says they were there before. Why didn't he tear them up? Was he keeping them as a precedent? If he needed precedence, all he had to do was to deal with them there under the Proclamation.

Mr. Speaker, the Democratic Labour Party kept restrictive orders ready to slam any day on the people of Barbados during the 15 years they were in power, and that cannot be contradicted.

We are not in Opposition now you know. We had access to the files as well, and that cannot be contradicted.

It is not normal that I would make the sort of speech talking about areas of security because we have to be very careful in this country with some of the areas.

But if the Democratic Labour Party persists on being hypocritical, they are going to erode the area where Ministers and ex-Ministers must exercise a certain amount of restraint in dealing with certain aspects of the life of this country.

6.40 p.m.

It is being caused, not because of the honourable Member for St. Michael West, Sir, because he has to

be careful he does not lose out in the race. The power struggle in the Democratic Labour Party is such that the honourable Member for St. Michael South Central is going to articulate every little nook and cranny to project himself.

He put forward a report saying that he went in to Ontario and he got an applause in the Ontario Parliament — to project himself. He is going to project every sort of nook and cranny. He will hold on to every little thing and lead his party, willy-nilly, down the line, in order to deal with the situation; emergency or peace time.

That is the position, Sir. That is the true reason for the orchestration, and there have a number of persons who are their bandwagon jumpers. In Barbados, these days, you only have to say something and you get everybody jumping into it, regardless of whether they can analyse a situation properly or not. There is beginning to be a lack of objectivity in appointing public affairs.

Let me sum up a few things that I think are necessary. I accept that every Government must have powers to deal with emergencies — emergencies in war time, emergencies in peace time, emergencies going beyond mere calamities from hurricanes, floods, earthquakes and what not. I accept that in those circumstances the freedoms that are given are sometimes restricted, and that there must be a proper balance in the restriction of those freedoms.

Now, I believe that the Government's legislation seeks to achieve this object. There are a few things I would like to urge in the Committee stage in order to modify and possibly improve some of the provisions in the Legislation.

And I am deeply disappointed that the Democratic Labour Party feels that it cannot serve once again on a Select Committee in order to improve legislation in this country. And the reason is confrontation.

If they had a genuine desire to improve the legislation, they would sit on the Committee and let us all seriously invite testimony, put in a proper report — even if they put in minority reports — and show the manner in which we must deal in improving the legislation. Oh, no; no such thing!

There is another one that I want to deal with before I sit down. I almost forgot, Sir. The Constitution introduced, for the first time, a definition of emergency which we ourselves, found hard to accept at the Constitutional Conference, and which was railroaded over us at the time — the concept which the Rt. Hon. Member for St. John introduced. It is in Subsection (c) of Section 25 of Chapter 3 — the honourable Member for St. Michael North would recall that, Sir:—

"There is in force a resolution of each House supported by the votes of not less than two-thirds

of all Members of that House declaring that democratic institutions in Barbados are threatened by subversion."

You want to hear the clause? The honourable Member would well recall the argument on that. It was worst drafted than that. And indeed, the debates of the Sub-Committee that we sat on would show the days on which we argued strongly to restrict that clause, because the Rt. Hon. Member for St. John had it in even wider terms.

That is the first time you had any public emergency being threatened by subversion introduced by the Democratic Labour Party, against the arguments of the Under 40s, against the arguments of the Barbados National Party, against the argument of the Barbados Labour Party at the time. The honourable Member remembers this, Sir. It cannot be that long ago.

I still have the record of all of the Constitutional Conference at home, still in my possession. And God willing, and my strength holding up, I will write it up. Because it is instructive history to see the wheel come full circle and the Rt. Hon. Member for St. John believing that he is hoisted on his own petard.

That worthless phrase, I call it, first crept into position because the Rt. Hon. Member for St. John considered many of us, the Under 40s at the time, as nuisances. Some of the worst and most violent language ever used in this country was used against the Under 40s — you remember that, it was used against us then — and he said that we were subverting the institutions of Barbados and how he would rather sit down with Mussolini, Hitler and Dr. Burwood than to go anywhere with us. He had to go up to London with us though.

When I think of the Rt. Hon. Member for St. John, he has made some decent contribution. But there must be a split in his political personality that he could be that type of person. How quickly do people in this country forget that kind of argument that he came in here with. (*Asides*) He is my brother, he says. Well, he might be my brother — by law, removed.

The point is that it is due to him and his concept at the time that you got that provision in a fundamental right provision.

So when I hear the Democratic Labour Party talk, I want them to go further. Come on the Committee and let us argue together whether we should not now remove that type of provision from the Constitution of Barbados, the Clause (c), put further restriction on the rights in terms of emergency — not of people, but of authorities — and improve the legislation, and repeal *in toto* the Better Security Act as well as the Emergency Powers Act, and have a proper Bill. That is what I wanted to hear them argue. They do not argue that at all.

Now the honourable Member for St. Michael South is normally good, Sir, normally good, but today he really

was not at his best. All he began by saying is that the Government should withdraw the Bill — no strong reasons — the measure raises fears in the minds of people. Such measures normally raise fears in the minds of anyone any part of the world — nothing new — and I am not saying that the Bill arrogates fundamental rights.

The consciousness of the man who should be the true leader of the Democratic Labour Party — the statesman, do not mind the other aspirants — he is not going to come in here and put himself on record and make a fool of himself and say that it abrogates fundamental rights. He says "impinges on", the classical phrase of a good Modern Studies student and Barbados Scholar to boot, Sir. "Impinges on!" He is not going that far at all.

What I want him to do is to impinge on the commonsense of his other members by persuading them that this is an area in the life of Barbados in which all good people should put their brains together, not in confrontation, but to improve the legislation — rather than going down the road of confrontation.

I had the privilege and pleasure once in working with the Honourable Member for St. Michael North. And what began as a confrontation in a Constitutional Debate ended up with a few of us, outside of that, trying to put our brains together to get a fundamental rights provision that was much improved. It is better than what we had. It is not the best. It is not the ideal. I believe he will agree with me on that. Unfortunately, those were the political realities at the time.

If we are to look at the political idealism of the future, then we must seek to go beyond this, not to get back to the retrograde step of keeping the existing legislation as it is, which I believe in itself does not afford the protection that this new Bill has the potential to afford — and even at present, in its present form, affords. *(Applause)*.
6.50 p.m.

Mr. N. K. SIMMONS: Mr. Speaker, I do not think it was necessary for me to speak on this Bill because I thought by now that good sense would have prevailed on the other side. As a matter of fact, it does seem to me that there are getting around to our way of thinking. I say so because the Hon. Attorney-General has conceded that there needs to be some modification to the Bill.

I refer in particular to provision 4 (2) and this is one of the clauses in which we have found great difficulty in understanding. It relates to, if I may read it, a defect in the grounds to which subsection 1(b) refers does not invalidate the order. This is something which we are concerned about.

Of course, I believe at some stage one of the speakers on the other side did say that it might be necessary to take the Bill back to the draftsmen, for what purpose I am not sure.

But we are saying on this side, and I want to lend weight to the other members, that we believe this Bill should be withdrawn completely.

Mr. SPEAKER: Let me remind the House that we are dealing with emergency.

Mr. N. K. SIMMONS: Mr. Speaker, it is not that we on this side are not interested in, or do not support, the emergency powers. As a matter of fact, we introduced the Public Order Act to ensure that there is some degree of personal safety for members of this community — and that is outside emergency situations, or in an emergency situation. And there are particular Clauses in that Act, Clauses 31 to 35 I believe, which deals specifically with those areas. So therefore, one could see from the outset that the Democratic Labour Party is interested in people's safety.

Indeed, we introduced, and we were the party in power when the Constitution came into being and a lot of reference has been made to Section 13 (5) of the Constitution and indeed Section 13 (6) of the Constitution which sets out conditions similar to that which prevails in this Bill.

Mr. Speaker, the last speaker for the other side who just sat down said that there were already provisions made for emergency situations and the question which we are asking at this time — why is it so necessary at this particular moment for a Bill like this to be introduced? There are a number of organizations which are showing concern and, possibly, rightly so.

At a time when we introduced the Public Order Bill or the Act as it is now, I believe that the vast majority of Barbadians were happy that the Bill was introduced.

If we can recall the situation which prevailed then, in which there were the long hot summers in the north, there were a lot of advocates of Black Power who wanted to come to Barbados and who did not even understand the situation that prevailed in Barbados; did not understand that there were some powers among the races and that we got by quite well with each other. And, we thought at that time, as I understand it, that they were not the correct people to come here and tell us what to do.

So the Public Order Act was introduced, and the community as a whole shared our views. Whether it was criticised or not, I believe it had its desired effect; and therefore we were able to live together in harmony and peace, as races.

But at this present time, and this is one of the issues I am taking with the introduction of this Bill at the moment, the time is not right; the timing is bad.

It seems to me that both unions at the present time, or all of them — there seems to be three or four at the moment, I am not sure — are about to go into wage negotiations in various sectors — and especially with the Government.

We know that the NUPW is concerned and it seems to me, from reading the newspapers, that they seem to think there will be some confrontation over the vast layoffs in the Public Service and this might cause some problem. These are things to which we must pay attention and they are asking themselves whether or not this Bill is being introduced to create some fear in their minds as they go into negotiations. Whether this is so or not, I do not know.

But what is even more important, as far as we are concerned, is that it seems to me that too much power is being placed in the hands of one person. I have no doubt in my mind whatsoever, Mr. Speaker, that no Member on that side or this side will misuse those powers, but we cannot always....

Mr. SPEAKER: Now the honourable Member is entitled, as of right, to thirty minutes to speak, but I must at this point ask him if he can complete his address in ten minutes time.

Mr. N. K. SIMMONS: No, Mr. Speaker.

SUSPENSION OF SITTING

Mr. SPEAKER: Then, this sitting is now suspended until 8 o'clock this evening.
7.00 p.m.

On Resumption:

Mr. SPEAKER: This sitting is now resumed.

Hon. L. S. CRAIG: Mr. Speaker, before the honourable Member for St. James South resumes his speech, Sir, I want to draw Your Honour's attention to Wednesday, May 19, 1982 Advocate-News on the front page, Sir, headlined, "Emergency Bill Hitting At Trade Unions: Barrow", and in paragraph 17, Sir, of this paper, it reads as follows, Sir:

"At about 4.30 p.m. there was an unusually" — (note carefully, Sir:) — "An unusually early motion by Leader of the House for a 15-minute break while Mr. Barrow was speaking, and it was voted against by the Opposition."

This, Sir, is totally inaccurate. I made it my business, Mr. Speaker, to find out if a vote were taken. On that occasion, there was not even a dissenting voice and I believe, Sir, — (Aside) God moves in a mysterious way,...(Mr. P. M. GREAVES: He does.)...His wonders to perform. You are a wonder.

What is important here, Sir, is that it imputes that I had some ulterior motive, when it states that an unusual tea break was taken, Sir.

Standing Orders were not suspended, the House was in session. There is no usual tea break to the best of my knowledge, Mr. Speaker, and if there is no usual tea break, there cannot therefore be an unusual tea break.

And I can only conclude, Mr. Speaker, that this was imputing some ulterior motive, and I consider this to be malicious. And it is inaccurate, since no vote was taken by the Opposition in relation to this item, Sir.

I draw it to Your Honour's attention, Mr. Speaker, and I have no doubt, Mr. Speaker, that you would deal with this in whatever manner you see fit.

I shall not move that it be sent to the Committee of Privileges. I simply draw it to Your Honour's attention, and I make it a document of the House, Sir.

Mr. SPEAKER: This item of news referred to by the Honourable Leader of the Honourable House presupposes that there is a fixed hour in this House for a tea break; that on Tuesday, May 18, that hour was advanced with a motive with a certain content — malice, spite, hatred and more — and that was because the Leader of the Opposition was addressing the House at that point in time.

In brief, here it was suggested that the House Leader is a person who would use any means to stop the Hon. Leader of the Opposition from performing his duties, even by a fifteen minute tea break.

And what is most grievous is the suggestion that the Chair connived with the Leader of the House and accepted an illegal motion thereby imputing the integrity and the impartiality of the Chair to obstruct the Rt. Hon. Leader of the Opposition in the performance of his duty. Nothing could be further from the truth.

The motion was proposed in a spirit of nothing but goodwill, and accepted by the Chair in like manner, for the comfort of all Members who wanted to avail themselves of the time and facilities afforded thereby.

Let it be clearly understood by all concerned, the Standing Orders of this Honourable House make no stipulation for a tea break. And such a break, when taken, can only come into being by motion when the Chair is satisfied that its acceptance does not unjustly affect the rights of the minority. And, further, the Records of this House do not support the reported suggestion that it was voted against by the Opposition.

This item as now unfolded must give the reading public considerable cause for concern. I suggest in this instance that we leave the Editor of the Advocate-News and his conscience to work together for their own good for the future.

I thank the honourable Member for drawing this matter to the attention of the Honourable House.

When the suspension was taken, the honourable Member for St. James South was addressing the Chair. He may continue, if he so desires.

Mr. N. K. SIMMONS: Thank you, Mr. Speaker.

When the dinner break was taken, I was making the point that this side of the House is also interested in public safety, and that we were not only interested in public safety in times of emergency but even outside the time of emergency, and I was drawing reference to the Public Order Act to indicate that point.

If I may, Mr. Speaker, I just want to refer to a few sections of that Act, so as to allay any fears in the minds of those who could be listening that we do have the interest of the individual at heart, and, indeed, that we are interested in public safety.

Section 31, for example, provides that:

"Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour or distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting with intent to purport a breach of peace or whereby a breach of peace is likely to be occasioned is guilty of an offence."

The same Act, in Section 32(1): provides that:

"Any person who without lawful authority or reasonable excuse, the proof thereof shall lie on him has with him any offensive weapon at any public meeting or in any public place along the route of any public march or while taking part in any public march is guilty of an offence under this Act."

Section 33 provides for a penalty for the incitement of racial hatred.

8.10 p.m.

I only quote these to indicate that we are really interested in public safety, and this particular section says that any person is guilty of an offence if,

- (a) knowingly he publishes or distributes written matter which is threatening, abusive or insulting; or
- (b) he uses in any public place or any public meeting words which are threatening, abusive or insulting being a matter or words intended, or which may reasonably be interpreted as likely to stir up or to be capable of stirring up hatred against any section of the public in Barbados distinguished by colour, race or creed.

Section 34 refers to the incitement to violence:

"A person is guilty of an offence if without lawful authority, the proof whereof shall lie on him, in any public place or any public meeting he

- (a) makes any statement; or
- (b) plays or causes to be played any phonographic record or other sort of recording; or
- (c) publishes or distributes any written matter; or
- (d) behaves or incites any other person to behave in a manner which is intended or is likely to incite or induce, or is capable of inciting or inducing any person;
- (i) to kill or do physical injury to any person, to any class or community of persons; or
- (ii) to destroy or do any damage to any property; or
- (iii) to deprive any person by force or fear of the possession or use of any property either permanently or temporarily."

These are offences, and we are saying that this is to maintain public safety. And this should give the lie to anybody who might believe that the Democratic Labour Party does not believe in public safety and only opposes the Bill because we are in Opposition.

I also was making the point at the time that the timing of this type of legislation is rather important. And I was about to say that at the time when the Public Order Act was passed in Parliament there were certain elements — non national, foreign elements, people who I believe were subsequently linked with CIA — who, in the opinion of the vast majority of Barbadians, were coming here to disrupt the tranquility of this little beautiful country, and indeed were trying to stir up some racial tension among the people of this country.

I talk about the timing because I believe, if I look at today's paper, Tuesday May 25, — it has already been made a document of this House — and I look at page one — and in my early references I think I referred to organisations — I will see that private individuals also have some concern.

I believe it was Dr. Leonard Shorey who had this to say — I believe it is the third section of the paper, the third paragraph, under the heading is *Shorey: Serious infringements* —:

"Shorey said the idea behind the proposed new legislation appeared to be that there had to be a 'prime' figure referred to as 'the minister' who could direct that certain persons be detained in any circumstance which the Government decided could be reason for the calling of a period of emergency."

I said earlier that I doubt very much if any Member now present, sitting either on that side or on this side, would misuse the powers which were given to him or to her under this legislation. But we have got to look further down the road, and there are examples in other countries, near at home and far afield, where people have been given powers such as this and have misused them.

This Act, as far as I can see, has repealed the Emergency Powers Act. And in that Act, as I understand it, Cap. 161 — I believe it is Section 3 — refers to the fact that the powers were vested in the Cabinet:

"Notwithstanding any other provisions of law, when a proclamation of emergency has been made and so long as the proclamation is in force, it shall be lawful for the Cabinet to make any orders whatsoever which it considers desirable in the public interest."

I am not saying that the Minister in whom these powers are vested would not go to the Cabinet and discuss what action he would take, but the fact of the matter is this: a time could come about when a Minister feels that given the powers and in a panic situation, in a situation in which he could panic, he might indeed use these powers without consultation with his fellow Ministers. And therefore I think the House should consider whether or not it is indeed a wise thing to place such wider powers in the hands of one person.

That is a concern which I believe all of us should share. And I believe this is something which, even if the Bill is not withdrawn totally, some degree of modification should be given to that section of the Bill, and reconsider whether or not it would be better for the total Cabinet to discuss these matters and then make some rule.

I believe it would be quite easy to convene a Cabinet meeting in situations such as this, and that having done that, then the particular Minister can make some declaration as to the decision which the Cabinet has made on that particular occasion.

Cabinet being a group of 11 or 12 people, there would be some discussion of the matter, varying opinions would be aired, and then some consensus would be arrived at, and, having been arrived at, then the particular Order could be issued or declared.

Of course, not all members would panic at the same time, some people are more level-headed than others and

would have time to discuss, people would share their views of what to do in the situation, and having discussed these matters they would then decide what to do.

But at the present moment it would seem to me that the Bill as it is, placing such powers in the hands of one person, could be a dangerous thing.

I just want briefly to refer to some things which have been said by Members on the other side, and possibly say that it seems to me that there is a serious re-think on that side as to what they should do with the Bill.

When the debate first started I got the impression that, come what may, the Bill would go through *in toto*. Now we are hearing rather influential members — the Attorney-General himself — saying that they would recommend amendments to the Bill.

In particular, I believe he was referring to Clause 4 (2) in which, if there was a defect in the grounds for the detention, then that in itself would not invalidate the order.
8.20 p.m.

Well that seems to me, if it remains as it is, to be a very strange section, because there is a possibility that a person could be held on grounds which are bad, — but because they are bad it does not mean that he needs to be released from detention. And, here again, I believe that this section should be looked at carefully. I am glad to hear that the honourable Attorney-General is having second thoughts on that and will discuss it.

Hon. L. R. TULL: On a point of order, the honourable Member is misdirecting himself. That section is not one on which I made any concession.

Mr. N. K. SIMMONS: It could be my fault, but I thought I heard him say that. I am sorry. The point I am making as far as the Hon. Attorney General is concerned, is that he did say that there would be some recommendations for amendment.

I started by saying at first I thought the position was that the whole Bill would go through irrespective, but I am glad to see that there is some second thought as far as the Bill is concerned.

I am also glad to see that the honourable Member for Christ Church West, who was the former Attorney-General, and who spoke last for the Government, has said that he would urge modification and indeed he would urge some improvement in the legislation which means to me that there is still some room for discussion, and I am glad to see that.

But because of the fact that we on this side believe that there is already existing emergency legislation, and the honourable Member for Christ Church West made this point as well, we do not see the need at this time for this Bill because it creates a lot of fear in the minds of a lot of people.

Mr. Speaker, that is my contribution to the debate and I hope that having said those few things the Government will re-think their position on this matter.
(Applause)

Mr. L. A. WEEKES: Mr. Speaker, I have listened attentively for the entire day and I believe that all the legal aspects of this particular Bill have been carefully dealt with and, to my mind, what really needs to be aired in this Assembly is the feeling of the people who are not exposed to legal training, and who from time to time have been law-abiding citizens on the basis of practising what they heard and what they are made to understand.

And so, Sir, anything that is called an emergency will stir the minds of the people, because events in the political world today have caused much concern to people. Sir, this Bill will obviously create some stir among the inhabitants of this country.

They were never exposed, I believe, in my life time, to any true emergency; they have never experienced the problems and the ways in which emergencies have been dealt with. They probably have heard about disasters, hurricanes and things of that sort; but they have never really applied themselves to the legal problem that is involved when these emergencies arise.

So very much a layman, like many of those whom I represent, I have to question why at this point in our development we must have this Emergency Powers Bill, as if there is some urgency about it. The old Act itself seems to have been able to keep things under control, including subjects of this country.

And so I must agree with the Hon. Deputy Leader, that I believe in true democracy. I would almost say that I have lived all my life in a democratic country, and I have seen the provisions of that democratic country bring us to a respectable position, needless to say in the world today, where our leaders are very much respected and given much credit. Sometimes we boast of our 300 years of democracy, and I, for one, will support any Government which bases its functions on true democracy.

Democracy is not only the Constitution we have, not only the type of laws we make, but it has a lot to do with the people who live under them. And that is why I want to turn myself away from the legal arguments and address myself to the individual.

Mr. Speaker, this Bill strikes me in some instances as being a bit autocratic in nature, and as a result it is likely to reach far and wide sometimes, or perhaps reach dangerous proportions. And all that springs from the fact that human beings as we are because we have experienced the inhumanity of man to man, because you do not know sometimes whom to trust, and though I would not say there is absolute power in this case, too much power will tend to corrupt as well.

Because I promised my constituents in St. Michael North West in the last elections justice for all, and I base my justice for all to be promoted through parliamentary democracy, if I did not take a stand against this Bill, I believe I would be failing in the promises that I gave to those people who have sent me here to represent them.

These same people have lived under previous Governments and they have achieved much, and any semblance of removing any of these achievements is likely to stir up not only strife, but they are likely to feel let down by a Government whom they have entrusted with another term of office.

The Bill seeks to amend, in one case, the Better Security Act and to repeal the 1939 Emergency Powers Act. We have heard all other arguments except the one which, in my view, would interest most of our citizens. Why must we have this Act? We are not a war-like people. We are a peaceful people. We do not anticipate being at war with anyone. We do not expect to turn back Providence.

8.30 p.m.

These are things we must live with — disasters, hurricanes, earthquakes. We must live with them. Can we say that anyone on that side is predicting a disaster that would require the control of people? Or is it that we are threatened by other circumstances? And I say this because, Sir, the Bill, in nearly 50 per cent of its sections, deals with the individual, and as soon as you have to deal with persons as such, it creates suspicion.

I believe, Sir, that the Government must clearly state, and remove any suspicion from the minds of our people, that this is designed for no other purpose than what they say it is intended for.

This takes me back, Sir, into the political arena when I was invited to make a speech on my own candidature to the people. Something seemed to have been bothering me for a long time, and I believe my involvement in politics must have been based on that which was bothering me. I remember that was what prompted me to say that on the horizon in Barbados there seem to be glimpses of 1939, some of the problems that confronted Barbados in 1939.

Mr. Speaker, Sir, one can only conclude, as I have said, no state of war exist with anybody. They are not able. God has not given one person wisdom to know what disaster will confront Barbados. We can only speculate. But I am saying this because the previous Act seemed to have been able to deal promptly with whatever emergencies occurred, and it looks as if we are expecting a special case for this kind of emergency.

