
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, November 2, 1982

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

PRESENT

His Honour W. C. B. Hinds, J.P., (Speaker)
His Honour C. L. Bolden, LL.B., (Deputy Speaker)
Hon. L. S. Craig, (Leader of the House)
Hon. H. B. St. John, Q.C., LL.B., (Deputy Prime Minister)
Hon. Miss B. A. Miller
Hon. L. B. Brathwaite
Mr. J. G. Odle, B.Sc.
Hon. V. L. Johnson, M.A.,
Mr. B. M. Taitt, B.A., (Hons) M.A., LL.B. (Hons.)
Hon. DeL. O. Bradshaw
Mr. L. L. Sissett
Hon. Dr. R. L. Cheltenham, M.A., M.Sc., (Econ.)
Dr. R. C. Haynes, M.B., Ch.B., F.R.C.P. (Edin.)
Mr. P. M. Greaves
Mr. R. E. Brathwaite
Mr. L. A. Weekes
Mr. A. Truss

Prayers were read by Archdeacon F. A. CAYLESS.

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

MINUTES

Mr. SPEAKER: The Minutes of the Meeting of Tuesday, October 26, 1982.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes for October 26, 1982 be now taken as read.

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

Mr. SPEAKER: If there are no observations from Hon. Members, let those Minutes stand confirmed. (*A Pause*) Those Minutes are confirmed.

PAPERS LAID

Hon. L. B. BRATHWAITE: Mr. Speaker, I beg to lay the Health Services (Domestic Animals) Regulations, 1982.

GOVERNMENT NOTICES

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

A Bill to amend the Landlord and Tenant (Registration of Tenancies) Act.

A Bill to revise and consolidate the law relating to factories and the safety, health and welfare of persons employed therein.

PRIVATE MEMBERS' NOTICES

Mr. W. O. FRANKLIN entered the Chamber and took his seat.

Mr. SPEAKER: The honourable Member for St. Michael South Central, his notice of a motion.

Dr. R. C. HAYNES: Mr. Speaker, I beg to give notice of the following Resolution: –

Whereas thousands of Barbadians, who are not in arrears in the payment of their land taxes, have recently received notices of arrears of Land Tax, and

Whereas the receipt of those notices has caused serious and continuing distress to many law-abiding and honest citizens,

Be it resolved that this House call upon the Government to take immediate steps to withdraw those notices of arrears of Land Tax which have been sent to persons who are not in arrears with their taxes.

Thank you, Sir.

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

FIRST READINGS OF BILLS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that: A Bill to amend the Landlord and Tenant (Registration of Tenancies) Act be now read a first time.

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

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

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that: A Bill to revise and consolidate the law relating to factories and the safety, health and welfare of persons employed therein be now read a first time.

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

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

ORDERS OF THE DAY

Hon. L. S. CRAIG: You got left. You brought down your reporters. Stop grandstanding. I got three tax bills.

(Dr. R. C. HAYNES: And you paid? Do not pay, hear.)

Mr. SPEAKER: Government Business is the instant order of the Day.

Hon. L. S. CRAIG: You came down today with this big team and you are going to kick up. You know you do not have anything to discuss. Grandstanding all the time.

Order No. 2, Sir.

Mr. SPEAKER: Order No. 2.

PRISONS (AMENDMENT) ACT, 1982

Order No. 2 was called — To move the Second Reading of the Bill to amend the Prisons Act.

Hon. L. R. TULL: Mr. Speaker, Sir, sometime earlier this year the Prison Officers Association intimated to the Ministry of the Attorney-General that they had become disillusioned with the National Union of Public Workers and they wanted to break away from that organisation and form their own association to act as a body for carrying out negotiations with Government.

Mr. H. A. BLACKMAN and Mr. M. A. KING entered the Chamber and took their seats.

They also intimated to the Ministry, Sir, that they wanted to form an association that would look after certain interests of the prison officers that are currently at Her Majesty's Prison.

The Ministry did a draft Bill that is in consonance with the Fire Service Bill and the Police Bill relating to the Police Association, and circulated them to members of the Prison Association so that we could get their concurrence before we placed the matter before Cabinet and before Parliament, Sir.

There was intimation from the Association some months ago that they had agreed to the provisions drafted by the Ministry of the Attorney-General in respect of the Association, and this Bill, Sir, before the House is a culmination of the discussions between the prison officers and the Minister.

12.30 p.m.

They are satisfied with it, Sir, and in moving that the Bill be read a second time, I stand ready to answer any consequential questions arising out of this piece of legislation.

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

Hon. L. S. CRAIG: I beg to second the Bill, Sir, and I will make a very minor contribution to what is a matter that saddens me in the light that it appears that after many years of hard work by the people like Ambassador Moseley and High Commissioner Algernon Symmonds in the struggling years of what was then known as the Barbados Civil Service Association, now called the NUPW, I am very saddened to see people of the calibre of Joe Goddard, Ed Bowen and Horatio Cooke leading what may be called either a tactical or stupid battle against the Government, which may at some times be unnecessary and at other times necessary.

The Union in those years, Sir, when you and I were in the Opposition, and long before then, was a union I felt needed the help of any Government.

They have come a very very long way. They have bought Dalkeith House, once owned by Mr. Darnley DaCosta. That alone is prestigious. They are doing well.

But now that they are on the threshold of really carrying out their wishes and aspirations for the thousands of civil servants that they have been representing, it saddens me to see that the prison officers are dissatisfied with their actions and the way they are conducting their business, and have therefore broken away from the NUPW.

I only hope that I do not hear that the Government is undermining the NUPW. The prison, Sir, is where you have to hold people in custody so that the public can be protected in this day and age, you have people sent to prison and to the mental hospital by the Member for St. James South and costing the Government thousands of dollars.

The Association, therefore, which the Prison Officers have set about to establish, no doubt will be a very very wise move.

Mr. Speaker, I am again a little concerned myself, but sometimes the papers report things very inaccurately, and I read that the Leader of the Opposition had advocated in no uncertain terms that the civil servants should withdraw their services and let Barbados be like St. Lucia to teach this Government a lesson.

In the evening of his years, a man who gave so much to this country, a man whose name I am sure is going to be written in golden ink for the researchers and the historians; your children and your great great grandchildren are going to sit down and read of the outstanding work done by the right honourable learned and gallant Member for St. John, the Leader of the Opposition — and now in the twilight of his political life he advocates disturbance, civil commotion. That is what he is advocating, disturbance and civil commotion.

During the years when this party was in Opposition, we stood the test of time. Never did the Member for St. Thomas — now Prime Minister, then Leader of the Opposition — or his colleague, the Deputy Prime Minister when he was in Parliament ever advocate civil commotion in this country.

We marched the streets in an orderly fashion on more than one occasion when Parliament did not meet, but for a responsible person like the honourable Member for St. John to make a statement, if it is true and accurate as reported in the Press, is something that means I must really re-examine my thinking about him.

If the Member for St. Michael South Central had made that statement, I would not have paid any attention

to it, because he is a wild swiper. He is like Collis King on a bad day, swiping like blind Elder. The Member for St. Michael South Central is accepted and recognised as an outstanding physician specialist. In the political field he is accepted and recognised as a man that the Member for St. John has foisted upon his party against the wishes and fancies of his party, and is known to be an irresponsible, wild person, with accusations that he cannot back up. So if the Member for St. Michael South Central had said it, I would ignore it, but not the Member for St. John.

Therefore, what do we get when we have civil commotion and disturbances in a country? People are held, unfairly at times or fairly, taken to court and tried, and in some cases they are set free and in others they are sent to prison. That is what I am dealing with, Sir, and that is why I feel that we, the politicians, need advocating what I would conceive to be national seminars, using the media — forgetting a lot of these horror pictures and these pictures showing you how to pick locks and how to gun down people. Remove these things and use our national television station to educate the grown-ups and to bring to the children in the schools a national thinking where this country is concerned.

The problem over the past years is that there is need for a complete rethinking in the entire society. I have just spent two weeks in the Bahamas, Mr. Speaker, and I would say that I had a first hand look at people who care for the industry that means most to them, and that is tourism; a country that is highly dependent on that, Sir.

I drove through Bay Street and through Shirley Street and I saw only two Rastas, and I had to ask my brother who was taking me around at that time if I only saw two Rastas in that space of time. He said there were not many around there because the people were too busy welcoming the tourists, not necessarily being subservient, not kissing them and begging them, but carrying a simple badge on their chest saying, "We Care For You" and treating them as visitors to a country.

If you have the Leader of the Opposition advocating civil commotion in the country, calling on the civil servants to withdraw their services from the Government, and going on further to say look at St. Lucia as an example. I would never wish to look at St. Lucia as an example, because it is unfortunate for a country like St. Lucia. Because of a power struggle, there has been chaos in Government because the civil servants were dissatisfied with the Government and the power struggle that they had. Now we hear the Leader of the Opposition advocating that.

12.40 p.m.

Now if he advocates that, you must run visitors away from our country and from our shores. You must

invite crime, and inviting crime means sending people to prison, where the wardens at the Prison are now looking for proper representation — and that is what it says here, looking for proper representation.

I will say this, Mr. Speaker, it would not be necessary to have an association if we did not have prisoners, because the wardens probably would not have these problems, but there are difficulties, probably, which exist there. The NUPW cannot reconcile the situation as quickly as they would like to have it done, and therefore, they would rather have their own association — and that is why this Bill is before the House.

I would hope sincerely, Sir, that in difficult times the Leader of the Opposition should be more responsible in inviting civil servants, especially those who are in key positions, like immigration officers at the airport, to cause civil commotion.

You go to Nassau — I was just there with one of my colleagues from the Other Side — and you would see the faces of the people, Mr. Speaker, at the airport welcoming you; not kneeling down and kissing your feet and begging you to come, but welcoming you with a smile.

I spent two hours, on one occasion, Sir, at a hotel waiting for dinner; and when I got it, it was a bad dinner. The dinner was bad and it was long, but it was the attitude of the people in the hotel, that when we left there that I came out feeling comfortable.

That is what this whole country should be thinking about. We should settle down and try to give some form of stability in very difficult years, and they are throughout the entire world. You have wars, not only economic wars, but people gunned down. There are murders. Barbados is not alone in this. This is a universal problem.

And when one would expect that the Leader of the Opposition with his years, a man who gave this country free secondary education, free school meals, and gave them independence, something that no water can wash away, no floods can remove it — his contribution to this country is one which is worthy of speaking about — now, in the evening of his years — I do not think that he is senile, I do not think so. He could not be senile. After spending four and a half hours on his feet, in spite of what the doctors may have given him to keep him going, but there is nothing wrong with that, delivering a message to this Parliament, whether it had depth or content — the time is important — I cannot think that he is senile, he could not be senile, Sir, but that statement, if it is accurate in the Press, is one of the most irresponsible statements ever made by him in his life.

I would hope that Barbadians, Sir, would not yield to that type of statement, but that they may say that he is getting on in years and, therefore, forgive the old man for what he has done, for he knows not what he has done.

Sir, there are no “maybe” about this. The Member for St. John will not be the Prime Minister of Barbados again.

Mr. SPEAKER: The honourable Member.

Hon. L. S. CRAIG: The honourable and learned Member for St. John. The right honourable gallant and learned Member will not be with the young turks waiting in the wings, and he knows well enough that the public will not see him as a man who is capable, mentally and physically, of carrying the country.

Look, I am not one of those hypocrites who walk about here and say that he has not done anything. He did a lot. He made a contribution. Hansard is going to reveal it. The researchers are going to have an interesting time revealing it.

But he still has a very dangerous upper cut. I am not really going to train to meet him. He has a dangerous left hook and an old time upper cut that you have to watch, a very dangerous one. He has one that lifts sometimes short of a length and upwards — unbearable at times, and I always say, in spite of his health and strength and his mental ability at this time, still watch him closely.

But I am saddened today to have read that report, if accurate. And if it is inaccurate, he must come out and condemn it.

Sir, it is unfortunate, but, Mr. Speaker, in supporting this Bill, I have no doubt in my mind that the wardens at Her Majesty's Prison would have given this quite a bit of consideration before they attempted such a step.

I do not like to see the disintegration of any Union in the country. That is not so. I support the Barbados Workers' Union. I would tell anybody, I have said it publicly, I have said it at the union headquarters at Mangrove. When I was Labour Minister, I called on Barbadians to join the workers union of their choice. Forget the political views — join the workers union of your choice.

This party is the founding fathers of the workers unions in this country. Join the union of your choice. I have always supported that, and, therefore, I am always saddened when I hear there is disintegration in the ranks of a union. I sincerely hope that this is not the beginning of things to come. I sincerely hope so, Sir.

Mr. Speaker, with those few remarks, I sincerely hope that my colleagues on both sides would appreciate that I feel very very strongly about an Association being formed as long as they can get the best benefits. But to leave the NUPW at this time of their life is something that I am really saddened about.

I call on this Government to allow the beach bums who like the white girls, the Rastas who like the itles, the church, everybody, to have what they consider a national seminar to bring to the people more and more what tourism is to this country, and beg them, appeal to them only to be polite and be kind to the people that you have invited to your country as your guests.

Finally, Sir, I would commend that Government, when they were in the Government, and this Government for being able to bring 350 000 or 380 000 or 400 000 tourists, how many there are, Sir, I am not quite sure of the figures, 380 000 to this country.
12.50 p.m.

When I look at it closely, I realise that you can get from Freeport to Miami, or you can get from Nassau to Miami in half an hour, and in Barbados, thousands and thousands of miles away, we are making it difficult for visitors to this country when they come here — when places like Nassau are being polite, friendly and nice to their visitors.

With those few remarks, I beg to second the motion.

Mr. M. A. KING: Mr. Speaker, I would like to get back to the debate on the Prisons (Amendment) Act, 1982. The honourable Member for St. James North made a significant point towards the end of his statement when he said "I sincerely hope that this is not the beginning of things to come." That is precisely how we on this side feel about this Bill. We hope that this Bill is not the beginning of things to come.

Mr. Speaker, the honourable and learned Attorney General, in introducing this Bill, said that it was the culmination of the discussions between the Prisons Officers' Association and the Government, and he further said that the association had agreed with the provisions of the Bill which are now before this Honourable House.

I wonder, Mr. Speaker, if the Prison Officers' Association, if they really agreed with the provisions of this Bill, understand what they were agreeing to, because the first essential point to note about this Bill which is before us today is that if it is passed, it will deprive the prison officers of a freedom which they now enjoy, and I am talking about freedom of association and assembly,

which is one of the freedoms, incidentally, guaranteed under the Constitution.

Traditionally in this country, the Prison Officers have enjoyed freedom of association and assembly, and in pursuance of that freedom they had joined the National Union of Public Workers, before that the Civil Service Association, and the Prison Officers had a division within the National Union of Public Workers.

So if this Bill is passed in the form in which it is, it deprives them of the freedom which they once had. It would mean they could no longer be members of the National Union of Public Workers, or of any other union for that matter. It effectively prevents them from being members of a trade union in the form in which we know trade unions function.

The question is, can the prison officers be said to have agreed to this when, in fact, what they had asked for was to be recognised? The Prison Officers' Association had asked to be recognised as the bargaining association of the prison officers, and they asked that the appropriate bargaining status be given to them.

It is true that they had indicated that they did not want any longer to continue as members of the National Union of Public Workers, but in doing that they were saying to the Government "Well look, we want to be recognised as a separate and independent union".

I do not at all believe prison officers were saying that we want our own trade union freedom restricted. I do not believe the prison officers were saying that we do not now want to have the right of association and assembly in the broadest form, as guaranteed by the Constitution, and that we want you the Government to restrict our rights to bargaining freely as we have been accustomed to through the National Union of Public Workers.

So the response to the Prison Officers' Association by the Government to their request for independent status as an association was, in my submission, to use this sledge hammer on them and say "Well look, we are going to put you in the position where you have an in-house union, so to speak, but you cannot have the full rights of a trade union as you once had."

Now I can see immediately that the response to this line of argument from the Government could very well be "Well, look, the police officers have an association, the Police Service Act; the Fire Service officers have an association, the Fire Services Act," and that you are bringing the Prison Officers Association in line with the Police and in line with the Fire Service.

But one cannot ignore the historical background to the whole position. One has to recognise that the Prison Service was never the type of service categorised like the Police Service which, traditionally, has been one of the disciplined services in the country.