I am going back to this 1939 situation simply because all the Acts, all the amendments, seem to have followed after that period — and we know that during that period, Sir, there was only a state of unrest. And it appears to me, Sir, when I was seeing these glimpses of 1939 on the horizon, that I must have been anticipating that problems may be ahead for Barbados, with which we might not be able to deal with effectively.

I need not remind you of the background to that period of time, I want to bring you closer, Sir, to something that seems to relate very much to the disturbances that created the emergency, Sir, the loss of lives — and, most likely, the day we commemorate that day in Barbados.

I do not know if I have to make this a document of the House, but I have heard an address to the Barbados Employers Confederation by Dr. Courtney Blackman, Governor of the Central Bank and it is dated March 25, 1982. I would just give you the part which I consider relates to the problems which some might be anticipating and that we may be back in a similar position. I would just read a small extract:

“Here in Barbados we have seen a sharp increase in the incidence of industrial unrest and a growing intensity for demonstration and confrontation.”

Mr. Speaker, Sir, further on it goes on to say:

“Our economic future must therefore be taken more seriously.”

Now, Sir, to my mind the only conclusion that I can come up with that I could probably use as a practical example is the very situation that Dr. Blackman speaks of now, which is very relative to the condition of 1939. It is in that situation that we had very serious problems, loss of lives, Sir, loss of property, and the social conditions were very bad.

Now when we look at the present situation in relation to what is projected by this document, clearly the Government must tend to look ahead to confrontation and demonstration. Out of both of them you can have some of the most serious consequences in any country. This is why the working class people will not be par-

ticularly interested in the legal aspect itself, Sir. They will be very much concerned as to how the laws are interpreted and how they will fare in that event.

Therefore, Sir, the seriousness of this Bill will obviously be, if such a situation arises, who will suffer? In most instances, Sir, in many countries where these emergencies exist, it is always the ones at the bottom who will suffer.

Look at the Bill. How does the Bill tend to give, as I understand it, greater liberties to the unfortunate people who, probably through ignorance, probably through excitement and probably from provocation, may be led into confrontation with the law.

Clearly, I, as a Barbadian citizen, would like to see all those who are guilty in any circumstances properly punished. But I want to remind you that they are still human beings and they should be given the best of opportunity.

I said earlier on, Sir, that man's inhumanity to man has brought the greatest weakness today and very much responsible for all the conflicts we have suffered. A Minister is a man. The Bill itself gives the Minister, as I understand it, fairly wide powers — absolute power in an emergency.

8.40 p.m.

Therefore, Sir, we have to connect a few things together. When the Barbados Defence Force was brought into being by this Government the uneasiness started then, and this has built it up and one has to ask, what will be the position of the Defence Force in an emergency like this?

Now my understanding is, Sir, that the Defence Force has other duties. But this will disturb me a bit because emergencies tend to deal with mostly political situations. In most cases, it is the political activists that runs into trouble.

The Bill clearly states the position with the Royal Barbados Police Force. Sir, I want to look at this particular statement. This is the House of Assembly Debates for March 16, 1981, on page 5067. As I said, I heard nothing about the activities of the Defence Force in the case of emergencies, and Sir, these emergencies tend to involve people of a political thinking.

In the debates of the Estimates, in which we were debating the Defence Force, the Hon. Prime Minister made this statement and, in my view, this could only arise if we were in a state of unrest or if we were probably in an emergency. I report, Sir —

“We are fully aware of the fact that during.....

Mr. SPEAKER: What page Sir?

Mr. L. A. WEEKES: Page 5067 of the House of Assembly Debates for March 16, 1981:

"We are fully aware of the fact that during the political disturbances in Jamaica, the Jamaican Army found itself outdone by gunmen in political parties.

My reason for this is to suggest, Sir, that in an emergency, is it that our Defence Force would be involved in this matter, or would it be totally a matter to be handled by the Police Force? Because, Sir, we do not think that we intend to let that happen to us. Clearly, Sir, the Government will be bound to institute additional help to solve that crisis."

Mr. Speaker, Sir, this is one of the things that will disturb people if in an emergency they will also be faced with this situation. I believe, Sir, that the Government should seriously consider the situation as given to a Minister in the light of an emergency. And I have to couple this along with the Minister because, Sir, I am not aware that the Minister involved in this particular Bill is X, Y or anybody.

But, Sir, for the safety of our country emergencies can develop out of certain situations, and I will develop this one.

I could not, Sir, believe, and it has taken me a long time to accept Sir, that when the Leader of the Opposition was making his contribution to this debate certain faults were encouraged. I am sure that one would have to get that feeling out, because I consider it a very interesting statement. That statement, Sir, may very well have created the Maurice Bishops and we ought not to encourage that.

But if that thinking prevails in any one of our leaders or Ministers who have got all this power, who has got the power to act under the Emergency Bill — and in this case the Minister may be Head of Government as well, he also has the power to remove any of the Ministers who do not agree with him; he could also possibly control the Defence Force, Sir, and then with the feeling that Government should be removed in other ways, Sir, then the country will be developing a dictator.

I object very strongly to that in this country. Since I believe in democratic institutions, I believe strongly, Sir, that is one argument why we should not put too much power in one man's hand, because a man in this position could very well act effectively.

Therefore, Sir, since I have established that we are not at war with anybody, and we cannot predict the seasons and the times it is only left for one to believe, Sir, especially those who are not clear in their minds as to the reasons for this Bill.....

Mr. SPEAKER: You have two minutes.

Mr. L. A. WEEKES: they are likely to take a political stand.

Therefore, Sir, if it is a political matter and, as I said, you have put these powers into the hands of one Minister, I will close by saying that we will probably see man's inhumanity to man. *(Applause)*

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

Mr. P. M. GREAVES: Mr. Speaker, we have had proclamations of adherence to democracy and democratic principles from Members on the other side.
8.50 p.m.

I do not think it is necessary for us to do this. We have lived those principles through for fifteen years. It is not necessary for us to do what others on the other side have done. Our record in this regard speaks for itself.

I have certain concerns about this Bill. This Bill has been introduced into this Parliament within say nine months or thereabouts — or maybe less — after this Parliament has begun.

We do not know, because we were not told what were the reasons for introducing this Bill at this time. But we know, and the honourable Member for St. Michael South has said, that this Bill has been sneaked into Parliament.

I think those are important words because I find it hard to believe that a Government, which considers itself to be a socialist Government, which considers itself to be a humane Government, ...*(Aside: Open Government)*.....yes indeed, even open Government — can spring this kind of legislation on this country within nine months or thereabouts after this Parliament has been opened by the Governor-General. And not one word of this was in the Throne Speech!

This is important legislation. This is in fact, in my time, perhaps, the most far reaching legislation to be brought to this country. It was brought without a word of warning, even Parliamentarians were not aware of it until after their papers were circulated and they had time to open their papers and go through their papers.

Parliamentarians were not aware. So much the more you can understand how this country felt when it was told for the first time, about two Sunday nights ago, about this legislation that is being brought here.

We have gone through an election, not one word has passed since we have gone through an election. I have gone through the Manifesto of the Barbados Labour Party that forms the Government. That Manifesto is silent on this important piece of legislation!

The speeches of the honourable Members on the other side, and those who lost their seats as well, and those who supported their platforms, are silent on this legislation which we find before this Chamber today.

So, one would have to ask, why is it that we have this legislation now? I find it difficult to believe that legislation of this kind can reach this Chamber without a whisper from the other side in its Manifesto, in its platform speeches, or from the Throne Speech.

We have heard a lot about the London Constitutional Conference. And some persons claiming things, of course, that I know they did not do.

The honourable Member for Christ Church West made a valuable contribution to that conference. The honourable Member for Christ Church East Central, the honourable Member for St. John, Senator Jack Dear, as he then was, made a contribution.

Who are you pointing to? Who are you pointing to? The Chair? Sir, he could not be pointing to the honourable Member sitting over there. He made a little contribution, Sir, not that he could not have made a better contribution, but his presence was not felt, or his lack of it did not permit him Sir, to make the contribution that he was capable of making.

HOUR OF INTERRUPTION

Mr. SPEAKER: The Hour of Interruption has arrived and I am to enquire if the matter is still controversial. (Hon. L. S. CRAIG: After hearing this side.) (Asides) That is not the point. Is the matter considered controversial? Yes or no. (Mr. B. M. TAITT: Yes, Sir.)

Mr. P. M. GREAVES: I think we have stated our position on this Bill. Our position has not changed, and, as we said, we are not supporting this Bill at this time. Therefore, Sir, I would have to conclude that, the Bill is controversial as far as we are concerned. I suppose the same applies to the other side.

Mr. SPEAKER: But you are in the minority. I draw it to your attention.

Mr. P. M. GREAVES: I do not know if we are the minority or not. Maybe, there are others who feel like me on the other side and it may very well be a majority, Sir.

Mr. SPEAKER: The matter is controversial.

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Sir, I thought after Members on the other side heard some of the most powerful speeches by this side, Sir, that they would have admitted that the matter would no longer have been controversial. But since they still believe, in their own ignorance, that it is controversial, I beg to move, Sir, that this sitting be now suspended until 10 a.m. tomorrow morning, Sir. Mr. Marshal.....

Mr. SPEAKER: Please, the Leader should direct his attention to the Chair.

Hon. L. S. CRAIG: I will direct my attention, not now, Sir, on another occasion. You can rest assured, Mr. Speaker, I know that strangers in the Gallery come in, Sir, at Your Honour's pleasure. I say no more at this point. I say no more at this point, Sir.

The motion is that this sitting be now suspended until 10 a.m. tomorrow morning.

I am going to make sure that Eric Sealy conducts himself in here like any other citizen. I say no more at this point. I say no more, Sir.

The question that the sitting be now suspended until 10 a.m. tomorrow morning was put and resolved in the affirmative without division, and Mr. SPEAKER accordingly suspended the sitting at 9.02 p.m.
9.02 p.m.

On Resumption

Mr. SPEAKER: This sitting is now resumed. When the suspension was taken, the honourable Member for St. Michael North was addressing the Chair. The said honourable Member may continue if he so desires.

Mr. P. M. GREAVES: Mr. Speaker, at the time of the suspension yesterday evening, I was expressing my amazement that all the while the Barbados Labour Party was preparing its Manifesto, and all the while the Governor-General was delivering the Throne Speech, the Government was plotting, to use the Rt. Hon. Prime Minister's very delicate terms, to wrap the preventive detention legislation around the necks of the people of this country.

That for me, Sir, is a cause for concern because there was not one word mentioned, as I said, in the Throne Speech, nor not one word mentioned in the Manifesto of the Barbados Labour Party. Not one word mentioned of it! This, Sir, breaches the much vaunted claim of the Government of an open Government.

I wonder if the Government really understands the effect that this legislation is having on the people of this country. Any legislation that provides for preventive detention is bound to inspire fear in the hearts of the people. Sir, we are talking about locking up people; we are talking about locking up people who have committed no criminal offence. This is the problem. Anytime you are talking about detaining, detaining is a nice word to use, anytime you are talking about locking up people — and possibly throwing the key away — because these people have no redress — the Minister is not bound to accept the recommendations of the Tribunal, so the people have no redress — anytime you are talking about locking up people, Sir, it is bound to cause fear in this country.

It is for this reason that I am concerned. Make no mistake about this. I am concerned if this power is put in the hands of our people. I am concerned if this power is put in the hands of others. I am concerned.

It is not, Sir, that I am concerned about emergency legislation, because any Government, if it has to govern properly, will need emergency legislation. We do not know what is going to befall us in terms of disasters, in terms of acts of God, so I can conceive that a Government will need to have emergency powers to use in times of need.

Although, for my part, I will say this : I feel that we have sufficiently strong legislation on the Statute Book — now, this is going straight outside the acts of God — we are talking about outside the acts of God — in order to nip any unrest in its bud, before it reaches the stage of a public emergency. This is my feeling. If we need public emergency legislation to deal with that kind of thing; I am not too sure, Sir, that we need it — but *ex abundanti cautela*, we have public emergency legislation.

We are told, Sir, now that we read from the Bill, that those persons who have committed no offence, even after the emergency is over, they have no redress, no claim as of right — as of right — to compensation. Now can that be right, Sir? Can the Opposition be labelled hypocritical because it expresses this concern that persons can be taken off the street?

Those of you who got home early enough yesterday evening and were able to see the programme on television last night, could see how people were taken off the street and detained, taken out of their beds and detained — they committed no offence. Some might have

contemplated committing an offence and some might not have contemplated committing an offence. Is there no redress for that person? Can that person not claim a direct compensation?

We have provisions in the Bill for a Tribunal. The Tribunal can make recommendations to the Minister and he is not bound to accept those recommendations. Yet the innocent persons — I say innocent because the question of guilt or innocence does not arise under these provisions whatsoever — guilty or innocent you are in this together and you have no redress; and this is the problem. This is one of the things I think the Government should look at very carefully. And I cannot see how the Opposition, or concerned citizens who expressed themselves very strongly on these measures, can be labelled hypocritical.

We are told, Sir, that this Bill re-enacts, in large measure, provisions of the Constitution relating to Public Emergencies in particular, subsections 5,6,7 and 8 of Section 13 of the Constitution. Sir, this Constitution was not born overnight. In 1966 we used as our model, our precedence, the Jamaica Constitution, when we were drafting the Constitution. That was in 1966.

And we put out more than one draft. We drafted the Constitution. We tabled the Draft Constitution in Parliament. We invited comments, Sir, from the public at large. We brought it in Parliament for debate. None of the Opposition debated the Draft Constitution in Parliament at that time — not one. In the House of Assembly, not one! The members of the Barbados National Party, who then formed the Official Opposition in Parliament, in cahoots with the Barbados Labour Party, walked out of Parliament when the Constitution was being debated; and in the Senate, too.

Hon. L. S. CRAIG: Mr. Speaker, if the honourable Member would give way on a point of order. The honourable Member, as I understood it, said that no member from the Barbados Labour Party spoke on the Constitution Debate?

10.15 a.m.

To the best of my knowledge, a Mr. Lloyd Smith spoke for some seven hours. And I recall very well that he wanted a glass of water and the Chairman of Committee at the time even refused him a glass of water. I was in the House at the time.

And Mr. Louis Lynch of the BNP spoke and the Leader of the Opposition said he was reading a speech and tried to embarrass him at the time. I sat in here, as a visitor in the Gallery. Seven hours he spoke, Sir, and the Leader of the Opposition refused to allow a glass of water to come in here for the very L. E. Smith, who then became his best friend.

Mr. P. M. GREAVES: The honourable Member for St. James North has a very short memory, and if I understand a *sotto voce* from the honourable Member sitting next to him, he too has a short memory. At that time, Sir, two Resolutions came to Parliament, one was the Independent Resolution. He is speaking about the Independence Resolution. I am talking about the Draft Constitution — they are two different things.

The Independence Resolution came to Parliament and that was debated, the question of independence for Barbados. And yes, Mr. Lloyd Smith took part, Mr. Wynter Crawford took part, and other honourable Members took part. That was in January, 1966.

But when it came to debating the Constitution — I am sorry that the honourable Member for Christ Church East Central is not in his seat, because he would remember this — he is the only person, apart from the Hon. Prime Minister, the Hon. Leader of the Opposition and myself who were the only three people in this Chamber who were Members of Parliament at that time — the Hon. Deputy Prime Minister was in the Senate and so was I — they refused to debate the Constitution at that time. They want us now to join them in a Select Committee to debate this harsh Bill; but at the time we were debating the Constitution they refused to take part, they refused to submit memorandums.....

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation of my speech. The honourable Member well knows that the details of the Draft Constitution were not debated because we were going to London to debate it in the place where it mattered. The House of Assembly could not settle the Constitution. We can settle the Emergency Powers Bill — and we will.

Mr. P. M. GREAVES: The point is, Sir, that the Bill was brought to Parliament for debate and they refused to take part in that matter, to debate the Constitution.

And in the Senate — I have with me here the Senate Debate of that time. I remarked on the absence of the members representing political parties in the Senate. I have it here. I remember talking about it in my speech. They refused to debate the Constitution then.

We had produced a first draft, and then we came into the debate and moved in substantial amendments. And I distinctly remember Sir, that we completely removed the fundamental provisions and introduced new ones. The reason was that at the time of the first draft we had used the Trinidadian precedent for the draft of fundamental rights, and the Colonial Office — I remember meeting representatives of the Colonial Office at the airport, on the way back from the Guyana celebrations, and we had discussions about the fundamental rights in the draft Constitution — because by then the Colonial Office had been sent and been given a copy of our Draft

Constitution — they remarked and so did I, and commented on the Trinidadian precedent and said they did not feel that it was a proper precedent to use, because the rights in the Trinidad precedent were absolute rights, and they felt that in the interest of good government that we should have exceptions and qualifications to the fundamental rights in that chapter. This is the history of that.

And so we went on to London, and we hammered out there, using our draft, using the draft which the Opposition refused to debate, as the working document.

At this point I want publicly now, I don't remember having said before, to thank all those members of the Attorney-General's Chambers at that time, who, the evening before we left for London, came to my office and worked well into the night in order to produce the working document for that London conference. All, without exception! And I want now to thank them for the work they did on that draft. (*Asides*) It is never too late to do a good thing. Whatever you say, it is never too late.

We went to London, Sir. And we hear all kinds of extravagant claims about what they did to the Constitution; when it suits them. On one hand we have the Hon. Prime Minister saying that it is the Democratic Labour Party's Constitution, we are enacting their Constitution, and relating it to emergency powers. On the other hand, we hear about all the good things they did to make it a great document. Well, Sir, the truth is that we all worked on the document in London, at least those of us who were regularly present at the meeting. We all worked on the Constitution and we produced the document that we have.

I Sir, would like to say a few things about other claims I have heard in here, and this relates to the Emergency Orders and other fancy names, Compulsory Service Orders, that honourable Members claim to have found when they came to power, and they want to label the Democratic Labour Party as the author of those Orders.

I want to make this quite clear. I challenge any honourable Member on that side to search any file in Government Headquarters, any file anywhere, search any Cabinet Paper; see if, at any time, Cabinet gave any instructions for the making of any Emergency Orders. I challenge any of them to do this, I challenge them to produce any file whatsoever where any comment is made by any former Minister of the Democratic Labour Party when in power or any person supporting the Democratic Labour Party when in power that remotely relates to supporting any Emergency Orders that may have been found when they came to power.

I have no doubt that they found Emergency Regulations. I had been in charge of security for some part of the time that I was a Minister of Government. I never saw an Emergency Regulation — I am not saying that some were not present there. I hear the Hon. Deputy Prime Minister, the honourable member for Christ Church East Central saying that he was only aware of the Emergency Regulations yesterday or the day before. He was a Minister for five years, and he is the Hon. Deputy Prime Minister — and he had never heard of them before. The fact is, Mr. Speaker, they may well have been drafted by the Rt. Hon. Prime Minister's predecessor, may well have been by him — although I have my own views on this. *(Asides)* I thought I heard him say Sir Grantley Adams. I said the Rt. Hon. Prime Minister's predecessor, that is what I said. I don't mean his predecessor in office, I mean his father.

Rt. Hon. J. M. G. M. ADAMS: If I can help the honourable Member

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

Rt. Hon. J. M. G. M. ADAMS: On a point of elucidation. I have no evidence that the Rt. Hon. Member for St. John ever drafted any Emergency Order. I don't think the honourable Member for St. Michael North should put that on him.

Mr. P. M. GREAVES: You are going to deny it for the Rt. Hon. Leader of the Opposition? Why don't you deny it for your father? Any Regulations he finds here now, were Regulations that we found too, when we came into power. They were kept in a vault in the Attorney-General's Chambers. I found none.
10.25 a.m.

I heard about them. I do not believe the Rt. Hon. Leader of the Opposition knew anything about them. They were kept in a vault in the Attorney-General's Chambers. (Mr. B. M. TAITT: That is what you heard.) This is what I heard, what I heard. I heard it a long time ago and I heard it by the barest accident.

So, Sir, those were things that came down the line. And if the Rt. Hon. Prime Minister is now going to come and criticise those Emergency Orders, and if he found that those Emergency Orders were undesirable, he had five years to take them from the Statute Book. (Mr. B. M. TAITT: True) He should have taken them away from the Statute Book at that time, in the five years that he was the Prime Minister.

Do not now come and wave a pamphlet — it looks like a pamphlet — in this Chamber and say, these are the Orders that we found when we came into power.

Let us get our facts straight on these matters. Let us get them straight. We are concerned about this Bill because it is a harsh Bill. It is a harsh Bill. I described it yesterday as probably the most fearsome Bill to reach Parliament in my time. And I mean that, Sir.

Clause 3 of the Bill.....*(Aside)*.....Clause 3 of the Bill, particularly Clause 3 (5). That, Sir, is one of the clauses of the Bill that has caused tremendous amount of comment and unease in this country. And we are told that we are re-enacting the provisions of the Constitution. Clause 3(5) of the Bill reads:

"No recommendation made under subsection (4) is binding on the Minister."

Subsection (4) deals with the Review Tribunal and its recommendations.

Now, we are talking about re-enacting provisions of the Constitution. Section 13, Subsection (7) of the Constitution reads — it has been read in here several times, I am going to read it again:

"On any review by a tribunal in pursuance of subsection (6) of the case of any detained person, the Tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by whom it was ordered, but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations."

Mr. SPEAKER: And the honourable Member now has less than two minutes in which....(Mr. P. M. GREAVES: Oh dear.).....to wind up his debate. (Hon. L. S. CRAIG: Oh dear? You should be happy.)

Mr. P. M. GREAVES: But I only had five minutes yesterday, Sir.

Mr. SPEAKER: All matters have been taken into consideration.

Mr. P. M. GREAVES: Thank you, Sir.

Mr. SPEAKER: You are well covered.

Mr. P. M. GREAVES: Thank you. Mr. Speaker, I am making this point, that if Subsection (5) had read: "Recommendations made under subsection (4) are binding on the Minister," that would equally have been in keeping with the Constitution.

In fact, it was not necessary to have this in at all, because the Constitution specifically states if any legislation is silent on the matter, well then, the Minister is not bound to follow the recommendations.

But, we could have had it the other way around and state that: "Recommendations made under Subsection (4) are binding on the Minister" and that would be fair.

I have heard the Rt. Hon. Prime Minister ask the question of someone over here, an honourable Member on this side, "Are you going to join with us to amend the Constitution so as to enable the Chief Justice to appoint all three members?"

Mr. Speaker, the Hon. Prime Minister knows that that is not necessary. The Constitution requires the Chief Justice to appoint the Chairman. It does not say how the others are to be appointed, so the Bill could state that the Chief Justice could appoint them all.

But, Sir, one of the stings in this Bill is a provision which should never have found itself in here, certainly not in this section, and that is the section relating to the discipline and punishment for breaches of this Bill of persons detained.

The Minister, whoever that Minister is, that handsome Minister, whoever he might be, has the power to decide on an *ad hoc* basis how Mr. X or Mr. Y should be punished.

Sir, that is a provision that should not be given to any Minister. And I, as a Minister, would never want that kind of power.

Why should a Minister be able to state the kind of punishment that should be given to a person who has committed a breach? That is a power, in my view, Sir, that should not be given to a Minister. If it should be in the Bill at all, it should be in Regulations and not be dealt with on an *ad hoc* basis.

I am sorry, Sir, I have not got more time, but we will probably get back to this.

Mr. SPEAKER: The honourable Member for St. Michael Central.

Mr. A. TRUSS: Mr. Speaker, Sir, I am not a lawyer, I will leave the legal battle to the legal luminaries. I would not in any way try to fall in the footsteps of the honourable Member for St. Philip South in his contribution yesterday.

Sir, I have read the Bill and I support it, one hundred per cent, and I believe that a lot of the arguments that were put forward by the other side have basically not been straightforward; in the sense that in every Act that is passed in Parliament, particularly when an Act such as the one with which we are dealing, gives

certain powers to the Minister responsible, one has to be conscious and one has to be aware of the fact that there is always the possibility of a Minister abusing that power.

As a Barbadian, I myself am very concerned. There are certain Members on the other side that I would perhaps trust if they were in power when given these powers but there are certain other Honourable Members on that side that I personally would not trust. That is just a personal judgement, Sir. So obviously, I can understand the fears of certain Members on the other side.

Mr. SPEAKER: You mean honourable Members.

Mr. A. TRUSS: Honourable Members, Sir.

The Objects and Reasons of the Bill, Mr. Speaker, says that:

"This Bill seeks to make provisions for the public safety during a period"— ("during a period", Sir.) "of public emergency which are in conformity with Chapter 111 of the Constitution of Barbados."

Section 2 of the Bill, Sir, says :

"This Act and the Regulations apply only during a period of public emergency as defined by section 25 (1) of the Constitution."

So, in other words, Sir, the Constitution which was passed in 1966 is basically the guidelines upon which this Bill will fall into place.

Section 3, Sir, talks about a Review Tribunal. Section 13 (6) (d) of the Constitution states that such a Tribunal should be established and that the Review Tribunal will be independent and impartial. That is what Section 13 (6) (d) says.

Since 1966, no attempt was made to establish a Tribunal: so, in the event of a period of public emergency, Parliament would have been forced then to set up a Tribunal to handle the situation.

Section 3 (5), Sir, dealing with the comment made by several Members on that side, and more particularly by the honourable Member for St. Michael North says that:

"No recommendations made under subsection (4) is binding on the Minister."

Mr. Speaker, Sir, Section 13 (7) of the Constitution deals with that and states — this is the Constitution of Barbados, Section 13 (7) states that:

The Minister is not in any way forced to accept the recommendations of a Tribunal appointed in pursuance of Subsection (6).

I am not a lawyer, Mr. Speaker, I can only try to understand the Bill as it relates to a person who is not a lawyer. Because, in many instances, the words are couched in such legalistic terms that it is very difficult to interpret what, in truth and in fact, the Bill really means.

Section 7 of the Bill, Sir, aroused a lot of comment from honourable Members on the other Side. Section 7 (2) states that:

"The Minister may in particular, make regulations in respect of

- (a) the removal of persons from any area in Barbados and the provision of shelter, food and other commodities and services for persons so removed;"

What does that section mean, Sir? Mr. Speaker, if we had a hurricane in Barbados and the people living in a chattel house or chattel houses around a plantation house did not have sufficient time to get to an Emergency Centre and their homes were destroyed either by flood or by winds as a result of the hurricane, and the owner of the plantation house refused to allow the people that lived on the plantation tenantry to come into his house and give them shelter, this means that the Minister, by Regulation, can force the owner of a plantation house to house the persons whose houses were destroyed.
10.35 a.m.

I am adopting a simplistic approach, Mr. Speaker, because I am not a lawyer. But why must we always look on the negative side of things? Why must we always look from the point of view that the Minister is a madman, and, once armed with this Bill, he will go about locking up people left, right and centre?

Section 7 (2) (b), Mr. Speaker, says:

"Safeguarding and regulating the production, manufacture, sale, supply and distribution of food, water, fuel, gas, electricity, and any other commodities or things;"

What is wrong with that, Sir? Again, after a hurricane you may find people speculating on scarce resources, scarce commodities, food and clothing and things which are necessary for the livelihood of all Barbadians. Must the Government not have power to come in and stop such speculation by Regulation, and say—no, you must not speculate at a time like this, this is a national calamity? We have just had a national disaster, be it a hurricane, flood or whatever, and we are saying that whatever scarce resources the country has must be equally divided to everyone. This is what it means, Mr. Speaker.

Section 7 (2) (c) says: "safeguarding and regulating the provision of any services necessary to life or health." The honourable Member for St. Michael North West is in

business for himself. His little store may be the only store that is left in terms of medical provisions.

Sir, let me move from the honourable Member for St. Michael North West. Let us take a situation where an individual has a pharmacy and the drugs which are housed in that pharmacy are the only drugs which are left in Barbados, and that person is an unscrupulous person and would take the opportunity to sell his drugs at a high price, to speculate, to take advantage of the unfortunate position that many Barbadians may find themselves in in the event of a hurricane, fire or any other calamity. The Government, by Regulation, can say —no, we are not going to allow you to speculate and sell drugs which are needed by all Barbadians. A simplistic attitude to adopt, Mr. Speaker, but this is in reality what the Bill provides for.

A comment has been made on Section 7 (2) (f) on the exclusion and deportation of persons from Barbados. It is important to point out that no citizen of Barbados can be deported, so this provision dealing with the exclusion and deportation of persons from Barbados does not include a citizen of Barbados.

If there are people here who are from overseas and who are creating trouble, strife, trying to create political or economic disturbances, the Minister has the power to deport such a person during a period of public emergency. But no Barbadian citizen can be deported.

Dealing with the same section, 7 (2) (m), Sir,.....

Mr. SPEAKER: I have tried to give the honourable Member a considerable amount of latitude, but I must at this stage say that the honourable Member is going into too much detail. He is now doing the Committee work whilst making a Second Reading speech. It is contrary to the Standing Orders.

I do not object in a Bill of this nature to an honourable Member having to make reference or draw attention to a section of the Bill, or two sections as the case might be, as has been done by other honourable Members. But in this particular case we are definitely having too much of this section or the other section, and there is too much detail.

The honourable Member may continue.

Mr. A. TRUSS: Thank you for your guidance, Mr. Speaker. The points which were raised by myself were points made in relation to points made by the other side. I accept your ruling. Perhaps I may have been too specific.

In essence, Mr. Speaker, the policy of this party has always been the same in relation to these matters. The

honourable Member for St. Michael North, who just sat down, made the point that the Jamaica Constitution was used as a model Constitution in the formulation of the Barbados Constitution during 1966. But it is interesting that he should say that they used the Jamaica Constitution, Mr. Speaker, because the Jamaica Constitution has the same sort of emergency powers legislation which we are presently discussing. They have provisions in their emergency powers legislation that will leave out, under the Emergency Powers Act of 1939, Chapter 161, Section 4(2), which is basically the bone of contention. Because in Jamaica you have a situation where the two political parties are very closely affiliated to unions.

I am not making the point, Mr. Speaker, that this Bill is to curb the activities of the unions, but the point is that the last speaker said that the Bill was very harsh. I do not believe that the term "harsh" should be used, because there are precedents within the Commonwealth for such a Bill. I mentioned Jamaica. Australia has it, Canada has it, also the United States of America has such Bills in existence.

In 1970, when the Democratic Labour Party introduced on Tuesday, May 26 1970, the Public Order Act — that was an Act that was unprecedented at the time. And in terms of revolutionary type of legislation, it was that.

I remember when I myself as a young man supported the Public Order Act of 1970. Because I believe that when you put a Government to govern, in spite of the fact that I personally did not support the Government, I recognised that a legally constituted Government elected by the people of Barbados must have the power to run the country as they see fit.

The abuse of power is always there, but you cannot always look at that and think in terms of the Minister as a madman and that he would abuse the power conferred on him.

Sir, out of the Hansard Report of Tuesday, May 26, 1970, this is what the Hon. Deputy Prime Minister said on that occasion. To prove that even though we had members in Opposition we recognised that there was a need for certain strong measures to be taken from time to time, this is what he said, Sir, and this is page 1593 of Hansard Report of Tuesday, May 26, 1970:

".....and the Labour Party stands committed to having unrestricted freedom of assembly and freedom of association; but we can see that in every country in the world there are no such things as absolute freedoms because if any individual's freedom is absolute, it would mean by its very nature the restriction of another person's freedom."

He said then, Sir, in 1970, also on page 1593:

"It is obvious that this power is of such great importance that if you are going to bring the Bill to vest it in anyone, it ought to be vested in a Minister of Government or the Governor-General and someone in the Lower House."

So when we hear from the other side that power should not be vested in the Minister, it is not consistent with the policy of this side, because when we were in Opposition we said the powers of the Public Order Act should have been vested in a Minister and not in the Commissioner of the Police. These are the facts, to prove to the people of Barbados that we have not changed direction now that we are in power, Mr. Speaker. This has been the policy of this party down through the years, even when we were in Opposition.

The point which he made on page 1594 in relation to the same Bill, Sir, and I am still quoting the Deputy Prime Minister, then a member of the Opposition: 10.45 a.m.

"I concede that Clause 16 has the power which could be useful in a country, because it seems to me to be a situation between a state of normalcy and a state of emergency"

And that is the crux of the whole matter.

Mr. Speaker, the Objects and Reasons of this Bill deal with provisions for public safety during a period of public emergency. One has to define a period of normalcy and a period of public emergency. It is not fair to give the people of Barbados the impression that upon passage of this Bill the Minister responsible will start to lock up people, left, right and centre.

Dealing with the clause in the old Emergency Powers Act of 1939, Cap.161, Section 4 (2), which remains silent in this present Bill before us, on which the other side and members of the union have been keeping a great noise, I have mentioned before that precedent have already been established in the United States, in Canada, in Australia, in Jamaica and in many other Commonwealth countries: because the sum total of everything is that the people of Barbados vote from time to time for a Government to run the affairs of the country in their interest. And why is it that everyone must conform to the Rules and Regulations and all the laws of the country, but certain segments of the community, certain organisations, should be exempted, or should not be subject to the same Rules and Regulations that govern the entire population of Barbados?

This is what the Deputy Prime Minister said on Tuesday, May 26, 1970, at page 1594, in relation to the

Public Order Act:

"But in Barbados because of the collusion between the Government and the Khaki King, the secretary of the Barbados Workers' Union, the union must have absolutely unrestricted freedom when legitimate political parties cannot carry on legitimate activity! Under the guise of trade unionism, political activity can be carried on by the Khaki King of the Democratic Labour Party. It is legislation against a background of political ignorance of what takes place in this country. There is no more politician in this country than Frank Walcott, but the trouble with him is that the people in St. Peter rejected him. He has no more political base other than going on the Democratic Labour Party platform; he cannot come here; he has lost the power to come in here; he has to wait until his turn comes again, if it ever will come. We are objecting to any special provisions being made for any trade union in this country."

In Opposition we expounded one policy Sir. In Government we expound the same policy. We were against special privileges being given to trade unions when we were in Opposition, and we are still against it.

I do not want to be misunderstood when I sit down, Mr. Speaker. We on this side are not against trade unions. I personally am not against trade unions. But according to the Trade Union Act, any seven persons can go out there today and form a trade union. So during a period of public emergency, they are exempted, they do not have to conform to the rules and regulations of this Act. So anybody in their right senses now can go and form a trade union in order to be exempted; which is making a mockery of the whole law.

Mr. Speaker, one has to be realistic. There are three political parties in Barbados: the Democratic Labour Party, the Barbados Labour Party and the Barbados Workers' Union.

As an aside, I believe that if the Barbados Workers' Union since 1976 was fighting the cause of the workers of this country, instead of fighting the cause of the Democratic Labour Party, perhaps the birth of BIGWU would never have come about. But what happened was that a vacuum was created, the people in this country were not being properly looked after by the Barbados Workers' Union, because they were too busy fighting the cause of the Democratic Labour Party.

In the last elections, there were three candidates arising out of the Barbados Workers' Union — one on our side, who is President of the Cable and Wireless group, and two others who were Assistant General Secretaries — and the Barbados Workers' Union came out

and supported the two candidates who ran on the Democratic Labour Party ticket. Unfortunately, one of them did not make it; and that is why I am here, and my good friend, the Acting Minister on the front bench, removed the second one.

It is a good thing that the people of Barbados had decided that it is in the best interest of the people of Barbados not to have a political union.

The Union must not politicise every issue that comes to this House, every Bill that we intend to pass. They have a role to play, the Opposition has a role to play, but the two roles should not be merged into one.

Mr. Speaker, despite the fact that the Barbados Workers' Union has taken every issue and politicised it, this Government has overcome. Despite the fact that the Barbados Labour Party has carried the fight to the Democratic Labour Party in the last six years, this Government has overcome it.

We need no restrictive legislation to handle the Barbados Workers' Union, the Democratic Labour Party, BIGWU or any other organisation. We have open Government. We put our case to the people of Barbados and we are confident, as we were in June of last year, when they returned us to power, that if we continue to perform in the best interest of the people of Barbados, that when we face them again in 1986 or before that we will be returned to power. We have nothing to hide, Sir.

We are not against any particular segment of the society, but one must be realistic. If we are a Government that has been legally elected by the people of Barbados, a legally constituted Government, we must be armed with laws that have some teeth in them. We must be able to govern in the same way in which the Democratic Labour Party must be allowed to govern if they were on this side and we were on that side.

And that is why I quoted the Debates of 1970 to prove that, in spite of the fact that we were against certain passages in that Bill because it restricted at that time, as we saw it, and still does now, certain freedoms given. Looking back at it, you can say that perhaps the honourable Member for St. John had a vision, and he was correct, because it helped stabilise the country. I always supported the Bill and I still support it.

And that is why I say we can speak with conviction on this side. When we were in Opposition, we did not oppose the Bill for the sake of opposition, and though we recognise that the Opposition has a part to play and must make their political points, we do not think it is right to mislead the public of Barbados into believing that upon the passage of this Bill, there is a madman who is known as a Minister who will go around declaring a state of

emergency, left, right and centre and arresting everybody, deporting citizens of Barbados and things of that nature. It is far from the truth, Mr. Speaker.

Sir, Section 14(1) (2) and (3) (d) deals with certain passages of this Bill. I do not want to be specific, Mr. Speaker, but there can be no forced labour because that is enshrined in the Constitution at Section 14(3) (d). That was another point raised, but one has to be realistic.

In a state of emergency, do you mean to tell me that an individual may be in control of vehicles that are needed by the Government to transport people out of areas that are flooding, into areas that are not, to ensure that proper medical attention is given to them, to ensure that proper food and clothing are given to them, to ensure that proper housing and shelter are given to them and the Minister must not have the regulations by which he can force someone to use his cars, transportation, mini buses, buses and what have you in the interest of all Barbadians?

Do you mean the Minister must not have the right in a state of emergency to ensure that there is no speculation arising out of people who would be unscrupulous and would want to take advantage of all the population of Barbados by selling drugs, food and clothing at prices over and above what they would cost in a situation like that? Do you mean that any person in his right mind would deny the rights of any Government to rule properly in the event of these things?

Mr. Speaker, in conclusion, I can say that I support the Bill. I trust that the Minister responsible on this side, and I am quite sure that he will not in any way abuse the powers bestowed upon him by this Bill.

The same way I trusted the then Minister, the honourable Member for St. John, in 1970 — and still trust him as a man responsible and respected in this community — and if I were on that side the tone of speech which I have made today would be the same — I would trust the honourable Member for St. John, providing he was Minister responsible.

But I have serious reservations about certain other members on that side, and that is why I understand the sentiments expressed by certain members on that side that they have reservations about certain members on this side. This sort of thing would happen.
10.55 a.m.

I am quite sure, Mr. Speaker, that the Minister will not abuse the power. And the public of Barbados really has nothing to worry about, because there are certain protections. The people of Barbados would not stand idly by and let anyone on this side abuse the power

which has been bestowed upon them by the very good people of this country.

In 1976, when there was talk from the Democratic Labour Party of a one party state, that signed the death warrant for the Democratic Labour Party, because the people of Barbados did not want any one party state. We want no police state. We want no state run by a Minister — nothing of that sort. And, as I understand it, there are sufficient safeguards within the Constitution in spite of the passage of this Bill that will protect the good people of Barbados.

Thank you, Mr. Speaker.

Mr. M. A. KING: In the Shakespeare tragedies and tragicomedies there was usually a secondary plot interjected for the purpose of comic relief. It was all part of the general scheme of the play, not irrelevant, but it provided some sort of relief from the essential theme of the play. I am sure that the intervention by the honourable Member for St. Michael Central would have provided the appropriate relief in a debate of this kind.

Mr. Speaker, if we can get back to the debate, the central part of the debate on the Emergency Powers Bill of 1982, it is my firm and considered opinion that in Barbados today Parliament should not give to anyone the right to imprison anyone in Barbados, any Barbadian citizen. Parliament should never give the right to anyone to imprison a Barbadian without charge, without trial and for an indefinite period.

Now in the United Kingdom, they call it internment without charge, without trial and for an indefinite period. And that is essentially what the provisions of this Bill in Clause 4 are intended to do, to give the Minister that unusual power.

In my view, the only circumstances which would justify that, the only occasion which would justify Parliament giving that sort of power, is where the circumstances are immediate, where there are very compelling circumstances, and where it is unavoidably necessary to give the Minister that kind of power.

That is why, for example, in the United Kingdom, whose jurisprudence we largely follow, we find that the Defence of the Realm Acts, which gave that kind of power to a Minister, were Acts which were in force and valid only for a period of serious emergencies, like the occasion of World War II.

Your Honour would recall that fairly soon after the War, the extensive powers given to Ministers, to intern people without charge, trial and for an indefinite period, were always revoked by Parliament afterwards.

I believe also, Mr. Speaker, that if you look at the provisions of the Trinidad Constitution you will find that the power to enact Emergency Laws of this kind exist only in cases where the emergency actually exist, and that it is at that time that the laws are in force, and they cease to have effect as soon as the emergency is over.

Now, Mr. Speaker, our commitment as a people to human rights and to the preservation of individual freedom, particularly personal freedom, freedom of conscience, freedom of expression, freedom of association is well known and those freedoms should only be abrogated in the most extreme of circumstances. And in my view, there should never be on any Statute Book any Bill which has as a permanent feature the abrogation of what are essentially fundamental freedoms, which we as a people — free people — cherish so deeply.

When we criticise this Emergency powers Bill which is now before us, we are accused of being hypocritical. Are we hypocrites because we oppose the Bill? Are we hypocrites because we dare to speak against it? Are all the persons who speak against this Bill hypocrites?

Mr. Speaker, the moment that there cannot be objectors, the moment that there cannot be objective, true and fair criticisms against a measure, the moment a Government feels itself so threatened by that sort of criticism; then that in itself creates a dangerous state of affairs where a Government is inclined to believe that it would need all sort of powers to deal even with the problem of criticisms. Are we hypocrites to speak about it?

We are accused of being hypocrites, Mr. Speaker, because we passed the Public Order Act in 1970: The Public Order Act appears in the Statute Book of this country as Chapter 168(A). Are we being accused of being hypocrites, because as the Act says, if I read the long title to the Act, it is "An Act to provide for the maintenance of public order with reference to public meetings, marches and processions and for matters connected therewith and incidental thereto." That is the long title to the Act.

Now what is hypocritical about passing that Act, speaking in support of it, and speaking against the provisions of this Emergency Powers Bill? The difference between the Public Order Act and the Bill which we now have before us is that the offences which were created by that Bill — the Bill in large measure is a clarity of certain laws which existed before — the essential difference is that the Public Order Act of 1970 created offences which were certain, which were specific; where every citizen in this country would know whether he was breaking the law or not; and would know that once he ran foul of the express and certain provisions of the Public Order Act, he risked being hauled before the courts, being tried by the

ordinary courts of this land, being imprisoned by the ordinary courts, and being asked to serve a sentence which was definite and precise in every respect of the word.

In this Bill before us, the Emergency Powers Bill, once the emergency has been declared, we are giving a Minister indiscriminate and total power to imprison people for offences — not even for offences — to imprison at his discretion for an indefinite period, and without trial.

Now, you cannot accuse us of being hypocritical because we say that that is not right but what we have done in the Public Order Act is right.
11.05 a.m.

Every single citizen of Barbados would know what his rights are and know where he stands under the Public Order Act. You cannot know what your position is when you are dealing with this Emergency Powers legislation. Are we hypocrites because we criticise this and not the Public Order Act?

Mr. Speaker, in 1970 the then Opposition spoke violently against that Act and I think they talked about repealing it as well. Today in 1982 that Act which was passed in 1970 is still on the Statute Books. Mr. Speaker, can I ask who are the hypocrites in this matter? Where does hypocrisy lie? Compare the two situations.

Or take the constitutional amendments of 1974 where honourable Members on the other side spoke at length in Opposition to those amendments, and threatened that when they came into power how they would repeal them and all that. In 1982, those Constitutional amendments are still on the Statute Books of this country.

Where does hypocrisy lie? Does hypocrisy lie in the Democratic Labour Party or does hypocrisy lie in the breast of honourable Members on the other side who took a position, said they would take a position, and then when the time comes for them to act on the expressed position which they say they would take, they have done nothing about it. Can we be justifiably accused, Mr. Speaker, of being hypocrites in any sense of the word in dealing with this matter before this Honourable House?

We criticise it because we feel that it is wrong. We criticise it because we feel that a Minister is given unnecessarily wide powers where there are no compelling circumstances which demand that such powers be given. Our objections to this Bill, in addition to the one which I have just mentioned, about the unusually wide powers which will be given to the Minister in relation to imprisonment without trial, without charge and for an indefinite period, are underscored in the power given to the

Minister in Section 7(2) — power to make regulations without Parliamentary Control.

The Rt. Hon. member for St. Thomas has made the point that in the Emergency Powers Act of 1939, Cap. 161, Section 3 gives unusually wide powers to Cabinet. But we should also go on to state that the powers given to Cabinet in Section 3 are circumscribed by the provisions of Section 3(4) which requires that at all times there has to be parliamentary control. So that it is not a sound point to say that Section 3 of the old Act gives uncontrolled powers to Cabinet. While Section 7 of the present Act is not as wide.

But, Mr. Speaker, if you look at it, Section 7 is far wider; because it gives the Minister the same type of powers to

“make regulations dealing with the circumstances of any situation arising during a period of public emergency”;

and the powers to make regulations in relation to the particular points with which he is authorized to do so. Those powers are in no way circumscribed by the need to bring the matter before Parliament!

We object to the Bill because of the nature of the Review Tribunal. I am not going to dwell on this because the point has been adequately made by honourable Members who spoke on this side.

The essential point, and the essence of the point on this, is that the Constitution gives the authority to the Chief Justice to appoint a Tribunal presided over by a person appointed by the Chief Justice. The Constitution speaks nothing of the appointment of other persons after consultation with, or on the advice of anybody. The present Bill before us talks about the appointment being made after consultation with the Minister.

Now, Mr. Speaker, that requirement for consultation with the Minister, in my view is contrary to the spirit of the Constitution, because the Constitution requires that the Tribunal which should review the decisions of the Minister should be independent and impartial — independent and impartial! So the moment you have the Chief Justice having the requirement of consulting with the Minister responsible, the spirit and the semblance of impartiality is thereby removed. Once he has to consult with a political official, a politician who has the wide powers vested in him, the semblance of impartiality is removed. And I say that provision is contrary to the spirit of the Constitution.

I may be met with an argument on the other side. But yes, the Constitution says that the Chief Justice has the authority to appoint the Judge on the advice of the

Prime Minister, and to that extent the Judges can be regarded as impartial and not independent. But that position cannot be maintained, because the Judges and the independence and impartiality of the Judges are protected by the provisions of the Constitution, which states that once judges have been appointed they have security of tenure. You cannot remove them once they have been appointed.