The Police Service has always been regarded as a disciplined service and therefore not a service which was open to unionisation. That principle, Mr. Speaker, is recognised in the Trade Union Act, Cap. 361, where police officers are debarred from the benefits of the Trade Union Act.

I refer, Mr. Speaker, to Section 44 of the Trade Union Act, Cap. 361, which states that "this Act shall not apply to persons in the naval, military or air services of the Crown or in the Police Force." So the Trade Union Act has always recognised that certainly the naval, military and air services of the Crown were disciplined services which were not to get the benefits of trade union legislation and, as well, that the Police Force was one of those forces which were outside the benefits of trade union legislation.

What is happening to the prison officers now as a result of this legislation, bearing in mind that historically they have never been subject to the restrictions which the discipline forces have been subject to, is that prison officers will now lose all the rights to unionisation. It means that if any of them who are now members of the National Union of Public Workers continue as members of the National Union of Public Workers after this legislation is passed, that they can be dismissed from office. They cannot hold office as prison officers.

In the amendment, which is stated as Section 24(a) of the Act, they cannot make any representations "in relation to any question of discipline, promotion, transfer, posting, leave or other matter that affects an individual member of the Association."

That is extremely wide. That, effectively, emancipates the group as an effective association, and I cannot see how it is possible, in the light of what the prison officers asked for, that they can be satisfied and content with a Bill which is framed in this way - to deprive them of so much effective representation in anything relating to their activities.

1.00 p.m.

Mr. Speaker, one of the consequences of this Bill is that if prison officers are dismissed as a result of any activity of a union nature, they cannot get the benefits of the Trade Union Act, which would prevent any employer adversely affecting their employment because they participate in any trade union activity.

Section 40A of the Trade Union Act, Mr. Speaker, was a new section which was inserted to prevent employers from adversely affecting the employment of workmen once they were engaged in trade union activities.

So one of the consequences of this legislation is to deprive prison officers of this protection which, traditionally, they have had in Barbados, and which was enshrined in the Trade Union Act, Section 40A.

Another argument, which I am sure the Government could raise, is that although the Trade Union Act talks about the military, naval and air services of the Crown and the Police Force, when you look at the Constitution of Barbados, which guarantees the freedom of assembly and association, Section 21 of the Constitution, there is a proviso to that section which would allow restrictions to be imposed on public officers and members of a disciplined force.

When I opened, Mr. Speaker, I said that we on this side sincerely hope that this is not the beginning of things to come. If you use this argument that Section 21 of the Constitution, which provides for freedom of assembly and association, makes provision for passing legislation restricting that freedom - association and assembly - in relation to public officers and members of a disciplined force, and then look to Section 27 of the Constitution to see that "disciplined force" would include a prison service - disciplined force in the Constitution means a naval, military or air force, a police force, a prison service or fire service - that argument looks and may sound attractive on the face of it, that the prison service is a disciplined force by virtue of the Constitution, therefore nothing can be wrong with it. But that argument has within it, Mr. Speaker, the seeds of danger.

I remember the Leader of the Opposition, in discussing the Emergency Powers Bill in this Honourable Chamber, made a statement at the opening that not everything that is allowed is demanded - not everything that the State allows, the State demands.

If you carry that argument to its logical conclusion, the argument about prison officers being, by the Constitution, part of the disciplined forces and therefore, there is nothing wrong with the legislation as it stands, one can argue that in Section 21 of the Constitution, which gives the Government power to restrict freedom of association and assembly, that the Government may lawfully impose restrictions on public officers and members of the disciplined forces.

We have to be very cautious and careful that this is not the beginning of things to come, that this is not the thin edge of the wedge, particularly in view of the statement, which was made just shortly before I spoke, by the honourable Member for St. James North in his attack on the National Union of Public Workers.

Because carrying the argument to its logical conclusion, it would mean that the Government could

lawfully impose restrictions upon the National Union of Public Workers, in fact disband the National Union of Public Workers in the same way, and create a sort of in-house union among public officers, putting them in the same category as the Police Association, the Prison Service Association, and the Fire Service Association where they can no longer make representation in relation to anything connected with discipline, promotion, transfer, posting, leave or other matter that affects an individual member of an association.

Carrying this argument to its logical conclusion, and saying that the Constitution permits it and so there is nothing wrong with it, the Constitution will also permit Government to pass legislation which would effectively hamper and circumscribe the activities of the National Union of Public Workers.

That is what I meant, Mr. Speaker when, at the opening, I said that we on this side sincerely hope that this is not the beginning of things to come. The words of the honourable Member for St. James North are very significant. We hope that this is not the beginning of things to come.

The honourable Member for St. James North made a comment that the National Union of Public Officers was not effectively representing the prison officers and they wanted to be done with it.

May I say, Mr. Speaker, that this is not the first time that any division of a union has opted to break away from that union and to form a separate union. In fact, the teachers were the persons, effectively, to break away from the National Union of Public Workers and to form their own unions — there are now two teachers unions, the Barbados Union of Teachers and the Barbados Secondary Teachers Union. Political parties, Mr. Speaker, have been born out of breakaway groups from other political parties and that is why we are on this side now.

So the fact that one party, or one institution or one division of a union separates from the main body of the union, that is not necessarily, Mr. Speaker, an indictment of a union, the main body. It can be, but it is not necessarily so.

The prison officers felt that they could be more effectively represented by an association of their own, which would, perhaps, phone into the issues directly affecting prison officers. But in response to their asking for bargaining rights, in response to their asking for recognition as a trade union — and I submit that is precisely what they were doing, asking for recognition as a trade union and all the bargaining rights as a trade union — we find that an organisation has been conceded, but an organisation which, effectively, emancipates any

power which they may have to bring any of the known trade union pressures on their employers.

Mr. Speaker, this is not the time to go into the details of the Bill, but I am sure that it must be important that we understand clearly what we are dealing with.

1.10 p.m.

This Bill classifies a trade union as an unauthorised association, and in that category of unauthorised associations it includes —

any association

- (i) whose objects are for the purpose of subverting the good discipline of members of the service, and
- (ii) that the Superintendent, with the approval of the Governor General, in writing addressed to the head of the Association, declares to be an unauthorised association.

It also includes an association whose objects are the promotion of feelings of ill-will and hostility between different classes or races.

Mr. Speaker, it seems to me that there is something inherently wrong in classifying trade unions in the same category of subversive organisations within the country.

It is no answer to that to tell me it is in the Police Act, and it is in the Fire Services Act because if they are so classified in those bits of legislation, that is wrong as well. I am submitting that trade unions should not be classed and categorised in the same type of category as associations which, by their very nature, are subversive and anarchic, really, of discipline in the community.

So whether that categorisation of trade unions exist in this Act or other Acts, whether it so exists, I am saying it is wrong, and it is time attention should be paid to dealing with the problem.

I am sure that there are a lot of persons all over this country, a lot of articulate people all over this country who in their own minds conceive of trade unions as being subversive organisations, of being organisations which tend to undermine the society.

Now, that is a very bad impression to create in the minds of a public which, sometimes, is only too willing to grasp on that type of comment about, and attitude to, trade unions, and to sort of affect your whole way of thinking about trade unions in that way.

I say that to categorise them in the same category as subversive organisations is to pander to that type of opinion and assessment about trade unions and to encourage that sort of thinking in the society.

Mr. Speaker, it seems to me that at a time where trade unions are under constant pressure and attack from Governments all over the world, that this Government which is adding its own little assault on the trade unions — little or big; perhaps, this might be the thin edge of the wedge — by pre-empting the prison officers in exercising any right to strike perhaps, or even to complain about certain of their conditions of employment which they had.

At a time like this, Governments have to be concerned about the impression which they create in the minds of people. Trade unions are under a lot of attack. We should not seize on every moment to put a little extra pressure on them, and it seems to me that this Government is one which seems at every stage to be taking every opportunity it can to whittle down some of the broad freedoms which have been enunciated in the Constitution. The Constitution permits it, but it is hedged around.

Hon. L. R. TULL: Mr. Speaker, on a point of order. I was going to wait until the honourable Member finished his contribution to reply, but he is going on misrepresenting the position that has been articulated in my introductory comments.

It is not true to say that the Government has put any pressure on the Prison Officers' Association to leave the NUPW. The first time I knew the Prison Officers' Association decided to leave the NUPW was when a letter appeared on my desk from the Secretary of the Association, with the signatures of all the prison officers, saying they wanted to withdraw.

You are misrepresenting the whole thing, you are arguing on a wrong premise all the time. You cannot do that.

Mr. M. A. KING: Mr. Speaker, the honourable Member has said that I am misrepresenting the position by saying that the Government is putting pressure on the prison officers. But this Bill, itself, is the expression of the pressure which Government is putting on the prison officers.

Hon. L. R. TULL: On a point of order, Mr. Speaker. The prison officers unanimously agreed to the provisions of this Bill. What pressure is that?

Mr. M. A. KING: Mr. Speaker, you can put pressure on people. Whether the prison officers agreed or not is

beside the point. I do not know whether they agreed, but all I am saying is that the context

Hon. L. R. TULL: Mr. Speaker, I am objecting to the honourable Member imputing improper motives to me. I put no pressure of any kind on the Prison Association. Indeed, I had no discussion with them at any point in respect of this.

Mr. SPEAKER: The honourable Minister says that the honourable Member for Christ Church West Central is imputing improper motives to him in his office as Attorney General, implying that he, as Attorney General, bought pressure to bear on the prison officers. I am sure that the honourable Member for Christ Church West Central will be willing to offer an explanation as to what he said. If not, he will be asked to withdraw it.

Mr. M. A. KING: Mr. Speaker, let me assure the honourable Member for St. George South, the honourable Attorney General, that I am not imputing any improper motives to him. The statement I made was that this Bill was pressurising prison officers, this Bill was bringing pressure to bear on the prison officers. That is my interpretation.

(Hon. L. R. TULL: That is precisely what I object to.)

Mr. M. A. KING: It is a matter of interpretation. My opinion about this Bill is that it is bringing pressure to bear on prison officers. You can bring pressure to bear on a man when he does not know it.

Mr. SPEAKER: Now, I understand quite well the honourable Member for Christ Church West Central, but it so happens that the honourable Attorney General is at one and the same time the Minister with responsibility for prison affairs. He is responsible for the Bill before this honourable House. He is the Attorney General and he introduced this Bill.

Mr. M. A. KING: Mr. Speaker, I cannot legislate for how the honourable Attorney General feels. He does not like the comment that I made about the Bill. Mr. Speaker, I have taken deliberate pains not to attack anyone personally.
1.20 p.m.

Mr. SPEAKER: The Chair does not like it either.

Mr. M. A. KING: No, Sir, I would not do it. I would not attack anybody personally.

Mr. SPEAKER: The Chair does not like it either.

Mr. M. A. KING: Does not like what, Sir?

Mr. SPEAKER: Attacking people personally.

Mr. M. A. KING: I would never do that. I would not attack the Leader of the Opposition or the Member for St. Michael South Central viciously in here, or any Member on the Other side. I would never do a thing like that.

Mr. SPEAKER: We are not concerned with what the honourable Member would do. We are now dealing with what has been done.

Mr. M. A. KING: I am getting a little lost, Sir. I am expressing my opinion on this Bill, Sir, that this is a Bill which brings pressure to bear on the prison officers. Can I express that opinion, Mr. Speaker?

Mr. SPEAKER: You are still maintaining that the Attorney General's Bill brings pressure on the prison Officers.

Mr. M. A. KING: The Bill before this Honourable House, the Prisons Amendment Act, is not his Bill while it is in here. It is this House which will decide on it and it will have no status on the law books of this country unless this Honourable Chamber is party to its being there.

Asides.

Mr. M. A. KING: Mr. Speaker, I would like to get on with the Bill. Mr. Speaker, I was talking about the provisions of the Constitution being quite within the law, being a bridge within the law of the Constitution. This Prisons Amendment Act is an abridgement, whether the Attorney-General likes it or not, of the provisions of Section 21 of the Constitution. It is just like the Emergency Powers Bill, for instance, of 1981. The Emergency Powers Bill was an abridgement within the frame of the Constitution, but it was an abridgement of a whole lot of provisions, all the fundamental rights provisions of the Constitution, and I am saying that this is a specific abridgement.

The Landlord and Tenant Registration Act, for instance, of 1977 — and I notice that a Bill to amend that has been tabled today — that, too, is an abridgement of the provisions in relation to property, the fundamental rights provisions in relation to property, and the Landlord and Tenant (Amendment) Act was passed in 1977.

(Asides).

Mr. M. A. KING: The honourable Attorney-General really does not understand what I am talking about. I am not saying that it was a common law abridgement. Everybody knows that there are certain abridgements to

the freedom and the absolute freedom to individuals. I am dealing with the broad fundamental freedoms enunciated in the Constitution and the provision for the abridgement of the broad freedom, the provision for statutory abridgement. You cannot abridge any of the fundamental freedoms in the Constitution by common law. There have to be abridged by statute.

I am saying that this Administration, in 1977, abridged sections of the Constitution; in 1981, by the Emergency Powers Bill, it is seeking to amend the whole large area of the freedoms, amend and abridge them, and, similarly, the Prisons Act of 1982 is seeking to abridge and amend the basic freedoms guaranteed in the Constitution.

So it is striking, Mr. Speaker, that a country which boasts of being one of the freest nations on earth should find it necessary at a time like this to abridge and amend the Constitution in the ways in which it is being done, and the Prisons (Amendment) Act is one of those amendments.

Mr. Speaker, do you realise what happens to prison officers who are members of the National Union of Public Workers? And, Mr. Speaker, there are still a number of prison officers who are members of the National Union of Public Workers. They still have a division in that union, at least 15 of them. Those officers who are now there, once this Bill is passed, will lose a whole lot of fringe benefits which they are enjoying now. They will lose, for instance, the benefits in relation to optical assistance, dental assistance, ordinary death benefits, special death benefits, educational bursaries, medical. They are losing all those benefits once this Act is passed.

Those members of the Prison Service who are still members of the National Union of Public Workers will, on the passage of this Bill, have to cease to be members of the National Union of Public Workers and will lose all benefits they have by virtue of their membership in the National Union of Public Workers — dental benefits, medical benefits, death benefits, educational benefits — and these are benefits which have accrued to these officers over a long number of years.

What are they expected to do? Just allow themselves to be deprived? Did they understand when they were discussing this matter with the Establishment that they were being deprived, and that, by virtue of this, they would be deprived of all of the benefits which they had and would have enjoyed by virtue of their being members of the National Union of Public Workers?

The honourable and learned Attorney-General said that it was discussed with them. I have to take his word for it.

(Asides).

Mr. M. A. KING: No, he did not, but my impression was this was what they wanted.

I am saying that I find it extremely hard to believe that the officers of the Prison Service would voluntarily agree to losing their rights as trade unionists, to being deprived of all the fringe benefits that they have by virtue of their being members of an existing union, and that they would voluntarily subscribe to having the broad freedom of association and assembly, which they had and which they have enjoyed all down through the years, abridged by this Act. I find it extremely difficult to believe that they would have consented to anything of the kind.

So, we on this side have serious, and very serious reservations about this Bill. We feel and we hope that we are wrong in these feelings — we feel that it is within edge of the rights which would lead towards circumscribing and affecting the major Public Service unions in this country, we feel it would be a bad day for us as a people if the Public Service unions, which, after all, have got the status which they have now in the time of the Administration of the Democratic Labour Party — I believe it was in 1964 that, for the first time, the NUPW, which succeeded the Civil Service Association, became a full-fledged trade union with all the rights attached to trade unions — we think it would be a sad day if the time would come when this Government or any Government can effectively circumscribe and emancipate the rights and freedoms which public officers in this country have to protest, and rightly protest sometimes, about the conditions of employment which they enjoy and protest about all the problems which can arise to them as a result of membership of unions.

If that happens in this Administration, we, as a Government, when ever that time comes, will ensure that those rights are restored to public workers.
1.30 p.m.

Mr. Speaker, against the background on which I have spoken, we find it extremely difficult to support the provisions of this Bill as it stands.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that further consideration of this Bill which is now before the House be postponed until later in the day.

Rt. Hon. J. M. G. M. ADAMS: I beg to second that.