So, barring the appointment of the Judges by the Governor-General on the advice of the Prime Minister, once the appointment is over, there is no more control over the judges. So you cannot equate the two situations. And the principle of impartiality would be recognized and honoured, in my submission, if no reference at all is made for the need of the Chief Justice to consult with any Minister or Prime Minister in a situation of this kind.

Mr. Speaker, another important ground on which we criticise the provision of this Bill is our suspicion, and the suspicion of a whole lot of persons, that this Bill is designed to interfere with the rights of workers. We are talking particularly about the rights to strike and to picket peacefully.

There are a number of reasons which I will give for making this statement based on history, based on the removal of Section 4 of Cap. 161 and based on the wide powers given to the Minister in Section 7. I will deal with each of them in turn.

The historical reasons, Mr. Speaker — Historically, emergency powers laws as we have them in the United Kingdom and in Barbados, to some extent, have their basis in regulating or giving Ministers powers in times of industrial unrest. And I would like to refer at this point, Mr. Speaker, and adopt for the purpose of my argument, a passage from a book by D. M. Pritt called *Law, Class and Society*, on page 69. He is one of the better known advocates in the cause of working people and on page 69, speaking on the Emergency Powers Act of 1920 — he was giving a discourse on how both the courts and Parliament were wont to assault the rights of working class people — he said this:

“The year of 1920 brought another important contribution from Parliament to the anti-working-class armoury, in the shape of the Emergency Powers Act (10 to 11 Geo. V, Chap. 55). It was avowedly passed to deal with a strike of miners and transport workers, but its authors, who gave it the grandiloquent title of “An Act to make exceptional provision for the protection of the Community in cases of Emergency”,.....

I pause here, Mr. Speaker, to indicate that those are the precise words of the long title of the Barbados Act of

1939; 'An Act to make exceptional provision for the protection of the Community in cases of Emergency'! 11.15 a.m.

"...plainly had in addition to their desire to cripple the use of the strike weapon, the wider motive of equipping themselves to resist any and every popular movement in the period of instability and anxiety brought to the capitalist world by the Soviet revolution of 1917."

Now, Mr. Speaker, we do not have in 1982 any socialist revolution of 1917. We do not have the Soviet revolution of 1917 in our background.

But in the Caribbean, today, we have the revolution in Grenada. We have uncertainty in the political situation in Dominica. You have little crises in St. Lucia. You have Cuba, a socialist country as a part of the Caribbean. You have left wing unrest in Central America, where attempts are being made to topple the old reactionary regimes of the landed classes in the Central American republic.

In Barbados itself, in the words of the honourable Member for St. Michael North West yesterday, when he quoted a passage from the Governor of the Central Bank yesterday, "in Barbados we have a sharp increase in the incidence of industrial unrest and the growing propensity for confrontation and demonstration."

In essence, we have a background of a lot of industrial strife. We have a background of uncertainty in the political climate of the Caribbean and Central America. And bearing in mind the historical position, where in 1920 in the United Kingdom you had an Act passed against that sort of background, in the words of Pritt again:

"equipping themselves to resist any and every popular movement in the period of instability and anxiety brought to the capitalist world by the Soviet revolution of 1917."

Against that background of problems and crises in the Caribbean, a background in Barbados where you are having massive lay-offs of workers, where there is so much discontent, Mr. Speaker, we say that that creates sufficient suspicion in our minds, and in the minds of a large mass of the Barbadian public, to wonder and to be very concerned whether this legislation is not designed to strike at the heart of the rights of workers, so far as strikes and peaceful picketing and other forms of industrial action are concerned.

So we have justification for expressing our concerns about that, taking into account the history which governs legislation of this sort. And are we to be regarded as hypocrites when we articulate our feelings and the feelings of the masses of the people of this country about the type of legislation which is now before us?

Mr. Speaker, our suspicion is justified when we see being removed from the provisions of the Bill before us the provisions of Section 4 of Cap. 161 which expressed a preservation of the right to strike and to picket peacefully. When that is removed and not re-enacted, even from the point of view of making an overt demonstration of intention — a statement of intention, if nothing more than that, about your intentions in regard to this Bill — when that is removed from this Bill, that again gives a whole lot of people cause for concern about the intentions of this Bill.

And then when you look at the provisions of Section 7 (2) the Regulations which the Minister has power to make there is more cause for concern. The Rt. Hon. Member for St. Thomas says that the assurances and guarantees against forced labour are shown in the Constitution and that therein is the protection against forced labour.

I know the Rt. Hon. Member for St. Thomas is a good mathematician so I am going to give him a formula and see if he agrees with me about what it works out to. Take 7 (2) (m), which requires persons to work and render services, plus, 7 (2) (p) minus 4(1) of Cap. 161 — tell me if that does not amount to forced labour. (Mr. B. M. TAITT: Give him the formula.) 7(2) (m) plus (p) minus 4(1) of Cap. 161 equals forced labour. That is my view, Mr. Speaker. (Hon. H. B. St. JOHN: That is a non point.)

Mr. Speaker, to underscore that point, that section 7(2)(m) requires people to do work or render services, I will just give one illustration of how the provisions, the forced labour provisions, can be circumvented. If you require persons to render service, remember that you have already or that you are proposing to remove the provisions of Cap. 161, 4(1) which states that "nothing in this Act shall be construed to authorise the making of orders imposing any form of military service," all you have to do then is to issue a constriction order, if there is a strike, for instance, ordering all strikers to be members of the Barbados Defence Force.

You make all strikers members of the Barbados Defence Force and then you require them to render services in accordance with 7(2) (m) and then you have the penalty of (p), and then you look at the forced labour provisions and you see that requirement to render services, military service, is not exempted from the forced labour provision.

So if you take all those situations together, an unscrupulous Minister can adopt the position where he constricts all the striking workers, require them to serve in the Defence Force, then order them to perform duties under the Defence Force Regulations, even in the emergency, and you have therein a way of circumventing the

protection of the Constitution in relation to the forced labour provisions.

So a lot of thought has clearly got to be given to the protection of the fundamental rights and freedoms of the people — and they should only be abrogated in the most compelling circumstances. And we should never allow a situation to occur and have as part of the permanent Statute Law of this country that power to give the Minister to intern people as he would like, and to permit him to make regulations, requiring the type of pressures which can be put on people by virtue of all the regulations, and not have them subject to parliamentary control.

The honourable Attorney-General yesterday in his address I think just about put paid to the suggestion made by the Rt. Hon. Member for St. Thomas that the Governor-General had an absolute discretion to declare an emergency. (Rt. Hon. J. M. G. M. ADAMS: I never said so.) I thought he said that nobody in their right mind would think that a Governor-General could declare an emergency as he liked, and I made a note when the honourable Member was speaking. He said that. I am saying that is contrary to the position expressed by you. (*Aside*) Anyhow, that is my understanding on it.

Now in the last few minutes that I have, Mr. Speaker, I would like just to turn briefly to our position on this Bill and to our objection to serving on a Select Committee on this.

We do not take this lightly. We have expressed a commitment to the repeal of this Bill once we are in charge of the affairs of this country again. We have expressed that commitment.
11.25 a.m.

It would be hypocritical for us really, if we now agree to serve on a Committee which has provisions with which we so fundamentally disagree.

Now, if the honourable Members on the other side could perhaps give the assurance that they would remove any power of a Minister to intern people without trial, without charge and without making that internment indefinite; if we could have an assurance that that will form no part of this emergency powers legislation, then we might reconsider our position.

But it would be pointless serving on any Committee to deal with a Bill which would contain a provision with which we so fundamentally disagree. It would be gross hypocrisy on our part to participate in any discussion of that kind.

I would like to conclude, Mr. Speaker, by reference to the Preamble of the Constitution of Barbados. The Rt.

Hon. Member for St. Thomas made the point that he was seeking to enlarge on the freedoms of Barbadians in passing this Bill. In the Preamble, the first clause talks about the love of free institutions and of independence which has always strongly characterised the inhabitants of Barbados, and then right down to preambular paragraph 5:

“And Whereas with the broadening down of freedom the people of Barbados have ever since then not only successfully resisted any attempt to impugn or diminish those rights and privileges so confirmed, but have consistently enlarged and extended them:”

Now, that is significant. There is a declaration that the people of Barbados have resisted always any attempt to diminish or impugn their freedoms and privileges which they have enjoyed from the foundation of this country.

Throughout the years we have consistently sought to enlarge and extend them, and the Rt. Hon. Member seeks to use the last two words, the enlargement and extension of those freedoms — their words — to deal with a situation, and to extend a situation which gives the Minister power to intern without trial.

Now, honourable Members on this side have been concerned about who is the Minister to have that power. I would say, Mr. Speaker, that I would be surprised if the Prime Minister would give that power to any Minister, because especially in the circumstances of social and political unrest, if that power were delegated to any Minister, perhaps the first person whom that Minister would order to detain would be the Prime Minister himself.

So it would be worthwhile for the Prime Minister to hold on to that power, because that Minister might feel that the Prime Minister has been so responsible for the condition in which the country is in, and with the general popular discontent, that his bet would be to make sure he holds the Prime Minister to get on the side of the masses of the people and make sure that he is not the one who is going to be thrown out.

Thank you, Mr. Speaker. (*Applause*)

Hon. Dr. D. G. BLACKMAN: Mr. Speaker, the two days or so of this debate represent a historic moment in the life of this Legislature in that it affords us the opportunity to deal with some central questions which people in Barbados tend to take for granted most of the time, questions relating to freedom.

It is therefore particularly surprising, Mr. Speaker, that during the long and sometimes extremely brilliant interventions made by honourable Members, that we have

had very little actual discussion about freedom, even although the word has been uttered on hundreds of occasions in this debate.

I do not believe that a litany of citations from the Constitution, or existing laws, or proposed laws, necessarily illuminate an issue of very great complexity, and an issue which is causing enormous confusion in the minds of people in the streets. And it is not clear to me, after the extended debate in this Legislature, that what is being transmitted to the public makes for clarity and for understanding the issues at all.

I therefore will eschew the debilitating and confusing approach by a recitation of any provisions, and I will seek to deal with the basic principles, put them in a particular framework, and then attempt to locate one or two of the specific problems that I see within the draft legislation, with a view to having some meaningful and clear discussion about the problems that face this country within this legislation.

Now when one peruses the Constitution of Barbados, it reads like a libertarian tract. The architects of this document waxed warm and eloquently on freedom, but precisely what is this freedom are they talking about? Are they talking about the existentialist freedom postulated by Jean Paul Sartre? A freedom based upon a profoundly negative and pessimistic view of human nature and potentiality? A freedom during the discussion of which he dismisses man as an empty passion? Even although he concedes that the only positive attribute of man is his freedom, when one examines what that freedom is, he says it is the freedom ultimately to terminate his own life.

He seemed to suggest that in a world of meaninglessness man had to devise a way of solving his problems, and therefore what was prefigured for Europeans from the Sartrean standpoint, was an ethos of totalitarianism, and within this fall of tyranny man would ultimately cheat his oppressors by his capacity to commit suicide.

That obviously is not the freedom that the framers of the Constitution of Barbados waxed so warm about. It is a freedom, nonetheless, which is still open to many people in Barbados if they ever sink to the nadir of despair.

The second kind of freedom, which I do not believe the framers of the Constitution were thinking of, was the Marxist notion of freedom based upon the postulate that freedom is the recognition of necessity, necessity being the constellation of laws that govern the universe, natural and social laws, and an understanding of these laws provides the key to freedom.

Applying that to an empirical situation one might say that the aviation experts who learnt to circumvent the law of gravity were people who became free by recognising the necessity of the law of gravity.
11.35 a.m.

I do not believe that that is the freedom that is contemplated in the document of which we have spoken so reverently from the time this debate started. It is still open to people of a scientific frame of mind to enjoy that freedom by the recognition of necessity.

The third concept of political freedom, which is a rather modern concept, and which I believe inspired the authors of this document, is the concept of freedom as expounded by John Stuart Mill.

This of necessity has had to be a modification, I mean the freedom talked about in the Constitution has had to be a modification of the freedom of Mill, because Mill maintained that the only justification for a modification or limitation of this freedom by any Government was to prevent one citizen from injuring another. Of course Mill wrote this disquisition in the 19th century when laissez-faire was rampant and it was a justification of free and unbridled competition within the society.

Ever since then successive British Governments have modified the extreme thesis of libertarianism as expounded by John Stuart Mill in his work on liberty. And culminating with the welfare state of the British Labour Government in 1945, we had the concept of equality, equalitarianism, as a limited concept to liberty.

I believe the Government of the Democratic Labour Party as indeed this Government, have both been committed to the ideals of the welfare state, flawed in some respects though it is, and this has led to programmes where there have been specific trade-offs of liberty in order to ensure the achievement of an egalitarian social order.

Mr. Speaker, I believe that it was Schumpeter who said that one can construct a continuum, and at one pole of the continuum one would find a government with a minimum of liberty or no liberty at all but a government which scores very heavily on equalitarian policies, and at the other end of the continuum you will find a government which scores high marks on liberty and low marks on equality.

It seems to me that Barbados operating within the welfare state tradition has sought to establish an optimal balance between liberty and equality. They have sought simultaneously to maximise individual liberties, Mr. Speaker, and at the same time maximising social equality.

Therefore, as a matter of current policy, practised for many years now by all of the labour parties, these Governments in their wisdom have limited individual liberties whenever it was deemed necessary to promote the goal of social equality in any particular area.

As a consequence of this, you find land acquisition legislation. Land acquisition legislation is designed concretely to empower the Government to take the property of private individuals, thus limiting their right to determine where they can live, in the name of a social good.

It is nothing unusual, it is nothing mysterious for all Governments wedded to the principle of socialism, or as some people would euphemistically describe it, social democracy, to consequently find themselves encroaching upon individual liberty whenever they deemed it to be in the interest of promoting social equality.

There is no doubt, therefore, that in emergency legislation, any principle is an extension of the government at any given moment, at a particular historical moment, to give a social good primacy over the individual benefits. This is precisely what this emergency legislation proposes.

I believe, interpreting the invention of honourable Members, Mr. Speaker, that they have agreed that emergency powers should be used in natural events that are curiously named acts of God. I believe that there is a unanimity of view on that particular issue.

I believe that the provision that is causing difficulty in the minds of honourable Members of the Opposition relates to the constitutional provision which confers on the Governor-General a discretion to declare a state of emergency to prevent an individual from doing public harm, or to ensure the adequate flow and supply of goods and services to the people of this country. Let us be perfectly honest about it. This is the only part of the emergency powers which the Constitution empowers a Government to implement that there is concern about, because we know that in many countries provisions praised, such as this, have been arbitrarily used, and people, disliked for whatever reason by individuals in authority, have found themselves incarcerated and subjected to torture and all kinds of suffering.

I believe the South African Government has now for nearly 20 years banished Nelson Mandela under a constitutional provision that is phrased with the generality of that part of the constitutional provision which seems to be giving us trouble.

11.45 a.m.

If one looks at the powers that are conferred upon the Minister — and by the way I believe that we still have

Cabinet Government and collective responsibility in this country. I could not envisage a situation, whatever the laws says, where any Minister would take it upon himself to declare a state of emergency without the prior discussion with other members of the Cabinet. It seems to me that any Minister, whatever the legislation may say conferring powers upon him, is limited by the principle of collective responsibility. And I do not believe that this is an open door to Hitlerism at all.

Mr. Speaker, before I deal with the powers conferred upon the Minister, I have to address the issue relating to unions. It has been averred that this legislation strikes at the heart of trade unionism in this country.

When I was Minister of Labour, Mr. Speaker, the policy was, and still is, that the Ministry of Labour is not in the position of an umpire determining the rights of labour *vis-a-vis* capital.

A Ministry of Labour, as the name connotes, exists for the promotion and welfare and the interest of labour. And, Mr. Speaker, where there are conflicts it is the duty of the Minister of Labour to ensure that the rights and responsibilities and the benefits that the Constitution concur upon labour are respected and are enforced.

This task in promoting the rights of labour must always be conducted responsibly, having regard to the rights of capital, but having regard of the rights of capital as being represented by a minority.

Those of us who believe in democracy must give primacy to labour because labour represents the overwhelming and preponderant majority of the society. That is the policy of this Government, Mr. Speaker.

Moreover, Mr. Speaker, the practise of industrial relations in this country depends in large measure on the goodwill of Government, in view of the fact that the process of collective bargaining in itself is not sanctified by law. Conciliation is a procedure that is based upon custom, and for it to succeed requires an ambience provided by Government that is sympathetic to labour.

No one can gainsay the fact that the Government of the Barbados Labour Party has done everything in its power to ensure the best environment possible for the prosecution of collective bargaining activities by labour in this country. And I cite the example of the Telephone strike where at issue was the dismissal of a man called Giles.

The common law emphatically confers upon an employer absolute power to terminate a worker. Anytime an employer wants to fire a worker within this legal system, only the Almighty can save that worker.

Mr. Speaker, in that industrial dispute, the Government of Barbados went beyond the law and used its strings to ensure that industrial relation practises were accorded the primacy that they deserved.

Now with a record like that, it is uncharitable and churlish, at the least, to suggest that this Government is a Government that is anti-labour.

I myself, Mr. Speaker, would never remain in a political organisation or subscribe to any programme, surreptitiously or otherwise implemented which was calculated to undermine the rights which the workers have struggled so hard to achieve in the last four decades of the existence of labour organisation in this country.

And I believe that those of us who believe in the Barbados Labour Party and that organisation that made the historic thrust to liberate the masses of people in this country, those of us who respect this organisation for having fulfilled this historic mission, will never remain silent or stand idly by for any deviation from the principle which had made this Party great.

That being said, it is quite obvious that there is some uneasiness in the public mind about the repeal in the provision in the existing Emergency Powers Legislation, which exempted the union from criminal liability for activities in the event of an emergency.

My own belief is that when this Bill goes before the Select Committee, as is proposed, that that Committee should address itself to inserting a provision of equal reassurance to the people who labour in this society.

Back to the question of the powers concurred upon the Minister in the proposed legislation. A careful reading of these powers as they are enumerated here, Mr. Speaker, would indicate that the powers can be classified as those having reference to natural disasters, and those having reference to events which may arise as a result of mischievous human agencies.

On the question of mischievous human agencies, Mr. Speaker, I would like to make this statement. I was in North America in 1966 celebrating the joyous event on Independence in Barbados. And at about 3 a.m. in the morning, I heard a report by a Canadian to the effect that the then Prime Minister of Barbados was asked "Now Mr. Prime Minister that you have achieved independence, what next?" And the then Prime Minister exuberantly declared, according to the report, "Business as usual."

It is quite obvious that if on the eve of independence the scenario for the future is one of continuing a colonial existence, it is not surprising that claims will be made with respect to the retention of the

legislation, the Emergency Powers Legislation, which existed under colonialism.
11.55 a.m.

For this reason, in 1966 Barbadians were still in a state of innocence. We have lost our innocence about the world. Within the last six years, Mr. Speaker, there have been two attempts to overthrow the lawfully constituted Government of Barbados. There have been innumerable speeches made from the public platforms calling for an abolition of this Government before its constitutional term had expired. There have been threats and rumours of threats of Ministers being assassinated. And in these circumstances a Government has the inalienable right to protect itself from those who would undermine....

Mr. SPEAKER: And the Minister must do so in one minute now.

Hon. Dr. D. G. BLACKMAN: I cannot do it in one minute, Mr. Speaker, but I will simply restate my position as succinctly as I can, and it is this: the first responsibility of a Government in power, if we are thinking about real politics is to protect itself from its enemies.

I do not believe, as has been said, that organised labour or the workers in this country are the enemies of this Government. Therefore this legislation cannot be conceived to oppress or take away the rights that organised labour and workers currently enjoy.

This legislation, I believe, is essentially aimed at criminals. And there is a criminal element that has made no bones at all about its desire to remove by the most brutal means possible this Government before its constitutional term of office is over.

This has not been stated — I do not know why people have bitten their tongues on it — but faced with a threat by thugs, Mr. Speaker, many of whom are paid hirelings of interests abroad and outside of this country, our Government has a responsibility to protect itself against people who would destroy our Constitution.

Let me make it plain to the members of the Opposition, Mr. Speaker, that should they return to this office, should you return to power, these bitter, implacable, intractable individuals will be pointing the daggers at your throats. So therefore this legislation is providing you with a tool with which you can defend yourself, should you return to power in this country.

Mr. SPEAKER: The Minister must end his debate.

Hon. Dr. D. G. BLACKMAN: Mr. Speaker, I support the principles of this Bill. I believe that there can be some improvements to it when it goes to the Select Committee

of this House. And I will exalt all those members of the Opposition, who now demur from participation of the work of this Select Committee, to reconsider; so that we can get an Emergency Powers Bill that would command the national consensus in this country. (*Applause*)

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, Sir, I must say that we have had a long and comprehensive debate and after the extravagancies of the Leader of the Opposition's speech we settled down to hear a number of speeches, some of which were very useful.

I am glad to see the honourable Member for St. Michael West Central present. I thought he spoke almost as well as the Deputy Prime Minister, the honourable Member for Christ Church West, the honourable Member for St. Michael East, and other Members who contributed on our side. He certainly spoke without rancour or without hysteria, and I would honourably exempt him from all of the strictures against hypocrisy which so seem to have stung honourable Members for St. Philip North and Christ Church West Central.

But we have had the usual collection of extraordinarily ill-informed or ill-humoured speeches. The first one I am going to deal with, — and I am going to deal with it in a very technical way, because it is a very technical point — is a point made by the honourable Member for St. Michael North. He said that there is nothing in the Manifesto of the Barbados Labour Party which could give anybody the belief that this Bill was going to come before Parliament.

The first paragraph of the Barbados Labour Party Manifesto in 1981 election headed "Machinery of Government" said that in the new session a BLP Government would seek to implement the proposals of the Constitutional Review Commission for which there is a consensus following a full debate in the new Parliament.

Honourable Members seem to have ignored the fact — I did not mention it in my speech, because I was waiting for them — that the Constitutional Review Commission which sat, reported and was laid before Parliament recommended — and I believe the section was written by Professor Ralph Carnegie, who was consultant to the Commission — that changes be made in the existing emergency law.

I will quote from page 142 of that Commission — there is a previous paragraph saying the Constitution could have given more protection to public order, but never mind:

"It does not necessarily follow however that because the Constitution makes adequate provision that the law makes adequate provision. The Constitution largely permits other detailed and specific laws to operate without the risk of being struck down for unconstitutional, but does not supply the need for such specific laws."

"In that connection there may well be a question whether the ordinary law of Barbados sufficiently makes use of the leeway given by the Constitution for the protection of public order. Nor should that question in its term be regarded as a matter of the adequacy of the Emergency Powers Act, Chapter 161, which could never be regarded as a comprehensive compendium of such ordinary law. Certainly that Act could hardly qualify even, as supplying the ordinary law supplementation of those provisions of the Constitution dealing with a period of public emergency".

Then it goes on to say that it does not have the Review Tribunal. It does not deal with detention without trial and its own state of emergency procedures may be repugnant to Section 25 of the Constitution. Then it goes on to say, to point out, that Section 31(1) of the Act appears to purport, to confer on the Cabinet power during the state of emergency to make any order that it considers desirable in the public interest.
12.05 p.m.