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

STATEMENTS BY MINISTERS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the House revert to Orders of the Day under Standing Order 10, and that Item (1) be dealt with.

STATEMENT RE LAND TAXES

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, over the past fortnight, there has been some considerable public comment on the question of land taxes. A particularly intemperate and unfair editorial in the *Advocate News* newspaper reflected on the good faith as well as on the competence of the devoted officers of the Rates and Taxes Department. There have been other adverse comments from persons whose usual behaviour does not merit the same serious response as the normally reasonable columns of our daily newspapers.

I would therefore wish, Mr. Speaker, to take this opportunity to set out the facts and to give some indication of the measures which the Government intends to take to deal with the problems of Land Tax and its collection.

First, its history, for the problem of collection of land taxes is not new and arrears going back for years have been part of the problem for decades now.

2. Prior to 1969, land was assessed to tax by local government authorities and the total proceeds from such assessments formed part of the revenue of the Vestries and, subsequently, the Local Government Councils. The Central Government inherited the responsibilities of the Local Government authorities when the system of Local Government was abolished in 1969.

Among the assets of the Authorities which were taken over by the Government at that time were substantial arrears of Land Tax, some going back as far as Vestry times. The collection process to recover these arrears proved so difficult and tedious that, in my Budgetary Proposals for 1977, I remitted all outstanding land tax due up to and including the tax year 1971/1972. The sum remitted was over 1.5 million dollars at that time.

The year 1971/72 was chosen as a cut-off date because, as from tax year 1972/73, a new system of valuation and assessment was introduced. At the same time efforts were made to improve the collections and the computerisation of the whole process was set in motion.

The propensity of some landowners to avoid paying tax did not, however, appear to diminish as a result of the remission of all taxes due prior to 1972/73. A

computerised delinquent Taxpayers' Roll, which, admittedly, has taken some considerable time to prepare in accordance with the Land Tax Act, has now been completed. It shows a figure of \$14.4 million due as arrears of Land Tax in respect of Demand Notices issued over the period 1972/73 to 1981/82.

Some 23,121 arrears notices, based on this Delinquent Taxpayers' Roll, have been issued to the taxpayers listed on the roll, and, so far, there have been 1,370 objections or less than 6 per cent of the total. These objections are being examined by the Rates and Taxes department and necessary corrections will be made.

A number of persons, 2038 to the end of October have paid up, following receipt of their arrears bills.

In the end, however, the full amount of \$14 million will not be collectable, since some of this represents taxes mistakenly charged to the Crown after it has bought property. Further, there are some cases where adjustments made to the amount originally demanded were not reflected in the computerised record, and the resulting difference appears as tax due.

There is also some evidence of other omissions, including cases where relief has been granted, and the sum remitted has not been recorded in the computerised record. There is, however, a complete manual record of all amounts of relief granted and steps are being taken to have these omissions corrected. There is no question of persons who have been granted relief being called upon to pay the tax.

It also appears that a small number of persons have received arrears notices for land which they can rightly claim they no longer own, and for which Land Tax Clearance Certificates were issued at the time they sold the land.

The difficulty has arisen from the fact that the owner of the land, at 1st April in any year, is liable for the tax, but Tax Bills, invariably, have been issued after 1st April, usually in the month of November.

At one time, all lands sold during that intervening period received Tax Clearance Certificates without the issue of an up-to-date bill. When in November the person who was owner at 1st April was billed for the tax, these persons almost without exception, declined to pay the tax that was properly due under the law. Some of these taxpayers have represented that they paid the outstanding tax to their attorney-at-law at the time of the sale transaction. Some merely did not pay.

The Ministry of Finance, some years ago met with representatives of the Bar Association in an effort to resolve the matter, but without success.

An amendment to the Land Tax Act was made during June 1980, to enable the Collector to demand the tax up-to-date whenever an application for a Land Tax Certificate is made. From the date of that amendment, no further problems have arisen in this respect, but the arrears of taxes billed for former owners of the land sold prior to that date are still properly due.

The Collector of Taxes has sent a communication to the Bar Association soliciting their assistance in this area.

1.40 p.m.

3. Mr. Speaker, the Rates and Taxes Division of the Ministry of Finance is being abolished and its land tax collection functions handed over to the Department of Inland Revenue as from April 1st, 1983.

In the months that remain of the Division's life, every effort is being made to reduce the volume of arrears so that the problems of handover are not as complicated as they were in 1972/73. Special steps are therefore being taken to correct the problems and to improve the collection process.

A special task force is being set up in the Ministry of Finance to deal with collecting arrears. The task force will comprise representatives of all the departments concerned and will have outside legal assistance.

The most important aspect of the action to be taken to recover the arrears is that the Government has decided to carry out sales of the lands, which owe tax. There are about 900 properties which each owe \$2,500 or more, to a total of \$8 million, and a start will be made with them.

I will be shortly seeking amendments of the Land Tax Act to facilitate this exercise. The amendments will be devised to permit sale of the land clear of all liabilities. The land will be advertised and sold without a Survey Plan and the upset price will consist of the sum of the tax due, penalty and interest and the cost of conducting the sale.

Landowners should note that the Ministry of Housing will be seeking to buy all tax-owing properties upon which derelict buildings stand, for the purpose of returning these properties to economic use, for housing or otherwise.

4. Another considerable problem which affects the collection of land taxes, is that there are some 4800 bills which are returned annually to the Rates and Taxes Department, undelivered for one reason or another.

Legal arrangements will be made in future for notice of the sale of the land, to which such bills relate, to be given by posting the notices of tax due on the land

and by advertising. It is intended that land will be advertised and sold for taxes due by general description in the form in which the land appears in the Land Tax Roll for tax purposes.

One of the principal purposes of advertising the land is to give notice of the sale to mortgagees or other persons with claims against the land. Legal power will be given to such persons to pay the taxes and add the amounts paid to their claims, so as to protect their interests.

5. Mr. Speaker, Sir, the process of setting up the task force is proceeding. Representatives of all the departments concerned have met and have identified the problems. They have agreed on a strategy to clear the Land Tax Roll of any errors that it may have and to avoid similar errors in future, so that the public can be reassured that the Government does not intend to be oppressive in the matter of land taxes. All complaints will be legally examined and dealt with expeditiously so as to remove any possibility of selling land in error.

6. It only remains to add, on the subject of land taxes and valuation in general, that the Government is very concerned at the length of the process involved in compulsory land acquisition in Barbados. Much of the time taken up arises from arguments over the value of the properties which Government is seeking to acquire.

A very considerable anomaly has crept into public thinking about this. On the one hand, owners, some owners, are quite willing to pay land taxes on the normally modest valuations of their property, but, on the other hand, would be horrified if the Government proposed to acquire their property at the tax valuation. Yet, the test is the same in both cases, namely market value.

The Cabinet has had for its consideration, and has given general approval to the concept of amending the Land Acquisition Act to provide that the base price for compulsory acquisition will be the taxable value of the land. To this end, the next reassessment of land values, due in two years time, will seek to set all values on a genuine market basis.

I realise that, unless the rates of land tax are suitably adjusted and reduced, this may result in a greater tax burden if the programme is to be fully realistic.

In conclusion, Mr. Speaker, I therefore wish to assure the public that, once the Government obtains the general cooperation of landowners for the logical step of coordinating the Land Tax and Land Acquisition legislation, the Minister of Finance will be prepared to make the necessary adjustments to land tax rates to ensure that no tax hardships ensue from the increased valuations. (*Applause*).

Hon. H. B. St. JOHN: Ask Franklin to do that. He prepared the road.

GOVERNMENT BUSINESS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move, Sir, 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: Sir, Order No.2 is the subject which we were discussing, and which was postponed for further consideration. I now call Order No.2, Sir.

Mr. SPEAKER: Order No. 2.

Hon. L. R. TULL: Mr. Speaker, Sir, the honourable Member for Christ Church North Central.....

Mr. P. M. GREAVES: No, no, no, you cannot reply.

Hon. L. S. CRAIG: How do you mean he cannot reply?

Mr. P. M. GREAVES: There is a little more to be heard on this matter.

Mr. SPEAKER: Is the honourable Member for St. Michael West addressing the Chair? The honourable Member for St. Michael West.

Hon L. R. TULL: Is he on a point of order, Sir?

Mr. SPEAKER: The honourable Member is making his contribution to this debate.

Hon. L. R. TULL: I had started to speak, Sir.

Mr. SPEAKER: An honourable Member may rise, but he must not start to speak until he is called by the Chair — and the honourable Attorney-General has not yet been called.

Mr. B. M. TAITT: Mr. Speaker, Sir, I am rising to join with my colleague, who made what can only be described as an erudite presentation in regard to this matter which, surprisingly, the honourable and learned Attorney-General indicated that he had not discussed with the prison officers concerned.

Now, Mr. Speaker, Sir, in the game of soccer, sometimes the referee will blow the whistle when a man is on the ball and no one is challenging him, and on the

occasions when that occurred, for those of us who play this game, when the referee was queried, he said that a foul is committed even though another man is not on the ball because the man who is playing the ball has committed a dangerous play. When further queried, the referee indicated that the danger was to himself.

We on this side, Sir, see the danger of this Bill, even though it may be claimed that the prison officers, themselves were unable to spot, or if they did made no representation on their own behalf, proposed abridgement of what can properly be said is their right.

Mr. Speaker, the question of freedom of association is not a matter that ought to be open for debate in the final quarter of the 20th century. It is a matter which was canvassed considerably at the time when Barbados was becoming independent, and I believe that it is not unreasonable to say that a tendency toward a conservative view was the order of the day, even at the time when independence was in the air.

1.50 p.m.

For those reasons, there are many persons of progressive view, who, on reviewing the Barbados and other Constitutions in the Caribbean, find a number of caveat and provisos appearing in those Constitutions, which can only be described as having been placed there out of an abundance of caution.

Mr. Speaker, when the question of independence came for the people in the Caribbean during the 1960s, it had followed an awakening in Africa, and though a number of the countries accepted the principle of independence, they, nonetheless, had reason to fear the attitudes which were abroad by the former masters, that the granting of independence, or the coming of independence, or the independence wind would open Pandora's box and would have an avalanche of strange, negative attitudes descending upon the society.

And so, Mr. Speaker, it is not unusual to find in the Constitutions a number of provisos which make allowance for Governments to protect themselves from the radical elements, or the perceived radical elements in the society, albeit even in such institutions as the Civil Service and the connecting agencies.

Mr. Speaker, recently the Government of Canada, under the leadership of Pierre Trudeau, successfully negotiated the patriation of the Canadian Constitution. I believe that the motivation for that patriation arose out of the kinds of thoughts which progressive people must have as they perceive themselves in the world in this last quarter of the 20th century.

Mr. Speaker, a Constitution is a very delicate document, and it properly carries with it a certain majesty, a certain awe which is desirable if a society is to grow and

develop, and thus we find such provisions as the need for a two-thirds majority in both Houses of Parliament before such a document, such an Act can be changed. The fundamentals, the entrenched clauses are seen by the people in the society as being of sufficient importance as not to be trifled with easily, capriciously and without deep thought.

It is for those reasons that from time to time it might appear that there is conflict in the thinking of persons who may on the one hand, a decade or two ago, accept the particular provision, and who subsequently find that those provisions, in the light of experience, are not acceptable any more.

It may probably be claimed that what the Government seeks to do in this Bill is properly legal. It can in fact be argued that all they seek to do is to implement a provision that can be found in the Constitution. This is an argument which has been heard in another Bill which sought to do a similar thing. But Mr. Speaker, what is important in the concept of democracy, is that as a society progresses, and as it understands itself, it seeks to improve, to calibrate, it seeks to allow itself certain luxuries, if you will, which at the very beginning of its journey toward self-development it did not allow itself.

Our basic argument on this Bill before the House is that if a man has a biscuit and you take the biscuit away from him and you are not able to give him bread, that you are denying that man a fundamental right to life. That is the principle.

When we apply it in the broader context, what we are saying is this: it is true that the prison officers can be included as a disciplined force, but that goes against the weight of public opinion not only in Barbados, according to our experience over the last 15 years, but in the rest of the developed and the developing world.

Mr. Speaker, recently in the United Kingdom there emerged a movement that has received a substantial amount of support, in which the unthinkable is now becoming a serious proposition, that is to say that a trade union might be created to function within the armed forces.

Now, Sir, this is a revolutionary concept, the idea of a trade union in the armed forces is revolutionary to those who are familiar with the history of the armed forces and the history of Government, but it is an acceptable thesis which has been proposed in the United Kingdom, which is alleged to be the equivalent of the Euphrates Valley so far as democracy is concerned. The relationship of the Euphrates Valley to man's development, man's creation, is equivalent to the United Kingdom's claim to be the mother of democracy.

Be that as it may, I do not believe the honourable Member for St. Michael East would accept that that is even a workable hypothesis, but be that as it may, a vast majority of his colleagues accept that the United Kingdom is one of the parents of democracy as it is known today, and in that country, the concept of a trade union in the Army has been born.

In the United States, Mr. Speaker, a place that can probably be described, with all its shortcomings, as one of the freest countries in the world — it has so described itself anyhow — prison officers have over the last 25 years enjoyed the position of membership in a trade union.

The Corrections Department in New York State has on more than one occasion.....

Mr. SPEAKER: The honourable Member will not conclude in ten minutes' time.

Mr. B. M. TAITT: 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.

It is now Question Time. I am advised that there are no Replies to Questions ready.

This carries us into Private Members' Business. But there being no Private Members' Business on the Order Paper we automatically go back to Government Business. Government Business is the instant Order of the Day.

When the suspension was taken, the honourable Member for St. Michael West was addressing the Chair on Order No. 2. He may continue if he so desires.

Mr. B. M. TAITT: Thank you, Mr. Speaker.

When the luncheon break was taken, I was proceeding to the point to indicate that in the final quarter of the 20th century, the progressive forces in the democratic system have indeed been looking, not at a regression of human rights and the other fundamental rights and freedoms, but, rather, there have been looking at ways and means to advance these rights and freedoms for humans.

It is part of the philosophy of developing the full potential of each human. It is part of the concepts which are embodied in such lofty endeavours as the United

Nations and the International Labour Organisation, and all of the agencies, regional, universal and indeed, sometimes, bilateral, which seek to seal the advancement of the human race.

It seems, therefore, Mr. Speaker, that it is perfectly in order for us in Barbados, those of us who have had the opportunity to serve as part of a Government, those of us who get the opportunity to serve at the highest levels of representation of the people, to have a special responsibility to lead. We have a special responsibility where, for example, the human rights and freedoms are concerned, to advance ideas and views which in themselves ought to be geared towards the development of the human person.

In the context of this Bill therefore, Mr. Speaker, it comes as a bit of surprise that the Minister, the honourable Attorney-General, should indicate that he had not met with the prison service officers.

Mr. Speaker, it is a well-known principle that the Minister carries the total responsibility for the activities that occur within the ambit of his portfolio. It might very well be that the Minister, personally, has not met with the particular individuals; but it is also accepted that if his officials have met with the individuals, that those officials would speak in the name of the Minister, unless the Minister, himself or herself, repudiates the position which the officials have purported to place before any groups with whom they may have had discussions.

Mr. Speaker, what is important is not whether the Minister met with the officials of the Prison Service Association, but that when the provisions of this Bill were placed before him, he is expected, by virtue of his training, by virtue of his pronouncements, by virtue of the position which he holds as leader of the Bar in this country, to be in the vanguard of the fight for human rights and human dignity. He has a responsibility, where a group misleads itself, to assist that group in bringing itself back on course.

Mr. Speaker, in this Honourable Chamber from time to time, honourable Members on both sides may find themselves going down paths which are destructive not only of this Honourable Chamber, but may be destructive of the honourable Member himself. It is at times like those that Your Honour, based on the noble position held by Speakers of Chambers such as this, will use the Office to bring that particular individual back on course and thus assist the individual in not being harmful to himself.

Such a role is expected of Ministers in general, but of an Attorney-General in particular. An Attorney-General can be said to hold the key towards the advancement of the people of the community, especially in the area of human rights.

This particular party, which is in power at the moment, has expounded on human rights and trade union freedoms, and if one examines its policies as outlined in its Manifestoes, one would find that there the party indicated that it wanted to be in the vanguard of the progressive forces, especially as it relates to trade unions and trade union rights.