It points out that that.....

Mr. SPEAKER: Did you identify the page from which you were reading?

Rt. Hon. J. M. G. M. ADAMS: Page 142. It is already a document of the House, Sir. Page 142. I have read from the start of page 142; I read the first paragraph, the first two sentences of the second paragraph and I read a line from a little further down and then summarised what else is said.

The burden of the argument of Dr. Carnegie and the other members of the Commission goes this way. And honourable Members opposite, the lawyers, I believe the only one — and he is not a lawyer — he has got a Law degree, but he is not a lawyer — that is the honourable Member for St. Michael West — he was the only one who grasped the true point of the argument. The lawyers did not grasp it. The present Emergency Powers Act, Cap. 161, contains wider powers than the Act before the Honourable House.

You are quarrelling about Section 4(1) the trade union. You are quarrelling that it does not make specific reference to detention but honourable Members opposite, and the Press — and I take it more reprehensible in the case of the press — Volume I — have entirely failed to understand that the present Emergency Powers Act is partly inconsistent with the Constitution because the general power which it gives for the Cabinet to make Orders is allowed to override the fundamental rights sections of the Constitution by virtue of Section 26, the saving of existing law.

Now, I read this out when I made my speech several times. The Press did not pick it up, honourable Members have not adverted to it. But it is the most important section in either of the two Bills in understanding what this debate is about, in understanding the complexity of the question to which the honourable Member has just spoken, the Member who just sat down.

The present law is that the Cabinet during a state of emergency can make any Orders whatsoever which it considers desirable in the public interest. Carnegie points out that, read literally, this power is totally comprehensive, and would indeed go beyond, and is limited only by the requirements of reasonable justifiability which the Constitution attaches to emergency law and which is not part of — well existing laws are not saved for that.

Carnegie's view, which I share, is that the Cabinet would not be allowed to set up a court manned by Cabinet Ministers to try somebody, because that would break the requirement of the Constitution which says that courts must be presided over by Judges appointed under the conditions of the Constitution. Of course, now that the Prime Minister can appoint the judges that particular provision does not have the weight that it had at that time.

The Cabinet...*(Aside)*... probably. I can think of other things the Cabinet could not make an Order to do. I do not believe the Cabinet could extend outside the purview of the Constitution, the life of Parliament, for example, under the Emergency Powers. There are some limits on its powers. But those limits do not extend to detention or the actual steps you take to deal with the emergency!

If the Cabinet cares to make a Detention Order, on the grounds that it can make any Order whatsoever it likes to deal with the emergency, no Review Tribunal is at present required. The Order can be made.

If the Cabinet cares to make the whole set of Orders which were made in 1955 the fact that the Constitution protects the non natural cause, the non act of God emergencies, against Compulsory Service Orders does not matter. The Constitution protects it. But the present law is inconsistent with the Constitution and does not protect it, and it is the present law which prevails.

Trade unions think they have rights under Section 4 (1). Now, let me tell you what Orders were made by E.K. Walcott, confirmed by George Moe, and no doubt by "Sleepy" Smith. Let me tell you the type of Orders that have been coming out of the Attorney-General's department. After the hurricane in 1955, plenty Compulsory Service Orders were made. You never heard a word from Frank Walcott at that time. Employers were forbidden to

dismiss their employees during the emergency. That, Mr. Speaker, is a point nobody has yet adverted to; that in fact one of the Orders a Government always makes is that you must not dismiss anybody. Merchants were ordered to open the supermarkets and so on and so forth. But more important, in a whole range of areas, persons were not allowed to leave their work. An employer could not dismiss his employees and employees were not allowed to withdraw from employment.

I am trying to find the standard places to which, under both Governments, these rules applied. I know that one is Cable and Wireless. No public servant is allowed to leave his job under current legislation during emergency. Equally, he cannot be dismissed. That then covered the Waterworks, the hospital and so on. (Mr. P. M. GREAVES: Best Security Act.) Light and Power? You were not allowed to leave your job. (Mr. P. M. GREAVES: Best Security Act.) Well, I think that is going to be true — that is going to be true no matter what we do today. No matter what we do today, or in Committee, it will still be true that at the Waterworks and Light and Power, the hospital, strikes are forbidden because that is the current law of Barbados, Sir. This is something that has been so for a long time. It is nothing to do with the BLP or the DLP. It goes back to 1920, as honourable Members have been saying.

But the Orders that were made in 1955 prevented the driver of a Transport Board bus from withdrawing his employment. It prevented masons and artisans from withdrawing from employment. It said that any public servant could be ordered to do anything at any time in any part of Barbados whether or not part of his ordinary duties.

And I say as a fact, whether honourable Members opposite see these orders or not, that these orders are revised every year, they go to the Central Emergency Relief Organisation, it publishes a collection of the Orders, they are prepared — I was told yesterday by the Cabinet Secretary — he showed me a big green book, copy No. 42 — apparently they are all kept in his safe — and he said that I should be familiar with it that they have passed across my desk.

But, I am going to tell honourable Members something. The reason why I can confidently say that I do not believe the former Prime Minister, the Rt. Hon. Member for St. John, drafted these Orders himself, is that I can never remember seeing an Order before this debate started.

But the Orders are in existence. They do represent a serious infringement of personal liberty in time of emergency, but their existence has never been called on in such a way as to cause them to come to the consciousness of ordinary Barbadians; not even to the Cabinet far less the ordinary Barbadian.

And I intended, when I described the opposition to this Bill as partly hypocritical, to deal with the fact that anybody who has put on his enquiry would know that the Central Emergency Relief Organisation maintains a portfolio of Emergency Orders which do everything that the Opposition is saying the current Government wants to do under the Bill. Everything.

And, no matter what Section 4 (1) may say, there is no doubt that Orders compelling trade unionists to work have been made in Barbados without any quarrel on the part of the trade union.

Indeed, it is widely said that when Mr. E. K. Walcott agreed to the insertion of Section 4 (1) – the first part of it – into the Act, that he advised the Government that he had no objection to its insertion – it could always be got around.
12.15 p.m.

The word "strike" does not exist in any other legislation of which I know, and the mere fact that it is said that emergency powers do not make it an offence to strike, apparently is said not to override the circumstances either of the Better Security Act, which refers to essential services, or of the requirement of reasonable necessity to control the emergency.

I also, Mr. Speaker, find some hypocrisy in this business about the Better Security Act, repealing it and so on. I want to repeat: at present it is illegal to strike in the Electric Company, Waterworks, Natural Gas, any service providing for life.

Now, who would have thought, having listened to the Rt. Hon. Member for St. John about the Better Security Act, and the right to strike, and the protection of trade unions, that the honourable Member for St. John offered the Barbados Employers' Confederation on October 9, 1972 at Government Headquarters to amend the Better Security Act to provide that the Port be included so that you could not strike at the Port either? (Mr. P. M. GREAVES: That is not true.) It is not true?

The honourable Member for St. Michael North who said it is not true, let me read what he said, I just wrote it down here. He is the person who notified the Ministry of Labour, because he went to the meeting, and on October 11 he told the Ministry of Labour:

"The Prime Minister has yesterday met with the Barbados Employers' Confederation, and he gave an undertaking that the Government will examine its industrial relations legislation and procedure with a view to regulating the future conduct of industrial relations."

Do you know what he was referring to? He was referring to the meeting which he attended, the Chief Labour Officer attended, the honourable Member for St. John attended, Mr. Darnley Lewis was there, Mr. Chris Blackman, Mr. Randall Goddard, Mr. Stanley Chapman, Mr. Tucker of Clarke & Tucker, Mr. Mickie Challenor, Mr. Peter Parker and Captain Peter Short were present. Mr. Chapman told the honourable Member for St. John that the Barbados Employers' Confederation could not go on with the situation where there was a Port strike whenever there was a dispute in any other part of industry.

The honourable Member for St. John – and I am going to read out the note which was approved by the honourable Member for St. Michael North – the honourable Member for St. John said – well, he said that he and the Minister had discussed the establishment of procedures – listen to this.

"The Prime Minister said that he and the Minister discussed last week the establishment of procedures by which strikes and lock-outs at certain points would not be permitted."

The Minister was the honourable Member for St. Michael North. That is what caused Evelyn Greaves to ask at the big meeting they had in Fairchild Street, whose side was he on. The next paragraph went on:

"The Prime Minister continued by saying that the Government may even amend the Better Security Act to include as essential services not only the Port but the hospital and other similar places."

Hypocrite! Hypocrite! Hypocrite! And accusing us of attacking the trade unions. That is what we mean by hypocrites. Neville Martindale will not be able to say that I spoke without my usual vehemence today. You are talking about trade unions. You promised Stanley Chapman and the Employers' Confederation to make strikes at the Port illegal, and now you come and say that we are hypocrites in what we are doing. (Mr. P. M. GREAVES: That is not true). (Hon. L. S. CRAIG: You are too ignorant to understand what is true).

I must say there is one point in which I agree with the honourable Member for St. Michael North. He said the legislation is already strong enough. It is strong, it is strong enough, it is more than strong enough, and this is why we are seeking to clarify it.

At present, a General Detention Order can be made without infringing the constitutional limitations on liberty, because it is in existing legislation which is saved by the Constitution. Now, I think that that particular aspect of the matter really deserves a little more

consideration by the public. The public is talking about the Review Tribunal.

Mr. Speaker, I have written to Dr. Shorey — the letter will be published in the Advocate, he has given his permission, I do not think he has got it yet — I have indicated that we will ask him to come to a Select Committee to give evidence, and I hope you and the other members of the Select Committee, if you agree to serve, will endorse my perhaps a little presumptuous invitation.

But they are looking at the Minister following the recommendations of the Tribunal. This mistrust of politicians, and with the quoting of St. Kitts and all these other places, there are some places where the politicians are the trustworthy ones and the others are untrustworthy. I do not want to go into all that at too great length. The politicians are accountable in here, we have to come in here, and the next thing I am going to address is parliamentary control, because honourable Members have not properly examined the degree of parliamentary control over the emergency procedure we are proposing. All of those things have to be taken into account, as I have told Dr. Shorey, in dealing with the Review Tribunal.

Now, the Minister will clearly have the right to re-arrest, and if he detains a man and for whatever reason the man ceases to be detained, a new power of detention is there.

You therefore have to choose between two different varieties of political fallout. You have to choose whether you retain the constitutional power not to follow the Review Tribunal's recommendations, report it to the House where it can be debated and so on, or you have to choose whether you say — all right, the Review Tribunal will be the boss, but we retain the right to re-arrest. They are the only two situations.

I am willing to hear argument about it in Select Committee. But it is not a matter of fundamental right, it is a matter of practicality. The Executive has to govern, the Judiciary and judicial bodies are put there to arbitrate between the governed and the governors. It is not, in my submission, an open and shut matter, otherwise the Constitution would not have put the primary position as being that the Minister will have an overriding authority.

Now, honourable Members discussed timeliness; what has arisen at this moment to make it necessary to do it.

Mr. SPEAKER: I was waiting, Mr. Prime Minister, until you had restored your calm. You made reference to the word "hypocrite" on about three occasions, and I

take it that you are aware that the word "hypocrite" is unparliamentary if you use it in reference to an honourable Member.

12.25 p.m.

If you used it in the sense that the action is the action of a hypocrite — and I take it that is what you are referring to in this instance — that the action to which you referred is the action of a hypocrite, that is an entirely different matter. That is the sense in which I take it, that your reference is not a reference that the honourable Member is a hypocrite.

Rt. Hon. J.M.G.M. ADAMS: I did not intend to make a direct accusation that any honourable Member is a hypocrite, Sir, and if I did, I unreservedly withdraw it. It is not an accusation that can be made in here and I am sorry that perhaps I was carried away by intemperance.

The question of timeliness. I think the honourable Member for St. Philip North mentioned timeliness, and perhaps the honourable Member for St. James South. The honourable Member for St. James South made a strong speech in favour of the Bill, and I think his only qualification was timeliness.

Now there is little doubt that whenever you bring an Emergency Powers Bill it is going to be challenged on the grounds of timeliness.

I tend to belong to the school which says that you do not change the rules in the middle of the game. I think that a majority of Barbadians where legislation is concerned, belongs to the other school which says that when something arises deal with it there and then, and therefore many people would prefer to wait until the middle of an emergency where a plain abuse is proceeding and change the rule then. I just say I don't.

It is really a matter of opinion, I think, an honest opinion. In this case, if there were civil unrest in the country, I would prefer to know that the framework within which it was being dealt with was in place rather than to have to go to establish a framework in the middle of the unrest, because what you do in the middle of the unrest sometimes may be excessive or inadequate, but in any case inappropriate.

I am not critical of any former Leader of the Barbados Labour Party — I suppose it could not have helped it — but in the circumstances of 1955, no doubt things arose suddenly; because the question was that there would be no transportation for people the following Saturday if the House had not passed the 1955 amendments to the Emergency Bill through all its stages on the Tuesday. But I would not wish to be in that position.

Honourable Members must believe that this matter has been going on since November 1976. No action was taken while the Constitution Review Commission was sitting, that was 1979. The wheels of Government do not necessarily turn at the normal speed in every regard and it comes before the House at this stage.

I imagine that if you waited until a crisis was on you that in the atmosphere of panic you often can get things done that you could not get in a more sober atmosphere. Nonetheless, I prefer the relatively sober atmosphere in which we can hear sensible speeches from Government benches and from Opposition benches such as the one made by the honourable Member for St. Michael West. I prefer that atmosphere to an atmosphere of desperation.

Now the question of parliamentary control. I have heard a great deal during the debate, in and out of Parliament, about how Parliament is being cut out of the action. There is one thing I could say. I do believe that any Orders should be laid on the Table of the House and made subject to negative Resolution, and I certainly will support the moving in of that at the Select Committee.

The second point, again which honourable Members have not paid any attention to, is that a Governor-General's proclamation can last only for a month. It then has to be brought to Parliament before the end of the month, debated, and extended by a majority of all the Members of Parliament, which means, in our present sized House, that at least 14 Members of Parliament would have to vote for it.

So a state of emergency has to come to Parliament otherwise it just falls to the ground. Anybody who is detained would be let out and so on.

And it is not true that you cannot get compensation if you are wrongly detained. The Constitution give a right to compensation for false arrest. It is a specific constitutional right. Honourable Members should read their Constitution a little better.

Parliament has to debate it. It will also have an opportunity, if the Review Tribunal reports and you disagree with the recommendations of the Review Tribunal of examining the cases that the Review Tribunal and the Minister have disagreed about and discussing them in Parliament. It is a nonsense to say that Parliament has no control.

What I would say Mr. Speaker, and it is relevant to the point which I made about the assassination of the Burmese Cabinet, is that you have to legislate as far as possible for anything that you can foresee.

We legislated in the old days for what happens when Parliament is prorogued, and there is, I believe, a

provision in the Representation of the People Act for the postponement of elections, the recalling of Parliament and so on during a state of public emergency arising as a result of war or natural disaster, and so on. That has been provided for.

You have to provide, whether you do it *ad hoc* as was done in 1975, for a local man-made disaster of serious proportions. But you also have to provide for the really exceptional disasters which perhaps will never happen, but which might.

Suppose a bomb is exploded in here at this moment and kills all of us in here. A subsequent emergency cannot be brought to Parliament. Think about that. Suppose the Cabinet is assassinated as Aung San and his Ministers were, leaving perhaps only one Cabinet member alive. The Cabinet cannot make any Emergency Order. There is only one Minister left to make them.

These are the contingencies against which you provide, however extreme. It is not impossible that Parliaments be assassinated. Puerto Ricans sprayed the United States' House of Representatives with machine gun fire in 1950 and I believe killed six and wounded several others and barely failed to get Truman.

The honourable Member for St. Michael West is making a comment on the matter. I believe that the people who did it are still in gaol and they are still the subject of Puerto Rican nationalist efforts.

Guy Fawkes, on November, 5 1625, as historians will remember, set gunpowder under the House of Commons — and if he had succeeded there would have been no more House of Commons — and to say that something had to go to Parliament would have been useless.

So honourable Members really must not assume, when provisions are drawn in such a wide way as to allow for these extreme eventualities, that it is contemplated that the jurisdiction of Parliament or the Cabinet or the Courts is being restricted.

The question of Ministers' powers was adequately examined in the speech of the honourable Member for St. Michael East. Modern drafting style in any case recognises to the full the doctrine of collective responsibility and the doctrine that Ministers are deemed when they act to be acting on behalf of the Cabinet, and Acts which now go to the House of Assembly do not normally give the Cabinet powers to make regulations. They give these powers to a Minister. A Minister responsible for "X" may make regulations.

We had a big consultation once about a Bill in Cabinet in which it was provided that the Deputy Prime

Minister would have to consult me before he made a regulation, and we agreed, eventually, that collective responsibility in fact means that every Minister consults every other Minister in true Cabinet when he makes an Order.

So a Minister's Order is in effect a Cabinet's Order, and when the *Official Gazette* shows the signature "J. M. G. Adams, Prime Minister or Minister of Finance" J.M.G. Adams has carried that to Cabinet and asked Cabinet if they agree that he can sign it. And every Order signed by a Minister is submitted to the Cabinet for Cabinet discussion, even Price Control Orders.

We began to have a little time when a few Price Control Orders managed to slip through without Cabinet observing them. I think the honourable Member for St. Andrew had to point it out to his officials; a mistake was made during his absence, I think, and we all had to be brought to Cabinet.

So all this about a Minister will have dictatorial powers is really a layman's misconception of the nature of Cabinet Government, and I want that to be made clear. It is a layman's misconception of the nature of Cabinet Government. Orders signed by Ministers go to Cabinet to be approved before they are signed.

12.35 p.m.

I want there to be no doubt about that. It is not the act of an individual Minister, even if it is the Prime Minister. It is not his power alone. Orders signed by Ministers go to the Cabinet for approval beforehand. There is no dictatorship in this Government, whatever may have prevailed when the Opposition was last in power.

I have already addressed my words to the powers of detention. I think the honourable Member for Christ Church West Central, who is hankering today on the Select Committee and who disagrees with his colleagues about the decision not to serve on it, made a point that really has no substance whatsoever about detention.

The honourable Member well knows that a Detention Order can be made under the present Cabinet's powers to make any Orders whatsoever that it considers desirable in the public interest. So for the honourable Member to say that if we abandoned the powers of detention, he is saying that he wants wider powers, not narrower — because you have to leave the existing law, and the existing law has wider powers. There is no limitation on the Cabinet's rights to infringe the citizen rights to liberty at the present time.

Mr. M. A. KING: On a point of elucidation, Mr. Speaker. The Rt. Hon. Member has not completely understood me, because it must be clear that there must be some doubt whether a Detention Order can be made

under the existing provisions. But even if it can be made, there is power to take *habeas corpus* proceedings in the court in respect of that — you cannot deny that — but it is a power which is not absolutely exercisable. There is the control of the courts.

Rt. Hon. J.M.G.M. ADAMS: Yes, but in the new Bill you still have the control of the court. (*Asides*) No? Give a man a Detention Order and do not tell him why you are detaining him then. When you are in power you go and do that. You serve a Detention Order on a man and do not give him the reason for his detention when this Bill is passed.....

Mr. B. M. TAITT: On a point of elucidation, Sir. The honourable Member just made a statement which clearly indicates that he did not understand one of the points which I made in my speech.

Section 4(1)(a) and (b) repeats what the Constitution says ought to be. Section 4 (2) does precisely what the honourable Member is now saying ought not to do. It says: "A defect in the grounds to which subsection (1) (b) refers does not invalidate the Order". This is precisely the point I was making, that this particular clause in this Bill as it currently stands would in fact be what the honourable Member is saying, it would be in contradiction with the rights provided under the Constitution. That is the point I was making.

Rt. Hon. J.M.G.M. ADAMS: The honourable Member has elucidated but he has missed the point of what I am saying. I do not know, nor does any lawyer on earth, what construction could be placed by a court upon Section 4 (2) of the Bill. You cannot make it any better. All we know is that it goes before the court all the time and it comes with different answers. But leaving that out, all I am saying is that when this Bill is passed, try to detain somebody with a Detention Order with no grounds at all, not grounds which are defective.

Just serve a Detention Order and do not put any grounds in it, and see if a court would allow that man to be detained! If you think that the jurisdiction of the court is ousted, you try, if you ever get the opportunity as Minister responsible for Emergencies, to ignore that section altogether and see if the court will not say that you are wrong. (*Asides*). You want me to quote the recent Reynold case?

Undoubtedly, Constitutional Lawyers have to deal with these constitutional provisions, but *habeas corpus* can be ousted by Statute. That is what the honourable Member for Christ Church West Central seems to have ignored. And it is my view that Section 3(1) of the present Emergency Powers Bill does largely oust the *habeas corpus*. The answer to *habeas corpus* would be that the Cabinet thought it desirable to make the Order.

The honourable Member for St. Michael West is *sotto voce* making remarks full of sound commonsense but his remarks will not go to the Government wickedness or the Government's dignity or the desirability of this or that. His remarks go to the complexity of the law of the liberty of the subject — that is what his remarks go to — and the interpretation of the Constitution.

And whatever you have, the present legislation has complexed provisions. The new legislation will have it, because as soon as these emergencies arise, difficult questions of law also arise. It has nothing to do with the Barbados Labour Party or the Democratic Labour Party and dogmatic statements cannot be made one way or the other.

At present there is no limitation of the Cabinet's right, if it has the right to make a Detention Order. If a Detention Order is made at present, you do not have to put any grounds on it. You just say whereas it appears desirable to the Cabinet that John Michael Geoffrey Manningham Adams be detained during the currency of the present emergency and they serve that Order on me, I am in Glendairy (*Asides*). During the emergency! That is the present law.

This Bill says that you will have to say, whereas a state of emergency has been proclaimed by the Governor General and it appear to the Minister that the following grounds exist for detaining the Rt. Honourable John Michael Geoffrey Manningham Adams (1) he called the Leader of the Opposition a hypocrite outside of the House of Assembly or whatever— (*Asides*). No, No. The Constitution says five days. We say the Order has to have it. We have gone a little further.

The Constitution gives you five days to serve the grounds. This Act says that the Order must contain precisely the grounds for detention. We have given you more liberty there than the Constitution gives you. And in fact, to my mind, that might very well be quite a limitation of the powers because sometimes you know that a man has done something wrong and you rely on being able to detain him, question him — and then get the grounds. That is what a five day period allows you to do. We are not even seeking that power.

Mr. B. M. TAITT: On a point of order. Mr. Speaker, I do not wish to interrupt the honourable Member but I believe that the information which he has given the House is not correct. He indicates that if someone simply said.....

Mr. SPEAKER: That he is misleading the House?

Mr. B. M. TAITT: Yes, Sir.

Mr. SPEAKER: Is misleading the House.

Mr. B. M. TAITT: Yes Sir, (*Asides*) I cannot say whether it is inadvertently or otherwise, I am saying he is misleading the House. The point is that he is saying that if the Cabinet simply said they believe that, and he called a name, did — I do not need to repeat everything he said — that he would be sent to Glendairy under the present law.

Under Section 23 of the Constitution of Barbados they would have to give — for want of a better way of putting it — the context in which the Cabinet has come to that conclusion about the behaviour of one John Michael Geoffrey Manningham Adams.
12.45 p.m.