It therefore does not fall well from the lips of that Government, or from the pen of that Government for them to propose a Bill, the essence of which would be to remove some of the rights and freedoms which the particular group of persons to whom the Bill relates could be said to have enjoyed.

They enjoyed them if by no other reason or for no other purpose than custom. For 15 years since we had Independence, the provisions in the Constitution which allow.....

(Asides).

Mr. B. M. TAITT: Seventeen years, I am corrected. For the 17 years we have been independent, the provisions in the section of the Constitution which would allow for such a Bill to come before this House were in existence.

The Government for the earlier period of independence, the Government of the Democratic Labour Party, and the other Government, for all of the years up until now, did not consider it necessary or desirable to bring the prison officers into the category described as the "disciplined forces", even though the Constitution had made provision for that to be done.

It therefore is surprising that at this time, merely because the prison officers might have themselves initiated this activity, that the Government would allow itself to fall prey to the susceptibilities of national life, in the context of the National Union of Public Workers, for example, and allow this Bill to come before this Honourable Chamber.

If the National Union of Public Workers has some difficulty in its structural arrangement, if the National Union of Public Workers finds itself in a position where the division or some divisions have a variance with the management of the union or with the directorate of the union, and that division in a moment of peak decides that it wishes to leave the National Union of Public Workers, it is the right of the division so to do.

But it is presumed that any such division that seeks to leave the National Union of Public Workers would be doing so to get better representation, to get a firmer and stronger development of the principles which they claim

they have not found in the National Union of Public Workers.

We are saying that the terms of this Bill would clearly not give them the rights they had, if they remained members of the NUPW. Indeed, it will reduce the rights which they had under the National Union of Public Workers. We are saying that, in those circumstances, the Government would be losing a great opportunity to say to that disgruntled group, "you have asked us to do something for you, but what you are asking is less than what you already have. We are going to design for you", if that is the wish of the Government, "a new and innovative approach. We recognise that you have a unique position as custodian of the prisoners, but we are going to bring a new and different kind of unionisation for you in such a way as to allow you to be better off than you were in the National Union of Public Workers." What have we instead? We have a reversion to an anachronistic system which exists with the other services. We have a reversion to the simplest form of answering the question posed by those people in the Prison Service. We simply look around and see what we have that is near like it, we lift it up, and we say we already have something that would just suit, wear this suit of old clothes.
3.00 p.m.

What they were seeking, Mr. Speaker, is for a new dress, a new suit. What we have given them, in the words of the honourable Member for St. James North, is warmed-over soup. We have taken the Police Association and the Fire Service Association and we have made these associations into the model.

Well, I say from the floor of this Honourable Chamber that these two associations as they appear in the Acts in our Laws are not progressive. These associations do not allow for the kind of development we would like to see for our people in the last quarter of the 20th Century and the 21st century.

We are saying that although the Police, for example, have been identified in earlier times as a disciplined service for purposes of this Act, we have subsequently got a fixed Defence Force, we have subsequently acquired a standing army, so the position of the Police, at the time when the Police Service Act was passed, has been changed.

There are things which the Police would have been expected to do, because they were the nearest thing we had to a disciplined force back then, which they are no longer required to have, because in this Honourable Chamber we have passed legislation which gave certain responsibilities to the Defence Force, and if those responsibilities are accepted in the spirit in which they are given, then it is conceivable that the Prison Service would

carry out a number of activities which hitherto might have fallen, through default, perhaps, on the Police Force.

To those who would say that you cannot afford to allow the prison officers to strike for fear that the prisoners, those awful persons, would be let loose on the community. I say to you that in those progressive countries where prison officers have been allowed to strike and where they have gone on strike, the armed forces have been used to protect the society from those who are incarcerated until such time as the dispute was settled.

Mr. Speaker, we must recognise as a people that there are going to be disputes and differences of opinion. The very nature of this arrangement in this Honourable Chamber allows for disputatious approach to the solving of problems. The adversary system, much lamented by many persons who consider themselves to be thinkers, is still a system which we employ in our public affairs. The Government, as an employer, must expect that its employees are, from time to time, going to find themselves on the opposite side of an opinion held by the Government, as is the case with all employers and employees.

If we had a perfect world, there would be no need for unions, because the employees and the employers would always be *ad idem*, but, then, there would be no need for Government and Oppositions either, because in a perfect world Opposition and Government and the people would be in consonance.

It is precisely because we have an imperfect world that we have to resort to such institutions as trade unions, and it must be remembered that the growth and development of trade unionism in Barbados were paid for by the sweat and the tears and sometimes the lives of a number of people who have not lived to enjoy some of the benefits which we see trade unions enjoying today.

It does not fall well to us, the descendants of those who fought in the early days of the growth of trade unionism, to be even seen to be doing any act which would even appear to be denuding the trade union movement or the concept of trade unionism. And the honourable Members on that side, including the honourable Member for St. James North, have always manifested through their utterances at least a superficial belief in the development of trade unions.

We are saying, therefore, to the Attorney General, that this Bill, although it falls within the four corners of the constitutional propriety of our system, is not progressive, and that, furthermore, it can be said to be regressive.

We are saying that despite the fact that the prison officers may have themselves, inadvertently or otherwise, initiated this particular action, that you, the Government,

because of the principles which you have espoused before today and which you, no doubt, will espouse in the future, have a duty and a responsibility to bring enlightenment, if it is necessary, to the motley few of our prison officers.

When they come to you and say they wish to have an association, do not turn to the Police Association as a model, do not turn to the Fire Service Association as a model, because these models are obsolete in today's world. If you must allow the prison officers to have their separate organisation, help them to have the kind of organisation which in their innocence they sought to have.

I am told, Sir, that it was a matter of classification discussions which caused the dislocation between the prison officers and the National Union of Public Workers.

It is not in my place to berate either the National Union of Public Workers or the prison officers. I will say, in passing, that it is unfortunate that a few officers in the National Union of Public Workers will allow that noble institution to appear in frayed and tattered robes in the eyes of public opinion in Barbados, and the National Union of Public Workers has a responsibility to itself to restore itself to a position of pride among the people of Barbados, because, apart from the Barbados Workers' Union, it is the union to which persons of all shades of economic and social standing in the communities can look for some kind of trade union representation.

I cannot agree with my friend, the honourable Member for St. James North, who sought to relate this debate to other matters not cogently or systematically related to the question before us.

I cannot agree with his method, but having invoked that method, I must take issue with him on a point he made.

He suggested that by his learning, by his tutelage and by his long and distinguished career of contributions to this country that the right honourable Member for St. John ought not to call on the people of Barbados to take stock of their situation.

He suggested that a statement alleged to have been made by the honourable Member, which appeared in the newspaper, is destructive because it calls forth St. Lucia as an example.

Mr. Speaker, I wish to take issue with him. I wish to say that it is precisely because of the contribution which the right honourable Member for St. John has made to this country that he is in a position, when he observes what is going on in this country, to call forth from the people a new approach to their thinking about the solution to problems in this country.

3.10 p.m.

I do not recall reading — and I would say that I understand the honourable Member sufficiently well not to accept that he would have called for a lawful insurrection, if you would pardon the juxtaposition, in this country.

But what he said, if he said it, is not something that one must run and hide from. The pressures which that Government has caused the ordinary people of this country are sufficient by themselves to require people to wonder if the ordinary solutions are acceptable in this day and age.

It is felt by a number of people that the Government is not listening.

Mr. SPEAKER: Would you come right back to the Bill.

Mr. B. M. TAITT: I am grateful to Your Honour. It concerns the point I have been making, that it is the duty of the presiding officer, or of presiding governments, from time to time, to bring persons back on to what is perceived as the correct and proper path.

We are saying that you had such a responsibility to the Prison Service Association. And it is not enough to say, "Well, they asked for it and I am giving them what they asked for, and what they want of me", because you know, Mr. Speaker, that we all know when we have children and they reach a certain stage, they have a way of asking for things which only we, from our experience, can perceive can be detrimental to them, while, at the same time, the children see our failure to grant their request as nothing more than oppression.

In fact, it is because of our experience, it is because of our concern, it is because of our interest in their development that we do not give children everything they ask for, and in that analogous situation can be found the gravamen of the argument we are making.

Because the Prison Service Association asked you to give them an association, and because you have not spoken to them directly, and because you do not wish to interfere with any diminution of the National Union of Public Workers, you do not have the right to give them this Bill, this anachronistic conglomeration of words which serves them no other purpose than to deny them their rights. You ought not to fall into that category.

I say to the Government that they must stop looking to the lowest common multiple and try to find the highest common factor. The tendency on that side appears to us, Mr. Speaker constantly — especially as it applies to the ordinary masses — to find the lowest common multiple; where can we operate at the lowest position and create the least inconvenience to us?

I am suggesting that if they move upstairs — to put it that way — they will find that the people in truth wish to go with them towards the highest heights. They will find that the Prison Service Association will, indeed, be grateful to them, as will the rest of the people in Barbados, if they, in their wisdom, can say to such organisations, "We cannot do this for you because you will be harming yourself."

And, in any event, Mr. Speaker, it has nothing to do with that particular group of prison officers, it has to do with the principle of the thing.

We do not legislate here merely for those who exist in our time. We have repealed laws in this honourable Chamber that have been on Statute Books since the turn of this century. They have survived for eighty years, the Education Act, the Companies Act. These come easily to mind, Mr. Speaker, and they stood the test of time for eighty years.

We, too, have a responsibility as legislators, when we legislate here, that what we leave on the Statute Book can stand the test of time and may be available for repeal only eighty years from now.

So when we say to the honourable Minister that we are unable to support this Bill in its present form, we are not merely carrying out the need to oppose. We are saying that it is not, in our view, in our interest as a community, for us to promote this kind of Bill at this time.

We feel that the Attorney-General, if he would bend his mind to it, and his Government, together with his draftsmen, can fulfil the wishes of the Prison Officers Association, or the prison officers, because they have no association, and at the same time justify his position as a progressive, democratic leader of the Bar of Barbados.

(Hon. L. S. CRAIG: You had better vote for it, because if you go up there they are going to lick you stiff.)

Mr. B. M. TAITT: I used to hear, and on one occasion, if I may allude to the *sotto voce* remarks which are being made, that you know, you ought not to pay any attention to them while they are up there.

The fact that a person is in prison does not make him any less a person. We cannot be concerned about the fact that I might go to prison. I may very well go to prison. Who knows? Not everyone who has been to prison has been sent there fairly. But it does not mean that the people who have custody of the prisoners are not to be treated as part of the progressive development of this society. That is the argument I am leading.

I am suggesting that this Government, and this Opposition, as leaders in the community — because that is how we are perceived — have a right and a duty to lead.

We are calling upon the honourable Attorney-General on this occasion not to see this so much as a contentious piece of legislation, but to accept what my colleague in his brilliant opening statement — my colleague, the honourable Member for Christ Church West Central — suggested as serious criticism.

And we are suggesting from this side that, as the Government has indicated it is willing to do, you re-examine this particular piece of legislation to see if, indeed, it is what you wish to do.

If you persist in presenting it in its present form, we on this side would have no alternative but to allow the numbers to determine the situation.

Mr. Speaker, I am grateful to you for your guidance in this debate and I hope that the few words that I have been able to add to the debate will be taken in the spirit in which they are offered.

Thank you, Sir.

Mr. SPEAKER: Is there any other honourable Member who wishes to make a contribution?

Mr. P. M. GREAVES: Mr. Speaker, we in this Honourable Chamber were treated to a disarming presentation from the honourable Member for St. George South, the honourable Attorney-General, when he presented this Bill, and on full examination, Mr. Speaker, I am not so sure that it warranted such light treatment from the honourable Attorney-General.

I know, I am well aware that this Bill contains no powers that are not allowed under the Constitution. I distinctly remember well when the Constitution was framed and when we had our prior discussions on this particular Bill, I said this Bill comes under the Constitution, because I can clearly remember that the Police Service, the Fire Service and the Prison Service were those services which permitted some circumscribing of freedoms in respect of that section of the Constitution that deals with human rights.
3.20 p.m.

We are told, Sir, that this Bill is before the Chamber today on request from the prison officers. I have not seen any letter from the prison officers, and I do not doubt it; so as far as I am concerned it can be accepted that the prison officers requested that they be given the power to look after their own welfare, and that is what the honourable Minister has said. But I do not believe

that the prison officers fully understand the full import of this Bill. I do not believe the prison officers understand the restrictions placed upon them by this Bill.

This Bill, Mr. Speaker, is in conformity with the Police Act, which is Cap. 167 of the Laws of Barbados. This Bill even goes further than the Police Act, and takes away from the prison officers, or, to put it the other way, it does not allow the prison officers to have as much power as an association as, in fact, a similar association that has been formed by the policemen.

I honestly do not believe that the prison officers understand clearly that they are not permitted, as an association, to deal with questions relating to discipline of their own members. I do not believe the prison officers understand clearly that they will not be permitted to deal with questions of leave for their members, or transfer of their members. I am not so sure that they understand this, Mr. Speaker.

I assume that they can understand that they cannot be associated with any other association except such associations that exist in CARICOM, if I may so term it. I do not believe, Sir, that the prison officers clearly understand that if they become members of what this Bill describes as "an unauthorised association" that they will be treated more harshly than the policemen if they become members of an unauthorised association.

In Clause 2 of this Bill, dealing specifically with what is recommended at 24C, it says "No member of the Service shall be a member of an unauthorised association." Look at the penalty for that which is contained in subsection (3). "A member of the Service who contravenes subsection (1)"

Mr. SPEAKER: I do not want the honourable Member to go into the details.

Mr. P. M. GREAVES: No. I do not want to go into details. I am going into this to point out that if those sections of the Police Act are used as a precedent for the Prisons Bill that we now have before us, in fact, the prison officers themselves will be disadvantageously affected.

If a policeman becomes a member of an unauthorised association, he is merely fined \$500, whereas if a prison officer joins an unauthorised association, he is liable to be dismissed or forfeit all rights to pensions and any other benefits. That is not so with the Police Service, and I do not believe that the prison officers fully understand this. I do not see why they should be treated in that way, differently and more harshly than the policemen.

The prison officers would be a very small association by themselves. I do not want to say that the Government has decided to hive off the prison officers and put them off by themselves — I will not say that, I cannot say that — but the Prison Officers Association is quite small as compared to the strength of the Police Association, which would be somewhere in the vicinity of 1 000 members — probably not quite, but it would not be far from it, Sir — and such an association can wield a significant influence and power on behalf of its own members.

According to the Schedules in the Personal Emoluments here, there are only 64 prison officers, but there are 14 senior prison officers, as well as the matrons. I do not believe the matrons will be a member of the association, because, normally, the heads of these services are not permitted to be members of the association. In the Police Service, the association is of the rank of Inspector and downwards.

If the Superintendent has got to determine whether in fact the association is an authorised association or not, how can the Superintendent of Prisons be a member of the association?

The point I am making is that the prison officers themselves have been at a disadvantage. They may very well have come to the Minister, or not even have come to him, and have sought permission to have their own association to look after their own welfare, but the point I am making is that when this Bill is finished there will be no welfare to look after.

What are they going to deal with? Food? Food for the prison officers? The things that affect them vitally, the question of leave, transfer and promotion, discipline — if it cannot deal with those matters, what is it supposed to deal with? I do not know what kind of association we are supposed to be forming through this Bill for the prison officers.

We have heard from the honourable Member for Christ Church West Central that they will be deprived of several benefits that they now enjoy, as members of the National Union of Public Workers.

I know, as I said earlier, that the Constitution gives the Government the power to make this Bill. Frankly, I do not believe that this Bill is necessary. I believe the powers are there to be used if and when necessary. I do not believe that these powers are necessary at this time. I think they go too far, and they take away from the prison officers lots of the freedoms that they now enjoy.

Today, it is the prison officers' turn, tomorrow it can be the turn of the General Service, because the same section of the Constitution, Section 21, which permits this Bill to be possible, because it permits the freedom of

association of the prison officers to be interfered with — that is what this section does — also permit the freedom to impose the freedom of association on public officers. It permits the Government to make laws imposing restrictions upon public officers, section 21(2)(c).
3.30 p.m.

It is the prison officers turn today. Heaven knows when, from what I have seen of the general conduct of the public servants, it may be their turn tomorrow. Mr. Speaker, I can only say that one day we may very well get up and find that not only prison officers, not only the public officers or the police officers, but, maybe, we may find our freedoms virtually abridged.

We, Mr. Speaker, cannot support this Bill.

Dr. R. C. HAYNES: Mr. Speaker, the legal aspects of this Bill as it affects the freedom of the prison officers have been put very eloquently by members of Her Majesty's Loyal Opposition.

Sir, I consider this a very negative piece of legislation, regressive in form and oppressive in intent. It clearly does not enhance the position of the prison officers, who are citizens of Barbados and who are entitled to those privileges enjoyed by the citizens of this country.

I want to deal with other aspects of this matter. There are many professional associations in Barbados, and I would like to refer particularly to the Bar Association, because the lawyers have a way of protecting themselves. Conceptually, Sir, that association, and I must also say the Medical Council, envisages matters not only pertaining to the members of the association, but looks, also, at the role and function of the association in the context of the society.

One would have thought, Sir, that in any Bill which came to the attention of this Parliament dealing with an amendment to the Prisons Act and, in particular, providing for a Prisons Officers' Association, that one would find not only a recitation of restrictions on the range of activities that can be indulged in by such persons, but some kind of progressive inputs because I believe, Sir, that we in Barbados are faced with a serious matter of crime.

Those who are found guilty, Sir, are sent to prison. Just as in a hospital, Sir, the people who are constantly in daily contact with the patients in that institution are the nurses, similarly, the people who are in constant contact with persons who are admitted to Glendairy would be the prison officers themselves.

I would like to have seen in a Bill of this kind, a role carved out, Sir, for the status of the association in

helping to deal with the problems faced by the people for whom they assume responsibility, because, Sir, they are often in a much better position to do so than outsiders, who may be acting on an intellectual and a conceptual basis in relation to actions that can be taken, as distinct from the people in a day to day contact with such persons.

I am surprised, Sir, that the honourable Attorney-General, who was instrumental, I presume, for laying before this Parliament not so long ago a Report of Prisons for the year 1981, would have recognized that from the contents of that report that there are critical areas inside here - identified, Sir, by the very prison officers who are being given the legal status of an association to their disadvantage - and would find somewhere within this legislative framework not only to establish their position in relation to the solution of some of the problems identified in this Report, but, also, a legal framework whereby Government itself could foster the development of the activities of such an association.

We know well, Sir, that from time to time, the Administration of this country, when it has certain categories of legislation, would refer such matters to the Bar Association, because they have recognised that the Bar Association is part and parcel of the legal process of this country.

Now there is absolutely nothing in this Act that I would consider of a constructive nature in relation to problems facing the prisons of this country and facing prisoners in Barbados.

Sir, for example, if you would look at that report, and I am sure that the summary.....

Mr. SPEAKER: Please. The Standing Orders of this Honourable House make ample provision for any honourable Member who wants to debate any report that is laid in this Honourable House. I now give the honourable Member for St. Michael South Central the advice to follow the Standing Order. I will not permit any debate on any written report.

Dr. R. C. HAYNES: Sir, it is not my intention to debate the report. I just want to draw to the attention of the honourable Attorney-General that now an association is being legally established, as in the case of many such associations, that provision should be made within that legislation to address itself to the problems which the persons who will be forming the association will face from day to day.

I consider this, Sir, a constructive approach and a constructive contribution to this problem. I do not

wish to deal with the report as such. I will put the report aside, Sir, and will not deal with that.

Let us look at the kind of problem which I feel the prison officers can help us with. I believe, Sir, they can help us with an understanding, through study, through research and through adequate funding, as to why it is that an increasing proportion of persons in prison are under 20 years old.

I believe, Sir, that it is an important sociological phenomenon in Barbados today, and I believe that the people who are best able to give inputs into that area would be the prison officers, through their Association, if they have the infra-structure for study, for development of themselves, and, also, to contribute to the programmes.

This means, Sir, that Government should have made provision for research and study and so on available through the legislation as part of the functions of the Association. I make no bones about that, because I see this as a constructive provision that can be built into the legislation.

3.40 p.m.

There is also the problem, Sir, of another phenomenon emerging - of increasing incidences of discipline having to be taken within the prison.

Sir, it is my own feeling that here this represents an interface of the same kind of problems, an interface between those who are directly involved and those who would have to be disciplined within the institution. And it is my earnest belief that although they might be considered prison officers, from my own background and from my own experience of research, the humblest person in this society has an opinion to offer that is based on his experience, which could be of tremendous benefit either to this Government or to successive Governments.

Another problem we have to face, and this is very surprising, is what can prison officers do, what structural framework can they do within the association to enhance their ability to make contact with their charges? This means, as I understand it, that a substantial number, an increasing number, of people in prison are in fact illiterate in the sense that they cannot read and write.

Now this has come as a shock to me. To me this means that the role of the association, in terms of assisting the prison officers to perform their functions more effectively, may well be one of trying to devise mechanisms of teaching or recommending mechanisms of adult teaching in that kind of situation.

Another factor, Sir, is that I believe this association has the capacity to recognise areas of revenue earning for

the prison population, which, although it has increased, the amount of debility has also decreased because of the changing of age structure in that a large number of younger persons are now in prison.

When you look at the revenue generated, it would seem to me that the prison officers, Sir, through their association, if they are given that kind of responsibility to make recommendations to Government as to how capital deployed can generate revenue by people who have the capacity to work and who can benefit from the work ethic, it might well reduce the net expenditure by Government on prisons whilst at the same time enhancing the capacity of the prisoner to re-adjust after leaving prison, having had inculcated into him the whole question of a new kind of work ethic.

In other words, Sir, the plea that I am making here is to support my colleagues not only in respect of the serious restraints that are being placed on prison officers, and unnecessarily so, but looking also at other areas which, as a matter of principle, could have been built into legislation of this kind, so that it would not stand out here as a bald piece of negative, regressive legislation curtailing the rights of a small number of our citizens, but would also include in it a progressive approach to the legal structure in which an association can function, and giving to it the kind of status, which has been given to other professional bodies within this society, rooted in the laws of this country, because an association not only deals with the interests of its members where they are involved, an association also deals with the people with whom they have to relate, on the one hand with the Government, and, on the other hand, they have to deal with the people for whom they have temporary responsibility when they are confined to prison.

I am surprised, Sir, and I think that this is a very, very serious error, that you should build into legislation that an association should have no say in matters of promotion.

I say it for this reason. I think it is a bad principle because if you have a disciplined organisation as the Government is now trying to bring the prison officers — as I understand it, as a disciplined group very similar to the Police Association, but at greater disadvantage — I believe that you can only establish *esprit de corps* in a situation like that if your colleagues believe and feel that you are the right person to be promoted and they have an input into making that decision. It is only in that way that you would be able to maintain the morale and the authority of superior officers.

Sir, a classic example exists in the Barbados Police Force where, as an association and a group of people, they have identified, from time to time, whom they feel would be the person to whom they would wish to

transfer their loyalty as head of that organisation, and if any outside body places someone else in that position, the result is that there is going to be a breakdown in the morale of the Force.

For example, if Mr. Orville Durant is not appointed Commissioner of Police, I would bet there would be a severe deterioration in the morale of the Police Force of Barbados, because Sir, that is what an association is all about.

Mr. SPEAKER: What is that to do with this debate?

Dr. R. C. HAYNES: The point I am trying to make is the role of an association in relation to peers, in relation to discipline and in relation to superiority, and the removal of promotion is an area where the prison officers can have some kind of input. I think that is a mistake.

I also think it is a mistake in the area of discipline, because in the area of discipline, when you discipline your colleagues.... I am a member of a professional association: I have been responsible in a situation where you function among peers as doctors, and the only way you can command respect, let us say, as Chairman of the Queen Elizabeth Hospital, is if any disciplinary action that he has to take commands the support of his colleagues.

I think that where you have a situation where disciplinary action can be taken without consultation of a legally constituted association, you are going to be heading for further trouble in the long run.

Now, Sir, I have identified those two areas which I genuinely feel could be disruptive rather than contributing to good relationships among the prison officers, enabling them to make the maximum contribution which they have always made. From my understanding they have a very good track record in Barbados in relation to their contribution to the prison services in this country.

I would like to see their position enhanced, not only in terms of physical and monetary rewards and that kind of thing; I would like to see their position enhanced by a Bill like this in terms of according them the appropriate profession status which could address itself to this kind of problem. It requires a kind of mentality which recognises that people of this kind have special skills, they are exposed to a special kind of discipline, and the fact that they have not gone to a university, and that they do not have a degree behind their names, nevertheless does not mean that they are not in a better position than most of us in this Honourable Chamber to advise on matters pertinent to their own welfare, pertinent to the welfare of the prisoners in their charge,

and, ultimately, pertinent to the welfare of the community at large.
3.50 p.m.

I am very disappointed in this Bill, Sir. I must state my total disappointment. I think it is not a constructive piece of legislation. I do not think, Sir, that any kind of thought has gone into it which would chart out a path for a Prison Officers Association, and I must come to the same conclusion that my other colleagues have come to — that the purpose and intent of this legislation is a serious interference and abridgement of the rights of the prison officers, using the provisions of the Constitution as a tool through which this can be done.

I have tried not to deal with those areas covered by the legal luminaries on this side who are far more competent to deal with those aspects. I have tried to bring to this debate another dimension of the work of an association, and which I feel that some statutory provision should be made within this kind of Bill in 1982. We are in the year 1982 and not in the year 1882, and this kind of legislation, Sir, should never be brought before this Honourable House.

I would just like to make a recommendation, Sir, that, quite clearly, so many defects have been demonstrated, both on a legal side and on a substantial side, also the non-progressive nature of the legislation has been clearly set out by the many speeches that have been made so far, that the Government should withdraw the Bill and go back and rethink their position on it.

I think that they are missing an opportunity here, a major opportunity, to do something constructive, rather than continue to get themselves involved in the kind of negative positions which they have constantly taken in respect of legislation being brought before this Honourable House.

I regret Sir, that I would not be speaking on other areas. There are many other areas that I can identify which should probably have statutory provisions in respect of a Bill like this, but I do not wish to detain the Honourable House any longer.

I have made my main points and I would leave it at that, because the general type of principle that I am talking about has been clearly set out, and, certainly, it is not beyond the capacity of even the dullest members of the other side to understand and recognise that they have a responsibility to the country to bring in legislation that is constructive and progressive and which can help to enhance the country, particularly when the country itself is concerned with several matters that could be very pertinent to the role of prison officers in this country at this present time.

Thank you for your patience, Sir.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I do not wish to prolong the Honourable House for any great length of time, but I think it is necessary for us, in order to put the record straight, to reply to some of the legal heresies that have been propounded by the other side.

They have to concede, first of all, that the Government, in passing this legislation, is not acting in any way that is contrary to the Constitution. That is the first point.

The point, Sir, that I think should be brought out most forcibly is that the Constitution only grants liberties in respect of association. A trade union is one form or one example of the freedom of association which the Constitution permits.

In this society, like in many other societies, it is open to any group of like-minded people to request a particular form of association other than a trade union form of association.

What has happened here is that this particular group of workers have decided among themselves, and have requested the Government to implement legislation to effectuate their objective of a form of association which is similar to the form of association in the Fire Service and in the Police Service.

How dare any Member in this Honourable Chamber, how dare any of them, to say that it is not within the right of any group of people in this country to ask the Government to do that. Anybody who canvasses the idea that it is not within the right or the liberty of a group of people to request such an association are the.....

(Mr. P. M. GREAVES: Who said that?)

Hon. H. B. St. JOHN: That is exactly what you are saying. You are saying that they have no right to come and ask the Government. You are asking the Government to refuse to accede to their request because you allocate to yourself the right to say that it is a wrong form of association. That is the height of intolerance, and that is what the other side is exhibiting by their speeches.

In short, they are saying that they are the ones who hold the right over the people to say what form of

association they should have. That is precisely the whole current and tenor of your speeches.

You are telling the prison officers, "It is not good for you." That is what you are saying, "It is not good for you."

(Mr. B. M. TAITT: That is what you do. You do that all the time.)

Hon. H. B. St. JOHN: No, Sir, as a democrat, Sir, we say, "If you wish it, we shall give way to your views." That is all. That is all, Sir.

Sir, it is a known fact that in many countries there are people who are fed up with the tenor of certain trade union tactics; not only Barbados, but in other countries of the world. We have had instances in Barbados in which the postmen at one period of time — I well recall this — either withdrew from a union and formed their own union or they left one union and went to another union. (Mr. B. M. TAITT: This is not a union.) We have in this country a number of people who reject trade unionism, as it is their constitutional right, and decide that they are in favour of staff associations.

(Mr. B. M. TAITT: The Government bribes them.)

Hon. H. B. St. JOHN: Now, you hear that.

Had Your Honour not called on the honourable Member for Christ Church West Central when he mashed the crease? The honourable Member said in here in his speech that the reason why this Bill was before Parliament was because the Government had put pressure on the Prison Officers Association. That is what the honourable Member said. (Mr. B. M. TAITT: That is true. Of course.) But, of course, immediately as he was challenged by the Attorney-General, he had to side step and make himself look very ridiculous, saying when he used the words that what he meant was that the Bill itself was pressure.

That is very, very ridiculous, because you have a Bill which has as its origin a request from a particular group of people, a request that they be treated in a similar position as other services which, in their opinion, is a more apt form of organisation — in their opinion, it is a more apt form of association.

(Dr. R. C. HAYNES: Suppose you had a request for a Klu Klux Klan Association?)

Hon. H. B. St. JOHN: Mr. Speaker, I thought that it is very important for us to disabuse the public's minds of all of these heresies that the honourable Members on the other side have put forward here today.

Everybody in Barbados is entitled to try and persuade people according to their particular views and they can form an association. It does not have to be incorporated under the Trade Union Act, you can come to Government and you can request Government that you wish a special statutory form of incorporation.
4.00 p.m.

It is not only the Police that have this, it is not only the Fire Service that has this, Mr. Speaker, the legal Profession Act has it, and there are a multitude of other associations in Barbados which do not have to be sanctioned by any particular Act of Parliament. They can receive their validity from the fact that they are formed and that the people accept the rules and things of that kind.

It is totally untrue to say that by bringing this Bill to Parliament today that the Government is in any way infringing or impinging upon the rights which are embodied in the Trade Union Act or in the Constitution. It is totally untrue to say that.

I also want to make it positively clear that the Constitution has been interpreted throughout the Commonwealth, where they have similar positions, and you would know that there is no constitutional interpretation which gives sanctions to the view that a trade union can compel a person to be a member of a trade union. You cannot compel a person to be a member of a trade union.

(Aside).

Hon. H. B. St. JOHN: Of course, because that is the real problem, that the National Union of Public Workers, for some reason or the other, has incurred disfavour with this group of workers and they feel that if they have their own representation they will do better with their employers.

(Aside)

Hon. H. B. St. JOHN: They say that.

Naturally, they must be taking a leaf out of the experience of the Police Service, because I think history will show, Mr. Speaker, that the Police Association has done better with many of their grievances than they have ever done in the past. They know that they have a willing, sympathetic Government which will listen to representations by all associations in Barbados, whether they be under the Trade Union Act, Staff Associations, Professional Associations or otherwise.

The Government has absolutely nothing at all to be ashamed of when they bring down a bit of legislation which has its origin in the specific request of a specific

type of worker for a legal form of association which has a precedent in a similar service.

Mr. W. O. FRANKLIN: Mr. Speaker, thank you very much for having recognised me.

Some weeks ago, the honourable Minister of Labour spoke in this Honourable House about the progressive labour legislation passed by the Barbados Labour Party Government, and he recited a list of the legislation that was passed by the Barbados Labour Party Government. I am wondering today what has happened to the Great Combination. I am wondering if the honourable Attorney General does not realise that it is not only his responsibility to respect the wishes of the Prison Association, but that it is also his responsibility to guide the Prison Association.

Mr. Speaker, it is said that a bad boy is better than no boy at all. In the case of the Prison Association, poor representation by the National Union of Public Workers is better than no representation at all, and it is my contention that in this amendment brought here the prison officers have substituted poor representation for no representation at all.

Let us look at it, Mr. Speaker. It is within my knowledge that the representation made by the prison officers to the Chief Establishments Officer was for the association to be the sole bargaining body for all the prison officers.