They cannot simply decide, well, they do not like the way he has done something in a state of emergency. Even in a state of emergency, they have to frame that in the context under Section 23 in the Constitution, so that the honourable Member in trying to make his point may(*Asides*) Mr. Speaker, in trying to make his point the honourable Member made a statement which cannot be correct. Give me a minute, Sir. (*A Pause*) I said Section 23? Section 13(3) (5-8) (*Asides*) I said Section 23 but it is Section 13, Sir.

I think the honourable Member understands the point that I am trying to make. He made a simplistic statement which persons who do not understand the full implications of what he is saying would take it to mean that all the Cabinet would have to do in a state of emergency is to say that we, the Cabinet, are satisfied that John Adams is the person who ought to be in prison and he would go to prison.

It is not quite that way. If he did go to prison in those circumstances, subsequently, unless the Cabinet had prepared a proper Order with the reason for the emergency and an offence against that reason — I am using "offence" widely — he would be able to find that he had been falsely imprisoned.

Mr. SPEAKER: You are changing your position.

Mr. B. M. TAITT: No, Sir, I am explaining why his point is wrong. I am not changing my position. I am saying that if he found himself in Glendairy, that is a physical act. You could find yourself in Glendairy if a warden came out and grabbed and pulled you in. But I think he meant that he would have been locked up properly. And I am saying that he would not have been locked up properly, according to law. I am going to stop at that point.

Rt. Hon. J. M. G. M. ADAMS: The honourable Member has disappointed me. When I started my speech, I said that I thought that he was the only honourable Member who understood the application of Section 26 of

the Constitution to the whole argument. The point is that Section 13 of the Constitution does not apply to Chapter 161. That is the point I am making. Chapter 161 is existing legislation and Section 26 of the Constitution — perhaps I had better read it now — says:

“Nothing contained in or done under the authority of any written law shall be held to be inconsistent with or in contravention of any provision of Sections 12 to 23 to the extent that the law in question is a law that was enacted or made before the 30th November, 1966, and has continued to be a part of the law of Barbados at all times since that day.”

I am trying to explain, and this is the most important part of any consideration of the present Bill — that the present emergency law is not governed by the Constitution.

The only person who has ever argued otherwise is a Dr. Francis Alexis who wrote an article in 1976 following a decision of the Privy Council relating to an appeal from Jamaica where the Privy Council was wrong. It went back to Jamaica, and back to the Privy Council, which acknowledged that it was wrong. And Dr. Alexis wrote this article seeking to qualify clauses like Section 26 of the Constitution and interpret them away, and he has been laughed at in the legal literature ever since.

He is the person whom I gather the Caribbean Broadcasting Corporation actually put on the air to comment on this Bill — a man who made the greatest gaffe of anybody called a constitutional lawyer that the West Indies has ever had. He has been laughed at by the Privy Council and by every other legal commentator.

I don't believe that the honourable Member for St. Michael West could have fallen under Dr. Alexis' spell, when he taught him at the University, as to come here and say that the point is moot. Nobody could say that, unless they had heard Dr. Alexis and his foolishness!

Mr. B. M. TAITT: On a point of order, Sir. The honourable Member is truly misleading this House, Sir.

(1) I say for his information that I never learnt anything under Dr. Alexis because he never taught, he was not teaching at the University when I was there.

(2) Lord Diplock in *Hinds v. the Queen* has taken the point that was made by Dr. Alexis which he tells us was the biggest gaffe that the people are laughing at. *Hinds v. the Queen*, a Jamaican case which went to the Privy Council and Lord Diplock said it. I have here the report that the honourable Member just read from, Sir, and on page 140 of that report, the same Carnegie, whom he is talking about, alludes to the point.

I do not understand this is a document of the House you can have it back I borrowed it too..... we are both entitled to have it. (*Asides*) Oh; I did not know that — you said that it was a document of the House; I assumed that you were correct. I do not expect you to say so if it is not true.

The fact is, Mr. Speaker, he must not — because he is making a point — and in his reply he is — and because it is not proper for honourable Members to be interrupting him — make these statements which are outlandish and which mislead this Honourable House.

It is a moot point, Sir, because a number of scholars on both sides of the question, including Professor Carnegie and Dr. Alexis and the scholars who write in a journal in the West Indies, all of them have views on the question and Lord Diplock has in a recent case took a position that is nearer to what Dr. Alexis calls the “Combination Position”. I am.....

Mr. SPEAKER: I am not taking seriously your accusations about misleading the House. I take it you are exercising what you might feel is your privilege to express a point of view, and I am taking it exactly in that light.

Rt. Hon. J. M. G. M. ADAMS: Sir, I really do not like to get involved in legal arguments in here, we get into them too much. It is sufficient to say that the honourable Member is substantially misrepresenting Dr. Carnegie's position and Lord Diplock. But I really am not going into it.

The simple fact is that, as a matter of commonsense, the entire burden of what the honourable Member was reading and of virtually all opinion — and it would have to be of all Government opinion — is that the law which says existing law means exactly what it says.

The Constitution says that existing law is not govern by Sections 12 to 23. For me that is the end of the matter. It could be read and anybody could go and read the Constitution Section 26, Subsection 1.

I could find the place, because Professor Carnegie does in fact address the matter of existing laws in this document, I could find the section in particular and indicate that the honourable Member is wrong. The honourable Member probably wishes to save his face under the circumstances.

It is not part of our duty to grind anybody down into the dust with legal argument. Sufficient to say that the law of Barbados says that Sections 12 to 23 of the Constitution does not apply to existing law and the present Emergency Powers Bill is an existing law. The present Emergency Powers Bill says that the Cabinet can make any Orders whatsoever which it considers desirable in the public interest. And I really am not going beyond that.

It is an abstruse point. Honourable Members will just have to understand that representatives of the people are not put in here to be confused by new-learned legal arguments; that we go on the basis of legal document and not on class room theories by persons with an axe to grind.....I do not mean the honourable Member for St. Michael West. I mean perhaps some of his teachers who are paid to find disputation where no disputation exists.

I do not admire medical discipline as a foundation for politics. But I must say that the clear cut approach that doctors take to subjects is sometimes preferable to the tortured complexities of lawyers who cannot give a "Yea" or a "Nay" to perfectly simple matters.

Now I do not want to dwell too much on trade unions. But since one honourable Member stated that we did not repeal the Public Order Act when we came into power, and since the honourable Member for St. Michael South Central has emphasised how Sir Grantley Adams fought against some of the provisions in the Emergency Powers Act of 1939, I would like to point out that he did not repeal it either when he came into power; he added to it — and politics is a continuing process.

In 1939, trade unions had not yet been established in Barbados. They needed protection because the dangers to the public came from reactionary elements who did not believe in organized labour.
12.55 p.m.

It may very well be that in this day and age, there may be many citizens in this country who would question that organised labour is any way downtrodden, or in any way requires special protection and special consideration. There are not lacking those in organised labour who indicate that the power lies with them.

The honourable Member for St. Michael North recall that ten years ago, he had to face a great deal of pressure from the downtrodden who were being defended with such vehemence during this debate. And when he tried to resist the pressure, when he tried to do his duty impartiality as Minister of Labour, he had to put up with some round abuse— to which I have already referred — in Fairchild Street — from the Assistant Secretary of the Barbados Workers' Union, Mr. Evelyn Greaves, now a member of another place.

I remember at the time feeling sorry for the honourable Member for St. Michael North who, despite my strictures at the start on this debate, I believe played an impartial and honest part in the tempestuous events of the last week of September and the first two weeks of October of 1972.

I do not want to turn this into a debate on trade unions. I have always been a supporter of trade unions.

Few things make me prouder than to hear some of our party supporters accuse me — and I use that verb — they accuse me of having done better for Frank Walcott since we are in power than he ever did under the Dems. They quarrel with me for that. If that is true, I feel proud of it. I feel proud of it!

The honourable Member for St. Michael West is pointing his finger. I seem to remember on one occasion, the same honourable Member attacking the Government by saying that the only two members of the Cabinet who were in favour of the Government's intervention in the Telephone Company's dispute was the Prime Minister and one other. (Mr. P. M. GREAVES: The one is inconsequential.) No, not inconsequential. Oh no, not by any means.

The operative Ministers were making policy on that occasion. We made the policy, we entered into the dispute and we never once had to promise the Telephone Company or the employers that we would make the Port an essential service to get them to put pressure on anybody to bring an end to the strike. We have never promised that. Never!

We have listened to all the talk about it and there is a demand in Barbados for restricting the privileges of trade unions. Do not fool yourself with that, Mr. Speaker. There is a demand, as honourable Members found out over the weekend, over this past weekend here. There is a demand, but we have never given way to that demand. But we think that the balance must be held evenly between the interest of the country and the interest of organised labour.

The honourable Member for St. Michael South Central will no doubt shortly see the World Bank's Report on Barbados for 1981. He will find in it that there is a great deal about labour, unemployment, its relation to vocational training, education and so on. He will find that that is in it.

He will also find that the World Bank had carried out a survey among potential investors and employers in Barbados and expressed serious concern about the deterioration of industrial relations in the country as a result of the new militancy of the unions.

He will find that the World Bank has discovered that none of the organisations which are big employers, enclave industries have applied to come here — that not only has no new enclave industry applied to come to Barbados in the last two years, but the two which are here are expanding in Puerto Rico and Mexico; and that they give as their reason for not expanding in Barbados, and not bringing more jobs to Barbados, that they cannot any longer deal with the Barbados Workers' Union and the atmosphere of industrial militancy that has been

generated in the last two years in Barbados. I just mention these things.

We would have to choose whether as a society we wish to be a society of militant unions preaching race, preaching destruction, preaching opposition to the Government and, consequentially, a society with some unemployment and declining standards of living; or whether we wish to be a society in which organised labour understands as well as the Government that the way forward for everybody in Barbados is to have a balanced and reasoned approach to industrial relations.

I must tell you, Mr. Speaker, that my officials and me, when we saw that the World Bank accuses the Government of not impressing sufficiently on organised labour the state of the economy and the need for certain measures in the interest of the economy, said that the World Bank officials obviously do not live in Barbados. I believe they were told that by Mr. Walcott or by officials of the Union. They could not have been told that by the Government. But it is a problem of the future. It is not really related to this Bill, because I do not regard this Bill as an instrument for the creation — ...*(Aside)* the Central Bank would surely not have told them that — of better industrial relations.

All that I would say is this, when we are attacked for being against trade unions, I am going to tell you something else that is contained in the forthcoming World Bank Report.

It is pointed out that from 1976 to 1981 — they are the years it chooses, the years of good economic management as they themselves say — real wages in Barbados rose by 38 percent. That means the increase in wages compared with the increase in prices. At the same time, in the United States real wages declined by 2 percent or 3 percent over the same five years.

Now, the World Bank says that we should consider whether this is a good thing, whether the Government was right to permit that *(Aside)* No. It is only marginal. Members have talked about trade unions. It is only marginal. The honourable Member for St. Michael West has already advised me to keep this information from the World Bank for an economic debate when I can really do some damage to.....well, I am not going to tell you who he wants damage done to. He did not tell me. I am not going to tell you, but I think I know who he wants me to punish. I think I know, so I would not go into it any further.

But I do not believe that the action of a Government, which has permitted real wages to rise, which has intervened on the side of trade unions wherever disputes have arisen, which has taken no steps to curb the

extraordinary legal exemptions given in the Trade Union Act, because I do not like this Act as one that deals seriously with trade unions. We have not spent the slightest time on that. In the face of the greatest provocations we have never introduced arbitration in any aspect of industry. I do not think this Government can be accused of being anti-union.

I will accuse the honourable Member for St. Michael West of unconsciously not telling the whole story when he spoke of Canada and its emergency powers. In Canada, trade unions are not dealt with under emergency powers. They have their own Act. They have compulsory arbitration. They have prison for union officials who contest the Orders of an arbitration court.

And as I said in my opening speech, unless I am very mistaken, the Secretary of the Canadian Post Office workers is in jail now, having been sent to jail for two years for arguing over a Compulsory Wages Order made, and continuing to support a strike that the courts had ruled illegal. You do not need emergency powers to deal with unions. You pass Acts which deal with them specifically, in countries which are of that mind.

And the Canadian Post Office workers are not the only ones who have been through the courts. The Air Traffic Controllers have been in and out of the courts for years, the most recent when they were threatened with going to jail if they supported the American Air Traffic Controllers when all of them who were on strike were dismissed.

So if you talk about countries that have severe legislation, look at North America where striking Air Traffic Controllers were just sent home like if.....*(Dr. R. C. HAYNES: By your friend Mr. Reagan).....*the Constitution of the United States did not exist. No, they were dismissed. They were put before the court and they were fined \$2 000 and \$3 000 a day and the union was finding that, so the union has been broken by the court. That legislation existed before Reagan and will exist after Reagan, it is nothing to do with any individual.

Deal with Canada, where, in fact, you can go to jail for striking. Really do not try to drag red herrings over the trail, where in such libertarian countries as Canada and the United States you can go to jail outside an emergency for striking. Deal with them. Do not deal with the Barbados Labour Party.
1.05 p.m.

Mr. B. M. TAITT: Mr. Speaker, on a point of elucidation. The honourable member said that I unconsciously, according to him, did not tell the whole story about Canada, and then he goes on to deal with labour legislation in Canada.

When I spoke about Canada I was speaking about the emergency legislation in Canada. The difference between the emergency legislation and that which the honourable Member is now alluding to is that I was making the point that there was no power of detention, that they went out of their way to make sure there was no power of detention.

Those persons who are now in gaol in Canada for labour union purposes were sent to gaol by the courts. They were not apprehended at the whim or fancy or the judicial satisfaction of a particular Minister.

Rt. Hon. J. M. G. M. ADAMS: They were sent to gaol by special courts outside an emergency.

The honourable Member said there are no emergency laws in the United States? Something like that? The United States has tentatively — Professor Carnegie concludes is the case in Barbados — still has recourse to martial law.

Martial law can still be declared in the United States, it has been declared in cases of riots. Certainly you remember riots during the First World War.

I mean, the greatest exercise of martial law in the United States was of course the Civil War in which the offending States were declared to be in rebellion and subject to martial law, which meant that the United States Army could shoot any citizen found in the offending States as if they were enemies in arms, and so on.

Again, I would not like to see Barbados relegated to the situation where the only people that could enforce the law during a civil emergency would be soldiers with guns. Because, inevitably, if you do not have an Emergency Powers Act at all, the only powers you have are the common law powers of martial law, which are enforceable by an Army. I just point these things out.

The honourable Member for St. John, in saying that if the Democratic Labour Party ever gets back to power they will repeal it, is actually talking nonsense.

When this Act passes there will be no repeal. I say that. You can amend it, you can change it, you can replace it — but you cannot go back to the situation that was there before, because this Act is replacing an Act which was passed before 30th November, 1966, so you can never go back to those same powers. That is for sure. Just bear that in mind.

You will either have to do without emergency powers altogether, or you will have to have constitutional emergency powers such as we are proposing now.

The present emergency powers are unconstitutional in some respects, we are now proposing constitutional emergency powers. That is the point of this Act, and that is the fact to which so many people who should know better have closed their minds.

The present Emergency Act gives the Cabinet wider powers than the Constitution would allow. We are producing an Act which will have constitutional powers — and nobody will see the point.

And the honourable Member for St. Michael North is *sotto voce* proving the truth of an unkind remark that I made at an earlier stage in the proceedings regarding his quality as a lawyer, when he says from his seat he does not believe that.

If he does not believe that, I do not believe he is a lawyer. It would not take much to persuade me that he is not a lawyer. (Mr. P. M. GREAVES: I do not accept that, you are misleading the House. It cannot be true.) Anyhow, the honourable Member for St. Michael West is begging me for you, all right, I will not worry with you. He is supporting you against Richie? All right, put your case for him, but he is Sandie's man, I believe. That is all right?

Mr. Speaker, really, there is very little more that I can say on this matter.

The honourable Member for St. James South, as I say, supported our case. When he got up to speak I really looked on him as the shadow Minister of unlawful detention, and I thought that is what he was going to talk about, because he is the only honourable Member in Parliament who has actual experience of unlawfully locking up anybody. (*Aside*). But he locked up somebody unlawfully, and it cost the Government \$24 000; and we will have to come to Parliament for a supplementary.

Honourable Members on that side are the experts at unlawful detention. They can embrace in their ranks somebody who unlawfully detained somebody and does not even have to pay it; it cost the taxpayers the money.

The honourable Member for St. Philip North made a long speech which was fluent — words balanced, sentences well put together — I did not know he could speak so well — and said nothing. I really could not tell you at the end of it what he said apart from defending himself against the accusation of being a hypocrite.

He could not be one of the hypocrites, because he was not in the know, he does not know the legal facts, and I honourably exempt him from the charge of hypocrisy.

All I would suggest to him is not to open himself to a charge of ingenuousness, and do not allow himself to be led or misled by the lawyers to his left and his right. I do not think the one behind would mislead him so much, but he should not be misled by the ones close around him, and still less by the honourable Member for St. Michael South Central.

I think the honourable Member for St. Philip North made a sincere speech and expressed sincere concerns, but the concerns, although sincere, are not well founded.
1.15 p.m.

The honourable Member for St. Michael North West, the only part of his speech that I got was something to do with man's inhumanity to man. I would suggest to him that the present Act opens a greater gate to man's inhumanity to man than the Bill now before the House. And if he has any belief that I would not mislead him, I will tell him that I sincerely believe that.

I also certainly sincerely believe that if a wicked Government wished a vehicle to punish somebody that the present Section 3 (1) is a more efficient vehicle than the Bill which we are now introducing into the House. It is much easier to defend a piece of inhumanity in the law as it is now than it will be in the future.

The final point relates to the Governor-General's discretion. I do not think that the Leader of the Opposition or Mr. Gladstone Holder are any longer pursuing that point. And I do not think that the honourable Member for St. Michael West can seriously believe that the former Attorney-General, the honourable Member for Christ Church West, was suggesting any other interpretation but the interpretation of the Crown Law Office and the Cabinet.

In a letter that I had written to the Press I suggested, and it is not suggested frivolously, that the Governor-General would obviously not call an emergency capriciously. Clearly the Governor-General is as bound by the law as anybody else. The law actually does not say that he is satisfied. It puts it in a strange way. It says in Section 25 (1) (b)

"a period of public emergency means any period during which there is in force a proclamation by the Governor-General declaring that a state of public emergency exists"

It then goes on lower down to say:

"A proclamation made by the Governor-General shall not be as effective unless it is declared therein that the Governor General is satisfied"

And then it says what he has to be satisfied on.

That cries out that a limitation is placed on the Governor-General's powers to declare the emergency that

"there must be war, earthquake, hurricane, flood, fire, outbreak of pestilence, infectious disease or any calamity, or that action has been taken or is immediately threatened by any person of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life."

The second clause undoubtedly is a clause that when it was introduced, and supported even by Frank Walcott by his vote in the House, was intended to deal with strikes. Do not doubt that that is one of the matters contemplated in that clause.

The Governor-General cannot just wake and decide to have an emergency. He has to be satisfied with these things and he would be satisfied with these things, as I said in my letter, either after consulting the Prime Minister, consulting the Commissioner of Police, consulting the Chief of Staff, consulting the Leader of the Opposition. The Leader of the Opposition might have some play in this too. There is no limitation on his power to consult anybody. That is contained in another part of the Constitution.

Now the honourable Member for St. Michael North is peculiarly well placed to know the procedures that are followed when the Governor General exercises an executive power, not a power of appointment, but an executive power in his own discretion, because as far as I can judge he is the only person who has ever had ministerial contact with a Governor-General seeking to exercise such a power. That arose over the Carmen Bailey Exclusion Order.

On that occasion, the Governor-General consulted the Solicitor-General and he consulted the Commissioner of Police, and I got into the court and argued that the Governor-General should have consulted the Prime Minister or the Minister of Home Affairs, I think the honourable Member was then.

And the present Governor-General, who was then the judge, said

"Mr. Adams you are wrong. The Constitution gives him....."

it was said in open court and I can repeat it.....

"the Constitution give him a discretion. Indeed there might be an argument for saying that he did what was entirely proper and that to seek poli-

tical advice would have verged on impropriety."

I do not think the honourable Member was in court but the then Solicitor-General, Mr. Browne, was. So when the Governor General is given these discretions, he must exercise them judicially, but he is not bound by anybody's advice.

Mr. B. M. TAITT: Mr. Speaker, once again I rise on a point of order. I draw to Your Honour section 32(1) of the Constitution which reads as follows: "The Governor-General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet in the exercise of his functions other than...." And then, Mr. Speaker, it lists the "other thans", and the "other thans" do not include what the honourable Member is now telling this Honourable House. I am submitting that persons who have not recently familiarised themselves with Section 32 of the Constitution would be misled by what the honourable Member is telling this House.

Rt. Hon. J. M. G. M. ADAMS: There is a limit to interruptions.

Mr. SPEAKER: You are very obsessed with this idea of misleading and what not. That is not a point of order.

Rt. Hon. J. M. G. M. ADAMS: There is a limit to points of order. Section 32(1) (b) the "other than" says "any function which is expressed (in whatever terms) to be exercisable by him in his discretion." That is one of the "other thans". Now just let me tell you.

I do not want to get into legal arguments. Let me tell you who disagrees with the Leader of the Opposition, the honourable Member for St. Michael West and Gladstone Holder: A Judge, the present Governor-General when he was a Judge, the Attorney General, the Chief Parliamentary Counsel, other Parliamentary Counsel, the Deputy Solicitor General, indeed the Prime Minister and the Deputy Prime Minister both of whom are of Her Majesty's Counsel, every other lawyer in the Cabinet.

Now it is possible that all of us are wrong and the honourable Member for St. Michael West who is not a lawyer is right, but it is only possible, it could not be true. So I do not want to hear anymore about that.

It is well accepted that the Constitution was dealt with in such a way as to give the Governor-General a discretion in this matter. I cannot deal with these amateurs. I earned my living as a lawyer and I have addressed courts on this matter. I have had courts give judgments on this very subject. I have had courts deal with this very subject. I have listened to Solicitors-General, Judges — I have argued and I know what I heard.

And I really have not come to Parliament to be told by somebody wet behind the ears with a little new legal knowledge that the whole apparatus of Government law officers is wrong and he is right.

Do you know who should deal with the honourable Member? His colleague for St. James South. He would know where to send you if you came before him with talk of that sort. That is where you should be dealt with.

Mr. SPEAKER: I take it you are winding up your debate.

Rt. Hon. J. M. G. M. ADAMS: I am trying to wind up, Sir, but I am really being interrupted.

The Governor-General's discretion in this matter is carefully preserved by the Constitution by saying that he has to be satisfied.

I really can do no more than reiterate that the makers of the Constitution thought they were giving him a discretion, the Government thinks he has a discretion, the law officers of the Crown think he has a discretion, and the opinion of Gladstone Holder and the honourable Member for St. Michael West in these circumstances is no more than a leaf thrown up in the air.
1.25 p.m.

The honourable Member called the names of Lord Diplock, Lord Scarman and Mr. Wooding.

Mr. SPEAKER: These interventions are not helping the situation in this Honourable House.

Rt. Hon. J. M. G. M. ADAMS: The honourable Member knows all those names. He has called the names of three people whom I believe I have known personally — one for more than 30 years, one for over 25 years and one for over 20 years. They are names to you but I live with that. Do not make yourself a nuisance man. I remember Lord Diplock as a Barrister indeed. Do not make yourself a nuisance. Deal with people whose profession in life it was and have a little respect for what they say. Have a little respect for the people who have had to live through the things that you have learnt in the class room. I do not want to be offensive to the honourable Member.

Mr. SPEAKER: Please, please. This debate is getting out of hand. We will have no more cross-talk.

Rt. Hon. J. M. G. M. ADAMS: I wish I could finish my speech.

The Governor-General is being given the powers to come to his own conclusions as to any representations which may be made by a Prime Minister, by a Commissioner of Police or by anybody. If he declares a state of emergency, Parliament, within one month, has to confirm it, or the state of emergency ceases to be of any event.

Any Orders which fall to be made, we will accept Parliamentary control on them by making them subject to negative Resolutions. We are considering a suitable form of words, not necessarily the existing form, to give the trade unions the protection which is given to them by the Constitution.

We are not contemplating repealing the Better Security Act or making any change to it.

I must tell you, Mr. Speaker, that you will have to nail me to the cross on this. I do not really think that any individual should be allowed to shut off the life support system at the Queen Elizabeth Hospital and kill people — on call to a strike. I am telling you that quite honestly. I would have to face Frank Walcott and Joseph Goddard eye-ball to eye ball over that.

Nobody is going to go into the Queen Elizabeth Hospital and strike and turn off the Anaesthetic Machine or turn off the electricity on a Heart Lung Machine. This is not going to happen in this country, so do not ask me to say that the Better Security Act is to be changed to allow action of that sort.

But I think there may be some place in the present Bill for a reiteration of the respect which Government has for trade unions' rights.

I am open to hearing arguments about the Review Tribunal and its recommendations. I will point out to the honourable Member for St. Philip South, who has not found it possible to expose himself to further humiliation by returning to the House after his ridiculous speech that he made, I will point out to him and to others that once the new Act is passed, the Constitution will apply it.

Therefore there may be things in the Constitution that you do not need to repeat in the new Act because there are already there in the Constitution.

One of these is the means by which you call an emergency. Once the new Act is passed, the Constitution provides for the calling of an emergency; so you do not need to repeat it in this new Act.

Once the new Act is passed, the Constitution deals with making a report to the House about the recommendations so you may not need to put that in the New Act. The Constitution applies. You do not need to put something that is contained in a specifically directory manner in the Constitution.

The honourable Member for St. Michael North agrees with me. So to make a speech and say that so and so is the Constitution but it is not in the Act, is really the result of not having taken wise advice before getting up and opening your mouth. But in such cases as may be

thought necessary, perhaps we will insert the provisions into the Act.

The only point I will make now, Sir, relates to the Select Committee. If the Opposition does not choose to come to the Select Committee, I cannot make them — the public will judge them. This non participation in public events is a matter for the public and not for the members of the governing party. If you choose to go out and address a public meeting because you can say things that cannot be contradicted by people who know better than you — do it that way.

I am not afraid to face the Opposition in a Select Committee. If the Opposition is afraid to face me in Select Committees, they might be very wise. If they want to run from a confrontation with people who have a little more knowledge in intellectual depth than they, then run from the confrontation.

The public would judge you in the same way as they judge you in 1981. Run rabbit — run and the public will make you run further at the next General Elections. You run from us now and the public will judge whether your lack of courage entitles you to accede to the seats of power. The weapon of a boycott suits a situation where you do not have the means of making your voice heard.

There was no point us addressing the House over the Draft Constitution because the House of Assembly was not the place where the Constitution was going to be settled. The Constitution was going to be settled in London and we addressed the Conference in London, however illusory the memories of honourable Members may be on the point.

A Select Committee is there. I am going to be very shortly moving that the Bill be now read a second time, Mr. Speaker, and when I move that I am going to move the appointment of a Select Committee of six persons with yourself as Chairman. I will take a little discussion. No doubt the Leader of the House will give me a little instruction on that, Sir.

The Select Committee will invite contributions from members of the public who will be free to come and give evidence. The Leader of the House is instructing me to ask your permission to hold Select Committee meetings in public if the rules permit. But certainly we will invite members of the public to make written and oral submissions to the Committee in due course.

Mr. Speaker, that concludes my answer to the points made by honourable Members and I now beg to move that this Bill be read a second time. *(Applause)*.

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

Mr. SPEAKER: I just want to make this simple point that the Select Committee must receive its instructions from the House and it should receive those instructions while the Speaker is in the Chair. If the Committee is required to have further instructions, it must come back to the House.

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

Ayes: Rt. Hon. J. M. G. M. ADAMS; Hon. L. S. CRAIG; Hon. L. B. BRATHWAITE; Hon. Miss B. A. MILLER; Hon. Dr. D. G. BLACKMAN; Hon. DeL. O. BRADSHAW; Hon. R. E. BRATHWAITE and Hon. V. L. JOHNSON; Mr. A. TRUSS; Mr. L. SISNETT and Mr. J. G. ODLE. — 11.

Noes: Dr. R. C. HAYNES; Mr. B. M. TAITT; Mr. W. O. FRANKLIN; Mr. L. E. WEEKES; Mr. M. A. KING and Mr. P. M. GREAVES. — 6.

1.35 p.m.

Rt. Hon. J.M.G.M. ADAMS: Mr. Speaker, I beg to move that a Select Committee of the House be now appointed to sit upon this Bill and that such Committee shall consist of six persons and Your Honour, the Speaker, as Chairman. (Pause) Six, or a lesser number as the House may appoint.

(Pause)

Your Honour would rather not serve as Chairman?

Sir, in that case may I amend my Resolution to say that seven honourable Members or such fewer numbers as the House may appoint, and no reference to the Chairman.

Thank you, Sir.

The question that this Bill be now sent to a Select Committee was put and resolved in the affirmative without division.

Rt. Hon. J.M.G.M. ADAMS: I beg to nominate the following honourable Members to serve on the Select Committee. The honourable Member for St. George North, the honourable Member for Christ Church West, the honourable Member for St. George South, the honourable Member for Christ Church East Central and the honourable Member for St. Thomas.

(Pause)

Hon. L. S. CRAIG: Mr. Speaker, I have no doubt, Sir that we are waiting on this side for nominations from the Opposition to serve on the Select Committee. The

reason why I have said this Sir, is that on the Second Reading of the Bill there was a division but I have not heard a single word on the Select Committee. Therefore, I may be under the impression that they are still rethinking their position to serve on the Committee.

I am waiting to see if the Leader — I do not see him in his place — or whoever is in charge of the disarray on the other side may be able to suggest to me which two members will sit on the Committee. I do not see the Leader or the Acting Leader.

I do not know to whom to talk. Suppose we have to do something before lunch, I would not know who to talk to — if I should talk to the Member for St. Michael South Central, the Member for St. Michael West or the Member for St. Michael North. I do not see the leader — I know he is in the precincts — and the Deputy Leader has gone.

On a very important Bill.....that you all are willing to take to the streets..... (Asides). (Pause)

Mr. SPEAKER: Are there any further nominations to serve on this Select Committee? The following Members have been nominated to serve on the Select Committee — the honourable Member for St. George North, the honourable Member for St. George South, the honourable Member for Christ Church West, the honourable Member for Christ Church East Central and the Rt. Hon. Prime Minister, the Member for St. Thomas.

The question that those several Members be the members of the Select Committee was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Since this sitting is the continuation of yesterday's I will have to seek the pleasure of this House at this point for Your Honour's guidance to have what would be considered an early lunch break since we have been here since 10 o'clock this morning.

1.45 p.m.

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

Mr. SPEAKER: I seek the leave of the Honourable House under the circumstances to take a luncheon break at this hour. I had originally intended to take it at 1.00 o'clock. I had hoped and I do believe had there not been this continual cross talk and the intervention by honourable Members and learned Members.....There is no objection.

Hon. L. S. CRAIG: Sir, if the honourable Member I can see for St. Michael West who is a legal brain — just a minute, Sir, — is seeking to object, it is a very simple matter. This is what he is indicating. I would do a Resolution and carry it up until 2.00 o'clock.

Mr. SPEAKER: There is no objection.

Hon. L. S. CRAIG: But I have seen ...I mean, Sir, I know who I am dealing with.

Mr. B. M. TAITT: Mr. Speaker, I really do not wish to get up....

Mr. SPEAKER: There is no motion before the Honourable House. Please. (*Asides*)

Mr. SPEAKER: Two forty-five?

Hon. L. S. CRAIG: Two forty-five, Sir.

SUSPENSION OF SITTING

Mr. SPEAKER: This sitting now stands suspended until 2.45 p.m. today.
2.47 p.m.

On Resumption:

Mr. SPEAKER: This sitting is now resumed.

QUESTION TIME

Mr. SPEAKER: It is now Question Time. I am advised that there are no replies to questions ready.

GOVERNMENT BUSINESS

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

Hon. L. S. CRAIG: Mr. Speaker, I beg to move, Sir, that Order No. 5 standing in the name of the Honourable Minister of Housing be the Instant Order of the Day.

Mr. SPEAKER: Order No. 5.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT CLAPHAM, ST. MICHAEL FOR THE CONSTRUCTION OF A BUS LAY-BYE

Order Number 5 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Clapham, St. Michael for construction of a bus lay-bye.

Hon. DeL. O. BRADSHAW: Mr. Speaker, Sir, this resolution is for the acquisition of a portion of land in order to provide for a lay-bye along the Wildey highway. The reason for this lay-bye is to facilitate parking or dropping off and picking up school children who will be attending the Wildey Primary School which, as you know, Sir, Government has decided to build in that area.

I do not think that it is a controversial matter but I think that it should be noted that the start of the school is delayed. However, it was felt that this acquisition should be proceeded with in order to place the area at the disposal of the Ministry of Transport and Works so that they could carry out the necessary highway improvement.

I think that the Addendum to the resolution is very straightforward and clear, and therefore I move that this resolution do now pass.

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

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

Hon. L. S. CRAIG: Mr. Speaker, Order No. 6 also standing in the name of the honourable Minister of Housing.

Mr. SPEAKER: Order No. 6.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT ST. BARNABAS, ST. MICHAEL FOR THE RESITING OF HOUSES TO BE AFFECTED BY THE CONSTRUCTION OF THE NEW ST. BARNABAS/WILDEY BY-PASS HIGHWAY

Order Number 6 was called – To move the passing of the resolution to approve the compulsory acquisition of land at St. Barnabas, St. Michael for resiting of houses to be affected by the construction of the New St. Barnabas/Wildey by-pass Highway.

Hon. DeL. O. BRADSHAW: Mr. Speaker, here again this resolution deals with the acquisition of a portion of land at St. Barnabas in order to make adequate provision for the resiting programme that is currently under way. The land belongs to the St. Barnabas Church. Negotiations have already been entered into and there has been an amicable settlement as far as the price is concerned.

Government's policy is to bring all acquisitions before this Honourable Chamber and in keeping with that Cabinet decision, this Resolution is before the Honourable Chamber.

I must say that the resiting programme at St. Barnabas has gone pretty smoothly. All the houses that were supposed to be moved have already been moved and all that was left to be done – because the land has already been utilised – is to paint one other house.

I must say that the residents having returned to their homes have expressed their satisfaction. And I,

myself, as the parliamentary representative, and also in the capacity of Minister of Housing, am satisfied that everything has been done to facilitate the people and to make their return a very happy and pleasant one.

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

Hon. L. S. CRAIG: Sir, in seconding the Resolution, I think it is customary for colleagues in Cabinet to ask about what is needed to be done in their constituencies and so on. However, I always like for the records, and for any future debate where I may be able to quote, to speak about my problems.

I think it is time that I air this dissatisfaction where in St. James, at Sion Hill, there has been a re-siting programme, which was carried out there sometime in 1979. As I understand it, the policy of the Government is always to provide social amenities as far as they can go, and I therefore would have to draw to the attention of the House of my dissatisfaction of a pavilion which was built there – I think completed in late 1980 or thereabouts, late 1980 or early 1981, Sir, – and the playing field is still unattended.

As I understand it, before the election, when I was responsible for Housing, the pavilion was completed and handed over, and has remained in the hands of the National Housing Corporation. And to this day, nothing, apparently, has been done to the best of my knowledge.

A watchman is being paid to watch a building. The money could have been best utilised for the purpose of a caretaker. I draw this to the Minister's attention so that it would be in the records of Hansard when I have to defend why it has not been opened since I am responsible for that constituency and since it was my imagination to re-site the people from Springhead where they had no roads no water or light from time immemorial until this party came into office.

As I understand it, the Government's policy is always to provide the social and recreational facilities when a re-siting programme is carried out.

I sincerely hope the Minister would give this his undivided attention. I do not like calling on my colleagues to do things. I always like to make sure they are done through the correct channels and I have expressed this view with a degree of dissatisfaction that nothing has been done there since 1980.

Dr. R. C. HAYNES: Mr. Speaker, just one or two brief comments. We will of course wish on this side to expedite the passing of this resolution.

I wonder whether the Minister can give us any further information as to whether the highly visible slow down in activity in the construction of that road has anything to do with the delay in acquisitions or whether the slow down has nothing whatsoever to do with his Ministry, but is more concerned with the Ministry of Finance and Planning or the Ministry of Communications and Works or the general lack of funds available despite the OPEC loan and so on....I do not want to get into that today, Sir.

I would also like to voice the same kind of concern as the honourable Leader of the House and give him my support in voicing his dissatisfaction, (Mr. B. M. TAITT: Former Minister of Housing.) the former Minister of Housing. His complaint, Sir, goes back some two years, two years, three years, but I would invite him the next time he is doing his campaigning in the Carrington Village area to have a look, Sir, at what has taken place on the playing field there as a communal effort by the residents in the area in association with their representative.
3.00 p.m.

I would like to draw to the attention of the Minister of Housing in the context of resiting, Sir, that the pavilion that was on that playing field has rotted away, has been taken down and that now that such a major effort has been done on a community base, not costing the Government of Barbados a single cent – it is a beautiful playing field being developed there, community centre with a playing area for children and so on – whether he would not think it would be a good idea to demonstrate his support for the deprived persons in this community by putting one of those pavilions, even if he puts the one that is lying down there for the Leader of the House – I do not mind if that one is put in Carringtons Village rather than in St. James. I would readily accept it.

Hon. DeL. O. BRADSHAW: Mr. Speaker, I would like to respond to the honourable Member for St. Michael South Central. The honourable Member should know that I am Minister of Housing and Lands. I am not the Minister responsible for putting down pavilions. The appropriate Ministry, for his information, is the Ministry of Sport, and I hope that in future he will direct his questions or his queries to the appropriate Ministry.

When I am approached or requested as Minister to acquire lands for the erecting or provision of pavilions or any other facility, I am quite prepared to expedite such acquisition.

Turning to the question of slowing down of the work on the St. Barnabas Road, I know of no action that

has not been taken by my Ministry, surely by me as Minister, that would cause a slowing down of work. Every possible thing that had to be done by my Ministry has been done. I have made sure that my Ministry should not take the blame or be made responsible for any slowing down or stoppage of any project undertaken by any other Ministry.

On the question of the pavilion at Sion Hill, I know the concern of my colleague, the Leader of the House and Member for St. James North, but this is a question and a subject that I have addressed myself to on a number of occasions.

This is the second time my colleague has alluded to the matter, and I must repeat what I said then, and I will add a bit further on this occasion.

It is true that the pavilion was built by the National Housing Corporation, but I maintain that the Ministry or the National Housing Corporation is not the appropriate Ministry to deal with the maintenance or the running of such a pavilion. Once it is provided I think I am pursuing the very best policy of handing over or requesting the appropriate Ministry, that is the Ministry of Sport, to take over the building.

The pavilion has in fact been completed, as my colleague has rightly said, but I have made it abundantly clear to the National Housing Corporation that they should write to the Ministry or to the National Sports Council and the Minister responsible for Sport indicating that the pavilion has been completed and that it should be taken over by them at the very earliest convenience.

I have on more than one occasion enquired about whether action has been taken, and I have actually complained and expressed my concern that a watchman is paid from the National Housing Corporation funds to look after a building.

I have taken the matter up with the Financial Controller and the Manager, and it is a matter which I will not be taking very lightly. I am going to say on the Floor of this Honourable Chamber that I will certainly look into the matter and see that my directive has been carried out.

If those responsible have failed to do just that, then I will be left to take the appropriate course of action, but I will not stand here and lead this Honourable Chamber or anyone to feel that I have neglected my responsibility, or that I have shirked in taking certain actions which I feel ought to be done.

It is costing the Corporation money by paying a watchman, and on the other hand I think it is something which I do not think I want to condone. It is a very serious situation where a building is lying there with no activity and left for the vandals to take care of.

I share the concern of the honourable Member, and I want to give him the assurance.....

Mr. SPEAKER: Who is the owner of the building?

Hon. DeL. O. BRADSHAW: By law, Mr. Speaker, so long as the building is built by the National Housing Corporation, the lands are in the hands of the Ministry of Sport, then it is their building legally. It is a legal technicality. When you build on people's land they ask who the building belongs to, but the question here is that the National Housing Corporation built the building for the Ministry of Sport, and I have told them that they should write to the National Sports Council and the Minister of Sport and ask them to place a watchman there, that we will be withdrawing our services, and I am very surprised that this course of action has not been taken. So I want to give the honourable Member the assurance that I will be addressing myself.....

Hon. L. S. CRAIG: Sir, if my colleague would just give way.....

Mr. SPEAKER: On what does the Honourable Minister rise?

Hon. L. S. CRAIG: On a point of elucidation, Sir, and the honourable member has given way. Apparently the Minister misunderstood me, because my great concern was also the playing field. I made mention of the pavilion and the playing field which has not been attended to, and he did not make any reference to that. I would only sincerely hope that if it is the Manager that the Minister could tell him that I am not the nicest person to play with.

Hon. DeL. O. BRADSHAW: Mr. Speaker, I must rise again to point out that if it is the playing field it is not the responsibility of the National Housing Corporation nor I as Minister. Playing fields fall under the ambit of the National Sports Council and the Ministry of Sport.

I am talking about the building that was built by the National Housing Corporation and to the best of my knowledge the keys were in the hands of the National Housing Corporation. I referred to that and I feel that the keys should be handed over to the National Sports Council and the Ministry of Sport.

I will make sure that that is done, and I think it should be handed over to the appropriate Ministry from there on.

With that, Mr. Speaker, I hope I have answered the queries of the two honourable Members who have spoken on this matter.

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

RESOLUTION TO APPROVE COMPULSORY ACQUISITION AT GLEBE LAND, ST. GEORGE

Order No. 7 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Glebe Land, St. George, for extending and improving the Thelma Vaughan Memorial Home.

Hon. DeL. O. BRADSHAW: Mr. Speaker, this Resolution seeks to give parliamentary approval to the acquisition of a portion of land which has been occupied by the Thelma Vaughan Memorial Home.

The Thelma Vaughan Memorial Home, as you know, has been providing a service to several disabled children of this community.

Way back in 1975 the then Government of the Democratic Labour Party took a decision to convey an area of land, which was then in the hands of the Government, to this particular Home. The decision was confirmed by the present Government in 1979 and it felt that the titles to the land should be handed over to the Trustees of the Thelma Vaughan Memorial Home.

But there was a legal technicality in that the land apparently had passed into the hands of the Government and the titles to the land could not be found. The Crown Solicitor therefore advised the Government that in order to facilitate the handing over of the titles, it should do so by invoking the Land Acquisition Act.

I must say that this is nothing unusual, neither is this advice unusual because it was done in other cases before.

The whole purpose of this acquisition, therefore, is to be able to establish an indefeasible title, as it is termed, to the land so that it can be handed over to the Thelma Vaughan Memorial Home.

I must point out that the honourable Member for St. Michael Central must be given full praise for the excellent work which he has done on behalf of those less fortunate children of the Home.

It is my understanding, Mr. Speaker, that he has been to the forefront as a standard bearer in raising funds for this Home, and I understand – although he has not told me this officially – that it was through his instrumentality that over \$107 000 was raised over the last couple of years for the uses of this Home.

I do hope that other public spirited persons will join him in carrying out such a wonderful job. And I must take this opportunity to thank, on behalf of the Thelma Vaughan Memorial Home, and on behalf of the Government, all those who have from time to time, year after year, made their contributions in either a small or big way towards helping to maintain the Thelma Vaughan Memorial Home.

As I said before, a building has already been erected and the land is under utilisation by the Thelma Vaughan Memorial Home at the moment. So it is not a question of purchasing any new land, but I would think it is just a matter of regularising something that needs to be regularised for a worthy cause.

I beg to move that this Resolution do now pass.

Mr. A. TRUSS: Mr. Speaker, I rise to second this Resolution to approve the compulsory acquisition of land at the Glebe, St. George for extending and improving the Thelma Vaughan Memorial Home, and to report that this extension has already been carried out by the Home. It was just a question of getting a clear indefeasible title for the land that was necessary, and this is very difficult.

Mr. Speaker, I am very concerned that in Barbados in the 80s there are not sufficient laws on the Statute Book dealing more specifically with handicapped people of Barbados.

It is difficult to estimate how many handicapped persons there are in Barbados, and by handicapped I do not mean particularly the physically handicapped alone, but the blind, the deaf, the dumb, and the mentally retarded. Physically incapacitated is considered physically handicapped, so when I say physically handicapped I mean all those persons.

I believe that certain legislation would have to be passed in the not too distant future in order to ensure that there are established rights for the handicapped in terms of non-discrimination as far as employment opportunities are concerned.

There is still this feeling that a handicapped person cannot function within the society and cannot make a contribution to the society. And I believe that it is time that we move away from that sort of thinking.

There is need to ensure for example, Mr. Speaker, that laws are there to ensure that blind persons would be given priority to have vending machines, or sell newspapers, on Government property or in Government buildings.

I believe, Sir, that minimum wage legislation dealing specifically with handicapped people has to be introduced, to spell out to the employers that because a person is handicapped that person is still a citizen of this country, is still a human-being and therefore must not be exploited.

I believe that the Minister of Finance should go even further and perhaps introduce a tax credit to companies that would extend certain opportunities for people who are physically or otherwise handicapped.

Particularly in the area of those who are physically handicapped, Mr. Speaker, there is a lot of room in industry in Barbados and in the private sector where jobs can be done by these persons.

I believe special consideration should be given through the National Bank in terms of lending money to these persons who are physically handicapped that want to venture into a business of their own; special assistance can be given in terms of repayment schedules as far as repaying the loan which is borrowed, and special consideration can be given in terms of a reduction in interest rates.

In the area of education I believe a lot has to be done to ensure that the handicapped persons in Barbados are properly educated, or at least have equal opportunity to the educational requirements as any other citizen of Barbados, handicapped or otherwise. I believe there is room for improvement at the primary and secondary level to ensure that this comes about, and even at the university level.

I believe that specific vocational education and specific rehabilitation assistance must be made available to the handicapped persons in Barbados.

I am not privy to information that would give us more or less the amount of handicapped persons in Barbados. I dare say I do not believe that the Government is in a position to determine with any degree of certainty how many handicapped persons there are in Barbados. But I would imagine, based on my initial research, that there are in excess of 1 000 handicapped

persons. And these people are second class citizens in their own country because they are not properly looked after, and the time has come when special consideration must be given to these handicapped persons.

In the area of education, although there are handicapped persons who are quite able to benefit from education at the secondary school level, they cannot get into the schools because if you are handicapped, as you would know, Mr. Speaker, and you are in a chair, the chair cannot go up the steps and there are no ramps.