Mr. Speaker, the word "bargaining" is important here. Let us examine an association representing members and what they would want to bargain for. An association seeking to replace the membership in the National Union of Public Workers obviously would be of the opinion that they are better able to put the case for the improvement in the circumstances, promotional, facilities and otherwise, than the National Union of Public Workers, that they sought permission to leave.

Mr. Speaker, they cannot bargain on the question of discipline. If their members are brought up for any disciplinary measures whatsoever, the association must sit down, rock their feet and trust to God that justice will prevail, because they in no way can raise a finger to put the case for their fellow officers. They cannot have one single word to do with promotion.

Regardless of who are the officers put to be their superiors, regardless of what their feelings are, they must obey the orders of their superiors and carry them out, never mind they may feel that these officers were not really the ones best suited to administer justice at the prison.

If they are transferred to anywhere at all as part and parcel of their service, and condition of service, the

association cannot speak on that. Posting, another condition of service, their body, which is supposed to represent their interest and welfare, cannot speak on postings. Leave and other matters affecting the individual and the association, they cannot speak on.

What then, Mr. Speaker, are they bargaining for? Are they bargaining for the right to have a cricket club? Are they bargaining for the right to play dominoes in their lunch time? Are they bargaining for the right to play games after their working hours? What are they bargaining for if they cannot bargain for salaries, leave and promotion? Can you truly tell me that an enlightened Government can tell us that because the association requests that they form their own association that their whole power must be so weakened that they now become a body that can only bargain for the things that are not important to them at all?

Let us see what else has happened, Mr. Speaker. You have now completely stripped this association of any powers, and you have turned all the powers to the Superintendent, in consultation with the Governor-General. The Superintendent, in consultation with the Governor-General, can now literally dictate whatever affiliation or association any of the members have.

In other words, if a prison officer is a member of some debating club, and for some reason or the other the Superintendent of Prisons believes that the objective of that debating club is to subvert the good discipline of the members of the service, they can be asked not to continue to be members of that club.

A very serious point was raised earlier. What must these members who were members of the National Union of Public Workers do with the benefits they have worked for, that they have paid for, and which are rightly theirs because of their association with the National Union of Public Workers for the last 15 years or so? What must they do with that service, Mr. Speaker?

That is why I am saying that if this is what the prison officers asked for, I can only assume that the prison officers have been asking for this during some drink period or some period when they were not fully aware of what they were asking for.

4.10 p.m.

How can anyone seriously ask the Government of the day to withdraw the privileges and facilities that were available to them? How could anyone seriously ask the Government of the day to remove from them the right to bargain for better facilities in their work place. And even if they ask for it, can you tell me how any enlightened

Government could sit down and say, "you ask for it, take it," and not even offer some suggestions or guidance.

Mr. Speaker, it is my contention.....

Mr. SPEAKER: You are as good as any television star, "You ask for it".

Mr. W. O. FRANKLIN: Thank you, Sir.

Mr. Speaker, it is my contention that in this association the prison officers have exchanged the bone for the shadow and when they have had time to do some serious reflection they will realise that they have not really got what they wanted, and that what they have got is not what they intended to get.

Thank you, Mr. Speaker.

Mr. SPEAKER: The honourable Attorney-General.

Hon. L. R. TULL: Mr. Speaker, Sir, when I introduced this Bill this morning, I hardly would have thought that such a simple matter before Parliament would evoke such a torrent of words — a lot of simple words, Sir, a lot of misguided words and, worst of all, a lot of dangerous words, because what has come through from the Opposition during the course of this debate is that they would have any organisation in this country be made to bend under the will of the Democratic Labour Party.

What they have said in here today is that the prison officers are ignorant, that they are a motley few, that they do not know what is going on, that they are ignorant and that if they understood anything they never would have supported this.

That is the position of the Opposition, and it has come through very clearly in the contribution made by the honourable Member for St. Michael North. It has come through with alarming clarity in the contribution made by the honourable Member for St. Michael West. That is what they say, Sir. What they are saying is that these people are ignorant, they do not understand what is going on, and they are acting under duress, and they are putting it to me.....

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

Mr. SPEAKER: I do not call the honourable Member for St. Michael West.

Hon. L. R. TULL: Mr. Speaker, the honourable Members rely on the Constitution everytime there are in difficulty. They run and they grab the Constitution and they bend the terms and provisions to suit them. The

Constitution of this country enshrines, as a fundamental right, the right of association, and the honourable Members on that side would deny the prison officers the right to form a free association. That is what they are arguing against.

The Constitution says that a man should be free to join any association or form any association which pleases him, and the honourable Members on that side spent the whole day criticising the prison officers as ignorant people who should not be allowed to join a free association.

Now, Mr. Speaker. Sir, I will give you a chronological report on what happened. On October 2, 1981, the Prison Officers wrote a letter to the Chief Establishments Officer and said that they had decided at a meeting of the members of the staff, unanimously, both male and female staff, to withdraw their membership from the National Union of Public Workers. That is what they said, and I have the list of all the signatures here.

(Asides).

Hon. L. R. TULL: You do not worry about what it says. You talked over there as if you knew what they said. They used a typical second form debating tactic. They set up something and put it in the mouths of the opponents to knock it down. They do not know what happened, they do not know all of the facts; but they would get up over there and give everybody the impression that the Government somehow had a meeting with these people and pushed them into a position.

Now on that date, Sir, they said they were going to withdraw, and they asked the Chief Establishments Officer: "We respectfully request that this Association be recognised as the sole bargaining agent for all the prison staff at Glendairy."

Asides: Hear, Hear.

Hon. L. R. TULL: Hear, hear and they do not understand what is going on.

In addition to that, the prison officers have always gone for the principle for comparability between themselves and the Police Service. That is the position of the prison officers; all the time they compare their terms and conditions of service — their establishment, their promotional opportunities — with the police, and when they decided that they wanted to opt out of the NUPW and form their own association, they asked for recognition of the status to look after their own matters, and this was done.

My Ministry then drafted legislation that was sent to the Prison Association and the Superintendent of Prisons, and said, "This is the legislation that we propose to put before Parliament to effectuate what you want." They wrote back after some weeks suggesting a few amendments to the legislation, and all the amendments that were suggested by the Prison Association were incorporated into this piece of legislation that is before Parliament today.

Now the terms of the legislation are pretty straightforward. Yet, they say that the people are ignorant. What does the legislation say? The point which the Opposition is bringing is that there is no representation:

"No representation may be made by the Prison Officers Association in relation to any question of discipline, promotion, transfer, posting, leave or other matter that affects an individual member of the Association."

They are saying that the Prison Association, all of them, the 120 of them, read this and do not understand what it means, that there are such ignorant men that they cannot understand simple straightforward English.

The other honourable Member, the one for St. Michael South Central, I would have been surprised if he had not got into this, because he does not leave out anything. He said that these same prison officers whom his colleague say are so ignorant that they do not understand two simple sentences should be set up as research officers into the social phenomenon of recidivism and prison population under 20.

You see how they operate, Sir? All of them said that they are too ignorant to understand a simple English sentence, but then the High Priest of drivel gets up and says that you should make these people the researchers and the experts on coming up with theories and solutions to some social or some phenomenon, or something, that can affect the prisoners.

That is the position of the Opposition, and over and over in their contribution is the denial of the rights of these prison officers to say what they want.

The Police Act, Sir, and the Fire Service Act were in the Laws of Barbados since 1961, and they contain the exact provisions that are here in the Prison Officers Association Bill.

4.20 p.m.

The Democratic Labour Party Government at the time never thought there was anything wrong with them. They are enshrined in the Police Act, they are enshrined in the Fire Service Act; the Constitution of Barbados says that the Prison Service is a disciplined service, like the Fire Service and the Police Service.

The honourable Members on that side had no quarrel at all with the provisions of these two Acts for all the years they were the Government, and simply because the prison officers are seeking to have their status similar and identical to the policemen and the fire service-men, they are subjected to a lot of pejorative comments about their level of intelligence by the honourable Members on the other side. I hope that they are prepared to stand by the things they have said in here today.

Now the honourable Member for St. Michael South Central, in his usual effusion of putrid nonsense, gets up and talks about referring a draft Prison Bill to the Bar Association.

Well, I have never heard anything more idiotic than that. You are amending legislation to form a Prison Officers Association and you must submit that to the Bar Association. But having heard the honourable Member for Christ Church West Central and the honourable Member for St. Michael North, you wonder, if they were representing the Bar Association, what they would do with a piece of legislation like this.

Dr. R. C. HAYNES: On a point of order: the honourable Member has said that I said in my speech that a piece of legislation referring to the setting up of a Prison Officers Association should be referred to the Bar Association.

Mr. Speaker, I believe that there is a rule in this House

Mr. SPEAKER: Just make the point.

Dr. R. C. HAYNES: The point is that I drew a comparison between the status ...

Mr. SPEAKER: You just make the point and leave the ruling to me.

Dr. R. C. HAYNES: I am making the point. I did not say that, and what I said was that just as the Bar Association has a recognised status in the legal processes in this country, so can this association, in relation to its professional functions, have such recognised status, and the legislation can be constructive in that regard.

Mr. SPEAKER: I do not recall your having said so.

Dr. R. C. HAYNES: We can have the record.

Mr. SPEAKER: I do not recall your having said so.

Dr. R. C. HAYNES: Sir, can we have the record. We can have it now.

Mr. SPEAKER: Please, give me a chance. If it is on the record of the House. We would have to check the record, to which you are entitled. The Chair stands to benefit from this, but, really, I do not want to waste the time of the House.

Hon. L. R. TULL: Mr. Speaker, I warned the House of the honourable Member from the beginning and they would not take me on.

I stand by what I say. That is what I heard the honourable Member say — but his affection for the truth is such that if it were coming at him at the speed of 1 000 miles per hour, he would still be able to get out of the road; he would not want it to touch him.

He said that. He got up in here and talked a lot of nonsense about something he knows nothing about. He is asking prison officers to be researchers in a social phenomenon of under 20s being in prison. That is what he is asking them to do. That is the nonsense he gets in here.

Then, he says that a piece of legislation like this, an amending piece of legislation, because all this is doing is amending a substantive Act, the Prisons Act, should be sent to the Bar Association.

The Prisons Act is a big piece of legislation and you are amending it only to put in clauses that will make for the establishment of a Prison Officers Association, and he gets in here and says you have to set out all about prison reform and all kinds of foolishness.

If he had time to read the Laws of Barbados, or ask somebody who is better informed than himself, he would see all that this Act is asking for are already enshrined in the Prisons Act. The Prisons Act makes provision for an After-care Committee, a Visiting Committee; it makes provision for a Visiting Justice.

The honourable Member for St. James South could have told him that, because he was a Visiting Justice for a number of years. He could also have told him that under Section 66 of the Act the Minister can make Rules for all the things he has asked about, the total administration of the Prison.

But he spends three hours, according to him, for the fifteen minutes of nonsense that he spoke in here today. Obviously, retardation has set in along with other weaknesses that he already has, some of them, indeed, congenital; but everytime he gets up in here, he knows everything — and then he says he did not say so. He is taking on the right one. His speech is characterised with the same excesses as any other speech he makes in here.

Mr. Speaker, I really do not know if I need to go on, because the sum of the contributions of honourable Members on the other side was negative — they said it is regressive legislation; it is regressive even though the terms and provisions are consistent with existing legislation that they put up with for fifteen years, the Police Act and the Fire Service Act. All through those years there was nothing regressive about the Police Act or the Fire Service Act, but, suddenly, now because the Prison Officers want an association everything is regressive about this.

Some of the things they say are reminiscent of a lot of the fascist excesses of the post-World War period. Only they know it. They are a bunch of arrogant know-alls.

They want to tell the Prison Officers what they must do and what they must have, and they would assign me the role of telling the prison officers exactly what they told them today, that I should say to them that they want to form an association, "You are babes in the wood, you do not understand what is going on; I have all wisdom, so listen to me and let me put you right. You are a bunch of big men but you are ignorant, listen to me." That is the role they want to give me. You can have that role yourself.

(Asides.)

Hon. L. R. TULL: The honourable Member for St. Michael South Central tells me to say something sensible. He had better not invite me to do that. If he invites me to do that I might say something that might make him leave in here again.

Mr. Speaker, I want to deal with other more germane aspects of the prisons and prisons legislation. I would have expected that a responsible Opposition might have taken a look at many of the problems in the prison today, the fact that, as one honourable Member pointed out, crime is making an impact on Barbados in one way or another, the whole question of reform of prisons, the question of recidivism, the fact that disillusionment and other things among young people are moving them in the direction of crime and, indeed, swelling the prison population.

I thought that, perhaps, they would have looked at the whole question of the physical facilities at Glendairy, a building that was put up in the last century and was meant for a different era, whether it meets the demands of a modern society like Barbados, whether the type of establishment that you find in the prison is the right one, and whether a few people with little experience in the world, without any formal training in particular areas, are the persons who should be dealing with persons in an age like today.

I thought those were matters that would have brought forth the type of sensible and responsible debate,

but they do not deal in that area, Sir. I hear all about the breakdown at the prison and so on.
4.30 p.m.

I would have invited the honourable Member for St. James South, who, as I said, was the Visiting Justice to the prison for many years, to have made a contribution in this debate, because I believe that, perhaps, I could have learned something from him.

He used to sit down up in the prison, listen to the complaints of the prisoners, assess their values and make decisions on them, and send reports to the Ministry. He is in a better position than perhaps any of us to make a positive contribution, Sir, on a matter such as this. And, indeed, if he had a chance to speak early, he would have prevented certain of his colleagues from making some of the comments, the reckless comments, that can only serve to cause a lot of confusion in this country.

We hear about the trade union rights. And they would have to express the view, Sir, that this legislation is regressive because it interferes with trade union rights and a lot of foolishness.

(Mr. B. M. TAITT: Does it not?)

The Police Association negotiates with Government about their terms and conditions of work and so on, salaries and the whole lot, and those over there who have an idea of what is going on would know these things.

I have no doubt that the honourable Member for St. Michael South Central would not know. He would not know those things, Sir. He would not know these things at all. I doubt that, perhaps, he would know that the Fire Association negotiates with Government for terms and conditions of service, and salaries, *et cetera* with the Government. I thought that he would know that, Sir, but, of course, he does not know.

(Dr. R. C. HAYNES: Forget the Bill and curse me.)

Hon. L. R. TULL: I do not have to "cuss" you. I am more decent than you are. Ask the people of Barbados. You check with the people of Barbados where the decency lies. I do not have to "cuss" you.

I allow the honourable Member to walk about and "cuss" me, and walk about and tell people how sick I am and when I am going to die. I let him do that. That is the level of his professionalism, Sir, that he could get on a public platform and tell people that I only have three months to live. He, Sir, could talk about a Hippocratic Oath.....

Mr. SPEAKER: Are you now speaking to the Bill or to the sword?

Hon. L. R. TULL: Every doctor must swear that he.....

Mr. SPEAKER: Are you now speaking to the Bill or to the sword? (*Laughter*)

Hon. L. R. TULL: The honourable Member, Sir, has put my integrity into the fray, and if he puts my integrity into the fray I am going to deal with his.

He would walk about and talk about his patients and what is wrong with them, Sir.

I hear about a Hippocratic Oath, Sir. He was just like he said the prison officers were, he did not understand what he read in that Hippocratic Oath, if not he would not behave like he is behaving. But I never abused him, Sir. Why abuse him? Why abuse him, Sir?

He does not know, Sir, that this association, the Prison Association, when this Bill is passed, will also be dealing with the Establishments Division in relation to working conditions, terms and conditions of service, salary increases and the whole lot. To hear them talk, Sir, would not suggest that they had the right to do this.

The Police Association goes up in large numbers to the Establishments people and meets with the Minister of Establishments to discuss the very points that they are talking about, Sir. But they would seek to mislead the unsuspecting that, somehow or other, nobody has a chance now at the prison — the Prison Association does not have a chance to talk about increase of salary next year or anything.

You know what they tell me, Sir? That when the honourable Member for St. Michael North was the Home Affairs Minister, he would not even talk to them. That is what they say, he would not take them on; and it is passing strange that someone who refuses to talk to the people when he was Minister is here today spouting out a lot of pious words about what is right and what is wrong about it. (Mr. P. M. GREAVES: Not the people at Glendairy. Downstairs.) I believe if I say he a hypocrite, that that is against the Rules of this House: I would not call him that, Sir.