Ramps must be provided. Special toilet facilities must be provided at the schools to ensure that a handicapped person can go to school and the facilities would be there.
3.20 p.m.

There are areas of special education that must be designed to fit the unique needs of the handicapped persons in Barbados and to date no real plans have been established to deal with the matters.

Also in the area of transportation, Sir, I hear an aside. I am not putting any lashes in anybody. I am quite sure there may be steps.

Mr. SPEAKER: Continue to address the Chair.

Mr. A. TRUSS: Thank you, Sir. There may be steps at present being considered in education, in employment opportunities, in transportation and housing to deal with the handicapped of which I am not aware of, which the country is not aware. I am not privy to that information — I do not sit in the Cabinet.

And if I am calling for something for which has already been taken into consideration, I would expect someone in the front bench to get up and say so. I do not know, Mr. Speaker. I just think that since I am involved in dealing with handicapped persons that I come across, day after day, I should talk about the situation which handicapped persons are faced with in Barbados.

In the area of transportation, Sir, a newer outlook is needed on the problems of mobility. Because if you are going to talk about employment opportunities and educational opportunities, it would mean, therefore, that in order for a handicapped person to travel from one place to the next he would have to use the bus services.

Perhaps the Minister of Transportation may see the necessity to ensure that there are special equipment on

buses that would be able to transport the handicapped persons by folding up wheelchairs and putting them inside and carrying them from one place to the next.

If we are considering ourselves to be a developing society, we must look after those people who are not as fortunate as ourselves, Sir.

In the area of housing, there is a need for a National Housing Corporation project that will deal specifically with the handicapped in Barbados. I am not saying that you should set up a project in order to isolate the handicapped people in this country, but surely the needs of the handicapped person are different from the needs of the average person. So I am calling for some sort of policy to be developed with respect to housing, transportation, education and employment that will satisfy the needs of the 1 000-odd handicapped persons that we have in Barbados.

I recognise, Mr. Speaker, that we are a poor society in a sense, and that money is limited, as far as expenditure is concerned, in these areas. I recognise this, and I understand the problems that this Government is faced with — as I understand it, the problems that the former Government were faced with — but it does not change the need to develop a comprehensive programme to ensure the education, employment opportunities, transportation and housing needs of the handicapped in this country, Sir.

I would like to thank the last Minister of Housing, because he was the one who was involved in assisting us at the Thelma Vaughan in getting the land; and the present Minister of Housing for piloting the Bill.

I would like to thank the Minister of Welfare who took a revolutionary step in 1978, I believe, and almost tripled the subvention, because when we came into power in 1976, the Thelma Vaughan Home was granted a subvention of \$18 000.

Mr. SPEAKER: I wonder if there is any such Minister, a Minister of Welfare.

Mr. A. TRUSS: The Minister responsible for Welfare, Sir. I am referring to the honourable Member for St. Michael East. Community Services, I believe.

The honourable Member for St. Michael East was the Member that increased it from \$25 000 to \$50 000, initially, and then from \$50 000 to \$75 000. When we came into power in 1976, it was \$18 500.

So a lot has been done, not only in the area of the Thelma Vaughan Memorial Home, of which I have some

connection, Sir, as Chairman of the Fund Raising Committee, but in several of the other Homes that deal with the physically handicapped persons in Barbados this Government has been conscious.

But I am saying that this consciousness must be carried even further. And there is a lot that can be done that would cost the country nothing at all in terms of passing certain types of legislation. For example, if one passes a law for minimum wage for handicapped workers, it would not necessarily cost the country anything; but it would ensure that the people out there would not exploit handicapped persons. If a tax credit for companies which employ handicapped persons was extended, the cost of this sort of gesture would be negligible.

The cost as far as education, transportation and housing is concerned certainly is a great cost to the country. But I believe, Mr. Speaker, that in the 1980s, we must address ourselves to these problems. And I urge the front bench, Members of the Cabinet, to take into consideration the points which I have mentioned, because these are things which I deal with on a day to day basis, Sir.

I hope that no one has taken offence. Like I said, if these things are presently being thought of, I would appreciate if the present Minister would get up and state that. I am not privy to that sort of information, Sir.

Thank you, very much.

Hon. Dr. D. G. BLACKMAN: Mr. Speaker, I had no intention of speaking on this measure, but it is necessary for me to correct certain misinformation which might have been pervaded to the House.

There are several on-going programmes for the handicapped in Barbados. Starting with welfare, since I have been referred to as the Minister responsible for welfare; in 1977 blind people received old age pension at 25. This was reduced to the age of 18. And another category of handicapped persons, the deaf and dumb, were included on the roll, and they are now eligible for old age pensions, since 1977. They are some 1 800 persons with this disability who are now receiving old age pensions as opposed to about 500 prior to 1976.

In addition to this, the Ministry of Labour, through the Employment Exchange, had for years established a sub-agency, within the Employment Exchange at Verona House, which deals specifically with the placement of disabled persons. And in the last four years they have placed approximately 200 disabled persons.

I believe that before people spout off, Mr. Speaker, they have an obligation to investigate the facts. This is the International Year of the Disabled and my Ministry has prime responsibility for organising the activity of the International Year of the Disabled.

The increase of the subvention to the Thelma Vaughan Memorial Home represents, by one tiny fact, the Government's work in respect to promoting the interest of the disabled.

In anticipation of the celebration of the Year of the Disabled, the Child Care Board has instituted a policy, for the first time, of placing mentally retarded children in the Children's Home.

The conventional wisdom among child psychologists was that if you placed mentally retarded children in juxtaposition to children who are considered to have normal intelligence that it would operate to the detriment of the latter.

We have now, for approximately one year, instituted a programme where we have disabled children living side-by-side with children of normal intelligence and it has operated to the benefit of both.
3.30 p.m.

In the case of the disabled children, while their chronic condition cannot be cured, it has been distinctly ameliorated. In the case of the normal children, it is an important experience in developing compassion, a quality that is all too rare in this society today.

And therefore Mr. Speaker, our programme is aimed at establishing a special centre. Only two months ago, I have had discussions with Miss Virginia Membry, who is a representative of the National Children Home in this country, with the view to receiving funding from that organization for the establishment of a centre for the retarded. In this respect, Barbados is in the forefront of developing countries.

Among developing countries, child care essentially concerns itself with placing children in mass institutions. We are moving away from that kind of policy and our child care institutions are among the best in the world. We are now making a thrust into problems which, hitherto, only developed countries have been able to tackle — and that is to set up special facilities for dealing with mentally retarded children.

Disability is not only a function of some birth defect or some generic defect — disability also comes from age. I do not want to discourse upon the programmes which have instituted for the aged and infirmed who have been abandoned in this society. I do not want to go into that, but there are many, many more things I could talk about. But I do not wish to go into it.

We support, substantially, the School for the Deaf, the Challenor School for the Blind, and all of these institutions.

I thought that any enlightened legislator would be aware of these things, because they can be found in the provisions of the Estimates, year after year, and I have made public speeches which have been reported repeatedly. We have obligation, Mr. Speaker, to do our homework and not to misrepresent the position of the Government. Thank you.

Mr. SPEAKER: The question is

Mr. B. M. TAITT: Mr. Speaker, Sir, I have a few brief words to say on this piece of legislation which seeks to acquire some land. I was a little concerned when the honourable Member for St. Michael Central opened his remarks by saying that the extension has already been carried out. I believe he speaks from a position of knowledge.

And he said something about only needing to pass this Resolution to provide and he said indivisible I don't know what it is he is looking for — but he means infeasible title. He said infeasible? Sorry, I did not hear him very well. I beg your pardon.

The point is, Sir, the honourable Member who introduced this Resolution will no doubt set us right on that, because I do not know what is the special line of information which the honourable Member for St. Michael Central has in these matters. It seems to me he has a more direct line than some of the honourable Members who sit on the front bench on some of these matters. But that is not the gravamen of my input this time.

I do not believe that any enlightened legislator — to coin a phrase from my friend will have any question about the necessity, or any difficulty about the disability of having a progressive policy for the handicapped in Barbados. At the same time, none of us would delude ourselves into believing that that policy, whatever it is, progressive as it is, can fall outside of the ambit of the total development of the community in which we live. I do not wish to intersperse myself between any argument of the one Member and the other.

I really rise in my place to speak

Mr. A. A. TRUSS: On a point of elucidation, Sir. Mr. Speaker, I really do not think there is any argument between the Minister and myself.

I talked about educational opportunities in the primary, secondary and university levels; I talked about transportation and housing and the honourable Minister never touched on these items at all. So as far as I am concerned, there is no conflict at all.

The Minister has made his point in relation to what he is doing, and I am aware of what he is doing in that area.

I have talked about different areas such as acts to deal with minimum wage, tax credit for companies, education, transportation, and housing. And the Minister never dealt with any of these things. So there is no conflict Sir.

Mr. SPEAKER: So what is your point of elucidation?

Mr. B. M. TAITT: Mr. Speaker, I wonder if there is any provision that can be made for the intellectually handicapped. I do not believe he is ignorant, I believe he is intellectually.....

Mr. Speaker, I was raising the question, Sir, and I am not going to intersperse myself again with any argument about the ignorance, abnormality or otherwise of any person or persons who ought to know better, Sir.

What I want to raise with the honourable Member is a matter which has caused me grave concerned for some time, and it concerns the honourable Member, Sir.

For some time now, every now and again when one opens the newspaper, one sees the honourable Member either handing out a wheel chair or being involved with some handicapped person in this community.....

Mr. SPEAKER: Are you talking about the Thelma Vaughan Memorial Home?

Mr. B. M. TAITT: Yes, Sir, including the Thelma Vaughan Memorial Home. The honourable Member used these words, "that the physical handicapped must not be exploited." And I wish, in all sincerity, to say to the honourable Member on the floor of this House: there are many ways in which persons can be exploited.

I believe, and I cry shame every time I see a politician, on either side of this Honourable House, who does good works, and who turns around and spoils those good works by seeking to gain public acclaim for those good works.

I am suggesting to the honourable Member that whenever he is going to hand out either a wheel chair, or give some other assistance..... (*Asides*).....I beg your pardon, Mr. Speaker. In other words, I am not criticising the honourable Member I am just saying that in the future.....

Mr. SPEAKER: All right, your public relations are.....

Mr. B. M. TAITT: No, Mr. Speaker, I am very serious about this. I believe, especially concerning handicapped people, that if you see the Press coming up to take the photographs of the handing out of something like that, you should ask the Press not to publish.....

Mr. A. A. TRUSS: On a point of elucidation, Sir. If the honourable member would give way. I have certain physical handicapped persons in my constituency who made requests that chairs be granted to them, Sir. I wrote letters and the Lions Club was one of the organizations who came forward with a chair. They organised the Press, I never knew that the Press was going to be there.

Mr. Speaker, secondly, I saw in the newspapers that the new Consul-General in Toronto was granted a wheel chair by some organization up there. I immediately wrote to the Consul-General and said to him, "I have a person who needs that chair." I gave him the man's name, his address, the age and so on. Upon arrival, and the presentation of the chair, I saw the Press. The Consul-General brought the Press — not me, Sir. (*Laughter*) 3.40 p.m.

Mr. B. M. TAITT: I have no doubt, Sir, that.....

Mr. SPEAKER: I think we are doing a bit too much with the taxpayers' time.

Mr. B. M. TAITT: Yes, Sir.

Mr. SPEAKER: I do not see it is within me, or within any other honourable Member, to suggest to me, whether on the Floor or otherwise, how I should live my public life; because I am a public figure, how I should live my private life, whatever.

Mr. B. M. TAITT: Mr. Speaker, I agree with you entirely. When however the question of the handicapped is being canvassed on the Floor of the Honourable House in the terms in which the honourable Member has canvassed them, in which he seeks to provide for the handicapped a situation which exists for the non handicapped.....

Mr. SPEAKER: You know in the Chair here I hear of so much but it reminds me of people who receive money for renting out their buildings to the one-armed

bandits and then come here condemning the one-armed bandits. (*Laughter*) That is the kind of thing, and I do not want to become involved in the debate. (Hon. L. S. CRAIG: Do not get up. Do not fall into the trap.)

Mr. B. M. TAITT: Are you finished, Sir? Mr. Speaker, Sir, I wish to return to the debate. I really believe that it is a measure of exploitation, however unintended, when we use those who are handicapped, inadvertently or otherwise. And I am merely calling on the honourable Member who spoke so eloquently on this subject in the future to spare us the pain which he causes us each time, at least spare me the pain he causes me when I see this in the newspapers.

I wish to ask the honourable Minister another question, Sir.

Mr. A. TRUSS: Mr. Speaker, Sir, on a point of elucidation — one last point if the honourable Member would give way. If the honourable Member will give way, Sir. One last point. I promise I would not interrupt him again. (*Aside*)

Mr. SPEAKER: All right he has given way.

Mr. A. TRUSS: Mr. Speaker, there are so few times in the life of a handicapped person that if it gives them pleasure for me to stand next to them and have a photograph taken, I do not believe I should deny them that privilege and pleasure, Sir.

Mr. SPEAKER: The honourable Member feels that one honourable Member is using the handicapped to bolster his political image. That is what he feels.

Mr. A. TRUSS: Mr. Speaker, on the same point of elucidation. I was involved with working with the handicapped children long before I had political ambitions, Mr. Speaker. Long before! Since 1971, when I returned from university.

Mr. B. M. TAITT: I, Mr. Speaker, am not concerned with whether the.....I am not even concerned if the person is trying to bolster his image. I am suggesting that no one — let me move away from the honourable Member — no one ought to use the handicapped, including the aged as my honourable friend has said — the handicapped.

I once saw one of my colleagues on this side in a newspaper photograph distributing a hamper and I spoke to that honourable Member and suggested to him that I believe that that is a form of exploitation of the handicapped.

So I am not speaking primarily because he has spoken. I am suggesting to him that it is a form of

exploitation which should be included in the list of goodies which he wishes to see for the handicapped in this country.

I would like to ask the honourable Member on this question of the Glebe in St. George, (*Asides*) Not me? I am.....

Mr. SPEAKER: We must have some order, please. (*Asides*) Let us have some order on the Government benches.

Mr. B. M. TAITT: Mr. Speaker, I would like to ask the honourable Minister who introduced this Bill a question of the Glebe Land in St. George. The Glebe has been the basis or the subject of some discussion for some time, in terms of its expansion, in terms of a whole complex, and, as I understand it, the Thelma Vaughan Memorial Home would form part of the development of the Glebe or the Glebe Land. If I am incorrect and the honourable Minister would so indicate, I would not proceed down that line.

But as I recall, as early as 1976, 1977 I believe, there was a master plan, in conjunction with the Anglican Church, for the development of the Glebe. And it was my understanding that this was to form, I am not sure if this was to be one of the two new cities which were to be built during that session or if this was a separate and distinctive development project, but I know there was a plan or there were plans.....

Mr. Speaker, I am having a little difficulty hearing myself. The noise that is Mr. Speaker, I am saying to you, Sir, that the noise coming from that room is causing me to lose my own concentration. (Hon. L. S. CRAIG: The Speaker can hear you.) (Hon. DeL. O. BRADSHAW: I am hearing you though. Go ahead.)

Mr. SPEAKER: If it were coming from this direction, I thought it would reach me first.

Mr. B. M. TAITT: You may have something that stops you from

Mr. SPEAKER: Alright, I will take care of it.

Mr. B. M. TAITT: Thank you, Sir. I would like to ask the honourable Member whether, in fact, it is still the intention of the Government to have this development in the Glebe, and whether the Government has acquired the land? Are there any difficulties which have occurred which have prevented or precluded the acquisition of the land? How far has the Government reached in the development of that project or if that is a project that has been abandoned?

I believe that I have asked essentially the question I wished to ask. There are certain other aspects of it which

would more properly be dealt with under another acquisition or some other type of Resolution. But I will leave it at that for the time being.

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

Hon. L. S. CRAIG: Order No. 8, Sir.

Mr. SPEAKER: Order No. 8.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT HOLETOWN, ST. JAMES FOR THE CONSTRUCTION OF A POLICE STATION AND MAGISTRATE'S COURT AND ALSO FOR THE PROVISION OF ACCOMMODATION FOR THE RATES AND TAXES DIVISION

Order No. 8 was called – To move the passing of the resolution to approve the compulsory acquisition of land at Hometown, St. James for the construction of a police station and magistrate's court and also for the provision of accommodation for the Rates and Taxes division.

Hon. DeL. O. BRADSHAW: Mr. Speaker, Sir, this Resolution seeks to get parliamentary approval for the acquisition of portions of land in the St. James area. The Ministry of the Attorney-General has requested that this Ministry acquire land in order to provide for a Police Station, a new Magistrates Court and the complex which will see the re-siting or provisions made for accommodating the Rates and Taxes division.

I suppose most of these plans have already been revealed by the honourable Attorney-General and on this occasion, I would not wish to go into detail. Sufficient to say that the Government has decided to pursue the question of compulsory acquisition in keeping with the Cabinet decision to bring all land acquisition matters before this Honourable Chamber.

The Addendum is quite straightforward and simple, and I move, therefore, that this Resolution do now pass.

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

Mr. SPEAKER: The question
3.50 p.m.

Mr. P. M. GREAVES: Mr. Speaker, I will be very brief on this matter. I support the idea of improving the Police Station facilities at Hometown. I also believe that the Hometown Magistrate's Court needs considerable improvement. Quite frankly, Sir, it does not strike one as though it is suitable for a court at all, although that is generally true for most of the courts in Barbados.

If you are going in for providing new facilities for the police and for probably extending the courts, I would

suggest perhaps that the court at Oistins might be a model at this time to be used in constructing any new court that is to be constructed. But that is not the real point I really have risen to make here.

Whereas I support in principle the development of these stations and other facilities that that area offers to the general public, I frankly believe that those facilities should be offered elsewhere in the area.

I believe that that land is too valuable and too high priced. That is my belief. I believe that that land there is too valuable to be used for that purpose, and I would support the acquisition of any land in St. James, Hometown area, less valuable land, for the construction of buildings to provide these services that we are seeking to provide here by virtue of this Resolution.

I would invite the Government to have a look at this aspect of the matter. There are lands in the Folkestone area on the other side of the road. I believe it is part of the plantation owned by the Panama Estates, I do not remember the name of it. I am not talking about Zone I land now, there are other lands from the Porters area coming right back up to Folkestone and it is behind there that I see a road has been constructed, and there is some open land behind there, and I would suggest that the Government have a look at that land again, because I honestly feel that the services that are provided on this land could be provided elsewhere.

Hon. H. B. ST. JOHN: Mr. Speaker, the point made by the honourable Member was canvassed very elaborately in the Planning and Priorities Committee, and the honourable Member for St. James North can tell the House that there are a number of considerations that had to be taken into account.

In respect of the area that he talks about at Trents Plantation, there are two factors which have inhibited the ability of the Government to acquire a site in that area. One is that a large part of that land is in Zone I. That is a fact.

Secondly, Sir, part of the conditions of the development of the sea side of Trents was that alternate accommodation had to be provided for the tenants on the land side, so the road the honourable Member refers to is a road which is parallel to the main road between Maple Playing Field and St. James Church. There is a road inside which is parallel outside of Zone I, but the houses on the sea side had to be moved over there. After you take off that bit of land there were only a small number of house spots that were available.

The other thing is, a suggestion was made that the Hometown Police Station should be moved inland, and then you came into the objection of the police who said

that is a highly sensitive area and that their opinion was that if you wanted to police it properly you should have the presence of a Police Station plumb in the middle of it. So the Government was caught between these conflicting opinions and we considered them very carefully too.

As a matter of fact, the honourable Member for St. James North battled this and a scheme was devised that compatible with the development of the Police Station, the expansion to its new requirements, that we would buy the surrounding land so that we would have to have an enlarged public area with full access to the sea.

I well remember this, I remember this very clearly. So the expansion of the St. James Police Station is going to be part of an overall area for public access. I remember this very distinctly.

Now, there was a question of the restaurant. All the problems that we had with that restaurant was down there, and a whole scheme — I believe a Mr. Ramsay did a land use plan — how you could combine the objectives of expanding the Police Station and the creation of a large public area, because our aim is to provide better access in that area.

If you look at that area from Sandy Lane coming right down to Folkestone now, a large part of it is devoted to the marine museum and to the tennis courts. The more I talk about this, the more I remember it very carefully. If people were to bathe and carry out the normal pursuits that we do on a beach within the marine area, you ran into the problem of a conflict of jurisdiction with the marine part, which is an area reserved for special diving and that sort of stuff. But you still needed an area for the public to have access to the sea, and we hit on the combination of expanding the police station and enlarging the whole area into a public access area.

It is not too valuable. When you say the land is too valuable, the greatest value that we placed on that land was that that is the one remaining area to which the public of Barbados must have complete access. So I do not see how you mean it is too valuable. (Mr. P. M. GREAVES: I did not suggest that you sell it, I said you should retain it).

But the Police Station is compatible, it has been so designed that the expansion of the Police Station will take place there, in deference to the views of the Commissioner of Police which we have to take into account.

If the other area was not Zone I, the Planning and Priorities Committee would have gone on the other

side. All along we wanted to go on the other side, but we had the tenants to accommodate, the police to accommodate, and we had beach facilities to accommodate. So we took all those matters into account.

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT WATERFORD PLANTATION, ST. MICHAEL

Order No. 9 was called — To move the passing of the Resolution to approve the compulsory acquisition of land at Waterford Plantation, St. Michael for the construction of a water reservoir for the Barbados Water Authority.

Hon. DeL. O. BRADSHAW: Mr. Speaker, the Central Planning Committee recommended that a pumping station should be constructed at Waterford in order to augment the water supply to the Lodge Hill reservoir.

It is now common knowledge that that particular area has been suffering over the past years due to low pressure and sometimes the scarcity of water, and in order to boost water supply in that area, it was recommended that this new pumping station be constructed. 4.00 p.m.

The request by the Water Authority to compulsorily acquire the land has been approved by the Cabinet. And I must state that the compensation for the land will not be made by the Ministry of Housing and Lands but rather by provision that is made under the Water Authority. I wanted to make that point so that honourable Members on that side would not think that all acquisitions mean commitment by the Ministry of Lands.

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

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

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

RESOLUTION TO APPROVE THE AMENDMENT TO RESOLUTION No. 74/1979

Order No. 10 was called — To move the passing of a Resolution to approve the amendment of Resolution No. 74/1979.

Hon. DeL. O. BRADSHAW: Mr. Speaker, this Resolution had the blessing of this Honourable Chamber

in 1979 and it is here once again to correct an error which was found in the Addendum to that Resolution.

I beg to move that the error be corrected and that this Resolution do now pass.

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

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

RESOLUTION TO COMPULSORILY ACQUIRE LAND AT OISTINS, CHRIST CHURCH

Order No. 11 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Oistins, Christ Church for the siting of a Post Office and a Bus Terminus.

Hon. DeL. O. BRADSHAW: Mr. Speaker, here again the Addendum to this Resolution is quite straightforward and simple. It is part of the development that is going on at Oistins. The Resolution seeks to acquire this land in order to facilitate a Post Office and a Bus Terminus.

I beg to move that this Resolution do now pass.

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

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

THE ADJOURNMENT

Hon. L. S. CRAIG: Mr. Speaker, this brings us to the end of Government Business for today and the end of today's sitting.

I beg to move that this House do now adjourn until Tuesday, June 15, 1982, at 12 o'clock noon.

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

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