I am not going to waste my time any more making out a case for something as simple as this. In sum, Sir, it is the result of a request by the prison officers and by a decision taken unanimously by them to withdraw from the NUPW and form their own association. They intimated to the Government that they wanted to have their own association to negotiate with Government themselves, and not have the NUPW, and they asked my Ministry to draft legislation to assist them in achieving that end.

When we drafted the legislation, we sent the legislation to the Prison Association and the Superintendent of Prisons and asked him if the legislation was agreeable to them. They sent back comments saying that there was one section they wanted amended slightly, and we amended that to satisfy their request — and this is the result, Sir. The prison officers are free to leave the National Union of Public Workers and form their own association.

Members on that side are free to leave the Democratic Labour Party and join whatever they want to do, as was done in the past. They shifted about, Sir, and nobody told them they did not have the freedom to shift from one side to the other.

But they said, Sir, that they have degrees, they have big brains and that they are intelligent, and to hear the honourable Member for St. Michael West talk, you would think that his breast was the repository of all wisdom and these poor ignorant people up at Glendairy do not know when the sun is shining or when the rain is falling.

I think it is a disgrace, the contribution that was made by the Opposition in this debate in here today, Sir.

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

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

The question was put and resolved in the affirmative, the House dividing itself as follows:—

AYES: Hon. H. B. ST. JOHN, Hon. Dr. R. L. CHELTENHAM, Hon. L.S. CRAIG, Hon. L. R. TULL, Hon. Miss B. A. MILLER, Hon. V. L. JOHNSON, Hon. DeL. O. BRADSHAW, Hon. Dr. D. G. BLACKMAN, Mr. R. E. BRATHWAITE, Mr. A. A. TRUSS, Mr. L. L. SISNETT and Mr. J. G. ODLE. (12)

NOES: Mr. L. E. SANDIFORD, Mr. B. M. TAITT, Dr. R. C. HAYNES, Mr. P. M. GREAVES, Mr. N. K. SIMMONS, Mr. W. O. FRANKLIN, Mr. M. A. KING, and Mr. L. A. WEEKES. (8)

4.40 p.m.

COMMITTEE

On the motion of Hon. L. R. TULL, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Hon. L. R. TULL: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. P. M. GREAVES: Sir, clause 2, 24C (1) provides that any member of the Prison Service who joins an unauthorised association commits an offence. The penalty for that is the officer's subsequent dismissal from the Service and to forfeit all rights to any pension or gratuity or other allowance.

I want to suggest that if we are going to have this Bill at all, that that should be identical with the similar section that deals with the Police, which is Section 48(2).

Under the Police Act, any member of the Association or Police Force who joins an association that is not authorised, his penalty is a fine of \$500. I am putting it forward to the honourable Attorney General to accept an amendment to bring this in conformity with this section of the Police Act at least.

Hon. L. R. TULL: Mr. Chairman, again the honourable Member does not understand anything about the law. The section that he refers to, to my certain recollection, deals with on the one hand the police membership receiving money from an unauthorised organisation, and the other section he deals with means membership of what? I am going to check it out.

(Mr. P. M. GREAVES: You are right, Sir, I am sorry).

(Hon. L. S. CRAIG: Oh, Lord).....

Hon. L. R. TULL: Mr. Chairman, it is not done by a long way. I want it into Hansard, Sir. Hansard does not record that he says I am right, I want it in.

I have already said in my Second Reading reply that the provisions in this amending Bill of the Prisons Act are identical in substance and content with those in the Fire Service Association and the Police Association. The point the honourable Member makes here, "a person who contravenes is liable on summary conviction to \$500," if you look at the Police Act, you will find that the Police Act makes a penalty, on conviction by a court of summary jurisdiction, of a fine of \$500.

They are identical, Sir, in terms of losing your job and losing rights to pension and so on, the provisions of the Police Act are identical to the provisions that we have brought to the Prisons Act here, Sir.

Mr. B. M. TAITT: Mr. Chairman, my colleague read a section and made a suggestion, and the honourable Member behaved as if Heaven had just opened its gates.

I wish to say, in response to the nonsense the Attorney General has been trying to push here, that the entire clause is regressive, whether the Police have it, whether the Fire Service has it. No matter who has it, it is regressive.

I am not going to allow anybody to get up in here and suggest that when one gets up and makes a point and offers a suggestion, on principle, that you can get up through sophistry and try to suggest to people that we say people are ignorant.

I am convinced, Mr. Chairman, that these clauses here are demonstrative of the Attorney-General's humanity. Do not let the Attorney-General say to the people of Barbados.....

Mr. CHAIRMAN: Order!

Mr. B. M. TAITT: Am I speaking too loud, Mr. Chairman? I do not know why you say, "order."

Mr. CHAIRMAN: All these matters were dealt with in Second Reading.

Mr. B. M. TAITT: Mr. Chairman, with the greatest respect, I am discussing these clauses and these are the repressive clauses. I invite you look at them and see that these are clauses which say that if a man joins an unauthorised association he can be dismissed. It is here on page 4, under the clause we are looking at.

I am saying that in 1982, for any Attorney General, least of all one who masquerades as being a champion of human rights.....

I listened to your speech at the United Nations. You do not go to the United Nations and tell them one thing and then come to tell me that I say they are ignorant because I say that the Attorney-General ought to have said to them: "This is not in your interest."

I am saying that you should have said so, I am not telling anybody to tell you. You should have told them it was not in their interest. If that means they are ignorant, then I say they are ignorant. They are not lawyers and they can be misled. You have lawyers in the Attorney General's Chambers, you are the leader of the Bar and you have a responsibility to them.

Mr. CHAIRMAN: Please. You are dealing with this Bill as it should be dealt with.

Mr. B. M. TAITT: You get in here and give somebody the impression that somebody is saying the prison

officers are ignorant. Do you think the prison officers are so ignorant that they will believe all the foolishness you are talking?

Certain remarks made by Mr. B. M. TAITT were ordered by Mr. CHAIRMAN to be expunged from the record.

Mr. CHAIRMAN: We are in Committee, and I am afraid the honourable Member is giving us a Second Reading speech and I cannot allow it any more. Please take your seat.

Mr. B. M. TAITT: Very well, Mr. Chairman. I am sorry.

Mr. CHAIRMAN: Please let the Honourable Attorney General.....

Dr. R. C. HAYNES: Mr. Chairman.....

Mr. CHAIRMAN: On what do you rise?

Dr. R. C. HAYNES: I rise on Clause 2, and I will deal with various matters under that clause which I did not deal with during the Second Reading speech.

I will not, of course, subject this House to the indignity of responding in the kind of language to the honourable Member for St. George South. I have the responsibility as a senior not to be misled by a junior in certain arrangements, I will not be misled by that kind of thing. I have to set the example, therefore I will not respond.

Now, Sir, 24A, subsection (3). I must express my concern of that limitation on the Prison Officers Association in respect of promotion, transfer, posting, leave and other matters. I think that clause should be taken out of the Bill.

The other one limiting the association — this is Clause (4) — prescribing the other associations with which the local association can function or can relate, I think that that should be taken out as well.

On 24C, Sir, I am not satisfied with the whole question of a member of the Service being a member of an unauthorised association, particularly when you look further down and you see the kind of vague definitions that you might have for example, "an association whose objects are the promotion of feelings of ill-will and hostility between different classes or races".
4.50 p.m.

From time to time, Sir, that kind of definition can be highly subjected, and if the Minister has the responsibility to determine an association whose objects are the

promotion of so-and-so.....whose written objects, whose perceived objects, how did they determine their objects? That should be more specific, because anyone, if they do not like a particular organisation, can say that their objects are the promotion of ill-will and hostility and so on. I think that should be more clearly specified.

I would like Sir, to reinforce that we on this side feel that the severity of these penalties under Section 24C subsections (3) and (4) — I will deal with (4) in order to expedite the matter, Sir, are extremely severe, and, certainly,.....

Hon. L. S. CRAIG: Mr. Chairman, on a point of order, Sir. When this Bill was in its Second Reading, Sir, a vote was taken where Members on the other side voted against the Bill in principle.

I am submitting to you, Sir, that this is a waste of time. If they voted against the whole Bill in principle, then to come asking to have all of the clauses now deleted from the Bill, what in truth and in fact are they really saying? Delete them, for the purpose of destroying their principle.

They voted against the Bill in principle, Sir. It is worth nothing before the Committee. Therefore, all they are doing is wasting the time of this Committee, Mr. Chairman, that is all they are doing.

They voted against it in principle so nothing in the Bill really means anything to them, Clauses 1, 2, 3 or 4. They are finished with it in the Second Reading.

A division was called for. Not only did they vote but they called for a division, and I submit to you, Sir, that this is only a waste of time and foolish tactics. That is all it is, Sir.

Mr. CHAIRMAN: I take the point the honourable Member has raised, and it is my view that the honourable Member's speech has been speaking, up to now, in terms of the principles.

I have been really waiting for his attempt to deal with the details of the Bill, and I do not know how much longer I shall have to wait; but I certainly must give him a few more sentences or so to see if he can get around to it as a matter of urgency.

Dr. R. C. HAYNES: Sir, I only intended to speak on it for a few more seconds anyhow. Having dealt with subsections 3 and 4 under Section 24C, I would like to suggest to this Honourable House that the penalties are very severe, even if they can be found in other legislations, and that those penalties should probably be substantially modified.

In relation to those clauses, Sir, which I recommended should be removed from the Bill, if the Minister has the capacity to understand what I was saying about the constructive interpretation of the role of associations, there is plenty of room on the front pages to insert that page.

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

Hon. L. R. TULL: Just quickly, Sir, as the time is going. The honourable Member for St. Michael West, — I do not feel disposed to argue law with non-lawyers, so I will not bother with that.

In respect of the point which the honourable Member for St. Michael South Central made, Sir, I am not at any time prepared to accept anything he says. If he tells me to walk, I will run. If he tells me to sit down, I will jump up. So anything that he recommends, Sir, you can be sure that I will do exactly the opposite, I do not even want to hear him.

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

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

On separate motions of Hon. L. R. TULL, seconded by Hon. Miss B. A. MILLER, the Bill was read a third time and passed.

Hon. L. S. CRAIG: Order No. 1, Sir.

Mr. SPEAKER: Order No. 1.
5.00 p.m.

THE FINAL APPROPRIATION (1980-81) (AMENDMENT) ACT, 1982-21

Order No. 1 was called — To move the second reading of a Bill to amend the Final Appropriation (1980-81) Act, 1982-21.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, a small mistake was made in connection with the Final Appropriation Act, 1980-81. A particular Supplementary Resolution was omitted. A Resolution for \$2.5 million apparently was omitted when the accounts were drawn up.

This was the Appropriation Act which was a few months late and on which the honourable Member for St.

Michael South Central had so much to say. Even though it was a few months late, it seemed that the civil servants still did not get it entirely right, and, accordingly, we are asking to have it amended to make it absolutely accurate and restore that Supplementary Resolution to the total appropriation.

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, I shall be relatively brief in my contribution on this matter.

I believe that it is wrong to constantly seek to put the blame for errors of this nature on the civil servants. I believe, Sir, that the Minister of Finance has a responsibility to ensure that important legislation of this kind which comes before Parliament, should be brought within the framework of the law and that it should be accurate. The Constitution itself, apart from the Financial Administration and Audit Act, places this responsibility on the Minister of Finance to ensure that a Final Appropriation Bill is brought to this House.

Sir, the excuse given, if I may recall, was that there was some confusion around election time and so on, and I believe at that time the right honourable Prime Minister accepted that there was evidence of sloppiness on his part and the part of the Ministry of Finance — if my recollection is correct, I think he did use the word “sloppiness”, but, Sir, at that same time, he took the opportunity when a further Final Appropriation Bill was brought before this Honourable House to express some congratulatory remarks in relation to that.

I can only say that I am embarrassed that this Honourable House has to be dealing with this matter again. It is an indication of major weaknesses within the departments under the control of the Honourable Minister of Finance. I do not think that he is paying enough attention to his work in that area, otherwise this kind of error could not have occurred.

It is not a simple Bill; it is a constitutional requirement that we are dealing with, and, therefore, the Minister of Finance has a responsibility to the country to make sure that when these Bills are brought before the House they are correct. He has to sit down and do his homework.

After all Sir, we are talking here about an amendment to the Final Appropriation Bill of 1980–81, and I wish to make it clear that I am very deeply disappointed that, despite the sharp words contained in the Auditor General's Report on this matter, referring to that year, despite the fact that the matter was raised by myself in my capacity as Shadow Minister of Finance in this Parliament, the honourable Minister of Finance would not

have taken the opportunity that a Bill that was brought before this House was correct.

I think the honourable Minister of Finance is somewhat confused — he must be confused to say that this is just a simple matter. He knows it is not a simple matter; he knows it is a constitutional requirement, he knows it is a major matter, he knows that it involves about 20 amendments in order to reach the sum here in the Resolution which he referred to, as will be seen in the Schedule, the substance of which, of course, cannot properly be debated in the context of this Bill as has been determined by yourself, Sir, both in relation to attempts by me and by him to do so in the past.

Sir, I would very strongly suggest that the Minister of Finance pays a little more attention to what is going on in the departments under his control, and not to come in here, week after week, trying to say that it is the fault of the civil servants.

In here, Sir, is the ultimate responsibility.....

Mr. SPEAKER: Don't repeat yourself just for the sake of saying something.

Dr. R. C. HAYNES: I am dealing with the responsibility of the Minister.

Mr. SPEAKER: I don't want to stop you, but the Standing Orders forbid this.

Dr. R. C. HAYNES: To deal with the responsibility of the Minister, Sir?

I am making no big issue of it. I have set out the circumstances already and I would hope that the Minister of Finance would not only look and see the kind of problems that could have resulted from this situation, but, also, look very carefully at the kinds of problems in those departments under his control, which are a source of embarrassment not only to us, but a source of embarrassment to many of his ministerial colleagues on the other side, whose work is often held up because they cannot get anything done expeditiously in the Departments under the Minister of Finance.

The point I was trying to make is that this is a symptom of something that has gone deeply wrong within the Ministry of Finance and within departments which are under the control of the Minister of Finance.

With those few remarks, all I can say, on behalf of the Opposition, is that we are embarrassed by the entire matter. That is how we feel about it.

Hon. L. S. CRAIG: Sir, I am now satisfied beyond any shadow of a doubt that the honourable Member for

St. Michael South Central, before he comes here on mornings, takes an injection to make him talk non stop nonsense on all matters. I feel stupid talking to you nowadays, I must confess.

Earlier in the day, I asked the Clerk to find out from the Opposition if this matter was going to be debated so that he could determine how, when and if I should order dinner. The Clerk reported to me that the Deputy Leader of the Opposition or the honourable Member for St. Michael West, or whoever may have been acting for him at the time, said, "No, they were not discussing this, nothing is in it to discuss."

Now when you look at this, the Final Appropriation Bill, people are working on Estimates again for March, and all that we have done is to bring this in here to insert something which was left out.

You pass the money, you are spending the money, you are drinking and eating, and I can hear this evening how ignorant the Prime Minister is, his Ministry is badly run, he must take up the Resolution, look at it, read it and make sure there is a comma and a fullstop in it. I mean it is so silly, that I really wonder if it is necessary to bring a Bill of this nature now.
5.10 p.m.

The Deputy Leader of the Opposition was asked, "Are we going to discuss this matter?" So that I would know if we should order dinner. He said, "No, there is nothing in it to be discussed." And you can hear the member for St. Michael South Central talking about the Ministry of Finance cannot function properly because the Minister of Finance is incapable, something is wrong with him.

I am going to see if I can put you on the spot now once and for all. You are always taking polls to determine how strong you are in St. Michael South Central. Do me a favour. Take a poll in this country, and in the entire Caribbean, and ask who would they want as the Minister of Finance, "Tom" Adams or Haynes, and you bring the poll and show me. That will stop you from talking a bundle of nonsense once and for all.

Mr. SPEAKER: If the honourable Member is speaking about the.....

Hon. L. S. CRAIG: I would never refer to the right honourable Prime Minister as "Tom Adams." Oh no, Sir. Or Haynes; I am talking about "Bear" Haynes or David Payne. I mean, I am not talking — Oh no, Sir.

Take a poll. You are overplaying your hand, you are grandstanding, you are running out of steam. A man who is selling himself or selling a product must know when to stop selling. You are over selling yourself. Take a

little advice from an oldster then. Take a little advice from me. I have been your long time friend. Politically, we may be on different sides, but take a little advice. Do you mean that on every single thing you are going to talk nonsense and be ill-treated and embarrassed in here.

Sir, I support the Bill, Sir, which is an amendment, and which, when I sought to find out if we should bring dinner so as to determine the time of the House, I was told by the Clerk that the Member for St. Michael West said that there was nothing in this to debate and, therefore, that was the end of it, Sir.

Now, to my surprise, you are hearing all of this nonsense.

Mr. L. E. SANDIFORD: Mr. Speaker, I am afraid that the Leader of the House, the Member for St. James North, in his inimitable style has tried to pour a little scorn by means of humour, because he has tried to be little...

(Hon. L. S. CRAIG: I am serious.)

Mr. L. E. SANDIFORD: Are you serious? Well, you have not convinced us.

He has tried to give the impression that the points being made by the Member for St. Michael South Central are not valid points.

I believe, Mr. Speaker, that this is a very important matter. I believe that it is a matter that causes the Prime Minister considerable embarrassment. It must cause any Government a considerable measure of embarrassment not only to bring down a Final Appropriation Bill late, but after it comes down, then there are serious errors of omission and commission...(Rt. Hon. J. M. G. M. ADAMS: Omissions only.)...in that Final Appropriation Bill. It must be a matter of embarrassment.

The system of Government under which we operate, Mr. Speaker, is that the Minister is responsible for matters under his control and when he comes down here with his papers, he must have a reasonable assurance that what is in the documents is accurate.....

(Aside)

Mr. L. E. SANDIFORD: We are talking about a fundamental principle of Government here and there are certain things you just cannot sweep under the carpet.

This is about Government and about the management of Government, and it is in order that it would not happen again, because if the Prime Minister is at the apex of Government, he is running those departments, he has to set an example to the other Ministers, because we are

in the area now of prime-ministerial Government and he has to set an example.

How can he speak to the Minister of Agriculture or the Minister of Labour or any of his other Ministers, speak about inefficiencies in their department and hold them to account for those inefficiencies when right under his very eyes and nose, you get these kinds of errors going on? It is highly embarrassing.

In fact, it tends to restrict his own capacity to run this country, because if those kinds of inefficiencies and errors show up in his department and in his Ministries, it reduces his authority and influence to call upon the Ministries or to call upon any of the departments and to say that they are very inefficient.

Now, we have an instance here; if we look we see that it is a matter of a number of deletions. But it is not only deletions, whole resolutions seem to have been forgotten, right in the pet department of the Prime Minister.

I notice here in the Schedule Part I, under Defence and Security:

"insert between items (1) and (3) the following:

"(2) Barbados Defence Force "560 000"; half a million dollars which seemed to have disappeared altogether from the eyes of those who prepared the Final Appropriation Bill.

Now, how can this happen? How can it happen in Defence and Security, which the Prime Minister plays very closely to his belt? How can it happen? Plays it to his belt, his chest, everything. Very far away from Parliament, too. Very far away from Parliament. How can it happen?

I think this House is owed a substantial explanation. I mean, a half million dollars just disappeared from the Bill altogether and this is merely a minor thing which the Member for St. James North would just sweep under the carpet and say that the Member is merely repeating himself all the time.

This is more serious than that, Mr. Speaker. I think that the Prime Minister will have to do something about the administration of the country, because the kind of inefficiencies we are seeing creep in governmental administration is symptomatic of the problems that we are seeing in the country.

It is a very deep-rooted, spreading problem, and unless he takes hold of this situation, matters are going to get worse. But he has to start within his own Ministries themselves. He has to start right there.

And the advice that we will give him from this side is, "Do not come back down here with these kinds of errors again. Do not come back in this way again." I think it is time that the Government puts its house in order and that the right honourable Prime Minister shows that he is well in command of his own Ministries before he comes and talks about the country as a whole.

This is a very serious matter, and I give this advice because we on this side are committed to democratic government in this country and we are committed to seeing this country run by an efficient Government in which high levels of management are exhibited.

This is not petty criticism, it is very serious, and I hope that we get some substantial explanation from all of you.

Mr. B. M. TAITT: Mr. Speaker, Sir, my primary input into this debate is to establish for the record that I did not at any time during the course of this day discuss with the honourable Leader of the House the question of debating this particular issue before this House. I have not spoken to him at all about this issue and I find it difficult to understand how he can say that I gave him any assurances at all.

5.20 p.m.

Mr. SPEAKER: The question of the Leader getting an assurance from one side or another is a non-issue.

Mr. B. M. TAITT: I agree with you, Your Honour.

Hon. L. S. CRAIG: Just on a point of elucidation, if the honourable Member will give way

Mr. SPEAKER: It is a non-issue, it just does not arise.

Hon. L. S. CRAIG: I said I spoke to the Clerk and the Clerk spoke to you.

Mr. B. M. TAITT: Mr. Speaker, I just wish to endorse the statement made by my colleague. When one looks at the Schedule that is attached here, one wishes to recall that on the occasion when the similar Appropriation Bill came down here, I recall drawing to the attention of the Minister, the right honourable gentleman from St. Thomas, that this tendency on the part of the Government to treat this sloppiness, to treat this administrative sloppiness as a matter that you ought not to pay attention to is not sufficient and is not acceptable to persons who looked - and I say "looked" - upon the coming of this Administration - after their promises that they would provide combination, after their promises that they would clean up - one looks at their sloppiness with a certain degree of pain after they promised the people so much.

The Ministry of Health and National Insurance, Sir, the Sanitation Service Authority, \$1.4 million left out.

Mr. SPEAKER: Now.

Mr. B. M. TAITT: I am not debating it, Mr. Speaker, I am just looking at the Schedule to the Bill. I am not debating the substance, I am just saying that when a figure like \$1.46 million is left out

Mr. SPEAKER: That is yesterday, when the House did not meet.

Mr. B. M. TAITT: No, Sir, here in this, \$1.467 million was not included, and now it is being sought to be included in the Final Appropriation Bill.

It means that when we take a position on the amount of money that was spent, that that position is wrong, according to the information that is now presented, in excess of three or four million dollars.

Three or four million dollars in a society like Barbados is a lot of money, and the Government has a responsibility to see that the information it brings to this Honourable Chamber is accurate. And especially when the information is dealing with the authorisation of expenditure, it is necessary, it is vitally necessary that the Government ensures that what it says to this Honourable Chamber, and thereby to the people of Barbados, is accurate not only within a million dollars, but accurate on the face of the record.

Mr. Speaker, those who are involved in the art of printing know that it is absolutely required that accuracy, not 98 per cent accuracy, not 99 per cent accuracy, but 100 per cent accuracy is the order of the day. It is even more so when, constitutionally, this Parliament is required to approve expenditure, that when we purport to approve the expenditure, that what we purport to do is accurate to the absolute cent.

Mr. Speaker, I am not going to repeat what my colleagues have said, I will merely say this. We have charged them with ineptitude, we have charged them with not paying enough attention to detail, we have charged them on more than one occasion as Ministers with coming to this Honourable Chamber before they are ready. We have charged them with not doing their homework. I believe that I will not be stepping out of line if I remind that, from time to time, even Your Honour has had to draw attention to this Honourable Chamber that some of us have not done our homework.

It is important, in the context and in the scheme of things, that the Prime Minister, above all, be seen to be doing his homework.

There are some who believe that the Prime Minister is under unusual pressures. I am not going to spend any time speculating about those pressures; but I will say that when one examines his portfolios, one has every reason to believe that he is not as meticulous as he ought to be in the presentation of legislation which comes under his portfolio.

As one example, International Seafoods falls under his portfolio. The honourable Member looks at me as if he is wondering what I am talking about. To make the point I am making, he did not even remember that the sale of that property and the whole question of the input in excess of \$4 million or more, he did not even remember, apparently, that this large sum of money fell within his portfolio.

I am attempting not to debate the issue *per se* — at another time I will deal with the substantive issue — but suppose, for argument's sake, instead of the error that has been made here, an error of \$4 million relating to International Seafoods had come down here, the people of this country would not have known that we had expended such a large sum on International Seafoods.

It is for those reasons that we expect the Prime Minister, when he brings a Bill here dealing with appropriation, when he is asking this Parliament to pass the Final Appropriation Act, we expect him to be accurate.

I will finish by saying this: This is not the last we have seen of the Final Appropriation Bill for this period. I make bold to say that before this Session of Parliament is finish that honourable gentleman is going to come back to this Honourable Chamber asking this Honourable Chamber to make further adjustments in the Final Appropriation Bill.

As he knows, the system is not designed to work like that. He cannot get credit for bringing it early and not expect to get discredit, if after bringing it early, we discover that he has to come back with bits and pieces.

(Rt. Hon. J. M. G. M. ADAMS: This is not the one that was brought early).

Mr. B. M. TAITT: He is correcting me, Sir, he is saying the early one he brought this year we have not seen the amendments to that yet. He is saying that not only will this one be back, but that we can expect, if this is any pattern, that the one he brought here recently and suggested that he was now more efficient, he cannot now vouch for the accuracy of that.

If this is any pattern, Sir

Rt. Hon. J. M. G. M. ADAMS: On a point of order. I have not said any such thing. I really have not.

Mr. B. M. TAITT: Mr. Speaker, he has a habit of saying that I like to read his speeches and follow his techniques. On this occasion, I give him full credit. I was doing precisely what he would have done in the circumstances.

In truth, Sir, I believe that this Honourable House has a right to expect that figures coming from the Ministry of Finance, which suffers none of the indignities of the other Ministries — it has all that it requires, it has a Minister, it has a Minister of State, it has the best Permanent Secretary, it has the best officers, the number of cutbacks in the Ministry of Finance cannot be numbered because one does not hear of them.

As a matter of fact, Mr. Speaker, he is alleged to be so meticulous that a poor little girl who made an error in the computerisation of the Land Tax somewhere in the north — I think it is St. Peter — a poor little girl from St. Peter made an error, an error that anybody who is familiar with computers would know can be made; that poor little girl has been the subject of the wrath of no less than the Minister himself, and I am told that he has stated categorically that he wants to deal with her in such a manner that she will never be employed in any of the governmental agencies to make that kind of error again.
5.30 p.m.

A poor little girl from St. Peter. Sir, St. Peter that has suffered

The lady from St. Peter is only symptomatic of the kind of problems which some of the workers who attempt to work for this Ministry of Finance have discovered.

As a matter of fact, Sir.

(Asides)

Mr. B. M. TAITT: The constituency of St. Peter, yes, that is where the girl was dismissed — dismissed and blackballed merely because she made a computer error, an error which the Prime Minister, himself, if he had been called upon to do the particular work, would probably

Mr. SPEAKER: Stick to the motion. Stick to the question.

Mr. B. M. TAITT: Yes, Sir, I am dealing with accuracy of information and the trials and tribulations which those who may be expected to make errors can suffer, and who is going to write anything about the

Prime Minister that he be banished from holding the position that he holds forever hereafter.

If we can do what he did, or is alleged to have done, to that poor little girl from St. Peter, if we can do it to him, I would write the Minute now saying, "Bring him to me let me deal with him so that he will not hold the office of Prime Minister and make these kinds of mistakes ever again."

I cannot write that Minute, but I will see to it that each time he come down here with these errors, we document them; and when we go before the court of public opinion shortly, because I believe he will have to go to the public, soon, we would prosecute him in the way that he dealt with that poor little girl from the distinguished and beloved parish of St. Peter, Sir.

Thank you very much, Mr. Speaker, Sir.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I have not enjoyed a speech so much in years as the speech of the honourable Member for St. Michael West, and his picking up of the imaginary aside and answering it was really a piece of thought control, because only this morning at a meeting in my office, when the person he described as the best civil servant was present along with the Deputy Prime Minister, the person he described as the best civil servant asked "Mr. P. M., there is not likely to be too much work in the House today, is there?" I said "No, but you can never tell with Mr. Taitt, because even if there is no work" — I am repeating what I said — "even if there is no work he would pick up an aside that was not said and answer it on the floor of the House."

You can ring the gentleman at his home this evening and ask him, in the presence of the Deputy Prime Minister, if I did not say that to him this morning in my office.

The honourable Member, however, has said something which I will bear in mind. I was very angry at the time of the computer errors to which he refers, and the substance of what he says is not false.

We call for efficiency in Government and we attempt to get efficiency in Government, but sometimes mistakes are made which seem to go beyond the ordinary capacity of making errors, and because I think people at the top of the Civil Service and Ministers get very frustrated with the inefficiency that must exist in any Civil Service in the world, we may, perhaps, over-react a little bit at times.

Now the particular error which has caused this Bill to come before this House, has led to severe censure being offered to officers within the Ministry of Finance. Not by me — when the file reached me the censures had

already been delivered and whatever sanctions were available had, no doubt, already been handed out by civil servants concerned, because, naturally, we are all in the Ministry of Finance unhappy at the thought of having to bring legislation to Parliament to correct an error by an individual.

The honourable Member for St. Michael South Central, in the widest possible sense, is correct in saying that a Minister has to carry responsibility for mistakes that are made in his department, and by having to come to the House with such a Bill as this reflects a degree to which I have to carry responsibility.

I cannot, however, believe that the honourable Member for St. Michael South Central could possibly be so ignorant of the duties of a Minister as opposed to the duties of a senior clerk as to think that a Minister has some kind of responsibility to correct arithmetical mistakes behind persons employed to put figures unto a calculator and add them up.

If you want somebody to correct those mistakes, there is somebody provided for within the framework of Government. He is called an Executive Officer, he is in the old grade of whatever it was Z - 18 to 5 or Z - 18 to 6, and it is his duty to check that everything that should have gone into the column of figures has gone into it.

If the only criticism that is ever made of the Government for mismanagement, sloppiness and inefficiency is that in the Final Appropriation Act a civil servant forgot to add a Resolution for a supplementary which came, perhaps, at the end of the Financial Year, then I would really have to say that that Minister was being praised with faint dams; because, honestly, Mr. Speaker, if all that is wrong with the Ministry of Finance is that a senior clerk forgot to add in a supplementary, we must have the finest Ministry of Finance in the world.

If you get the honourable Member for St. Michael South to his feet to tell me that I am abdicating my constitutional responsibility because a senior clerk forgot to add in a Supplementary Resolution, well, I cannot think of any greater praise that could be offered to the Ministry of Finance and the present incumbent.

I have not abandoned my constitutional responsibility to lock up people without trial. I have not abandoned them to ignore Parliament and use money which has not been voted. I have not abandoned them in order to commit murder, interrupt the right to life. I have abandoned them in so far as a senior clerk forgot to add in a Supplementary.

Mr. Speaker, Sir, the unfortunate thing in this country is that we do not have an educated Press. I have

no doubt that tonight or tomorrow that the newspapers will carry "boo" - full accounts of the speeches of the honourable Members for St. Michael South Central and St. Michael South.

They will not carry the speech of the honourable Member for St. Michael West who departed a little bit from the mainstream of the Bill in a human interest to mention that you cannot be too hard on people for errors, that people do make mistakes - an important point the honourable Member made, in my very respectful view.

They are going to carry the nonsense which was talked - no, nonsense is never talked in here, Sir - they are going to carry the unjustified arguments of the honourable Member for St. Michael South Central, I can only say - because I cannot say maliciously supported - somewhat unexpectedly supported by the honourable Member for St. Michael South.

The Final Appropriation Bill is not used by anybody as source material. I have never yet heard anybody quote a Final Appropriation Bill on a political platform. Even when the Democratic Labour Party failed for four years to produce a Bill, I did not think it worth my while to offer this as a criticism of the right honourable Member for St. John.

The constitutional requirement to pass the final Appropriation Bill must have a history that is loss in the pages of antiquity. It is a Bill, if the truth be told, of deep and profound unimportance - if the truth be told. What is important is the information which appears in the printed Estimates, and what is important is the actual Appropriation Bill, which sets out what money may be spent. For the record, it is what goes into the Estimates and, derivatively, what goes into the Central Bank Reports that are important.
5.40 p.m.

I venture to say that you will read every Central Bank Report from November, 1973, and see no reference to the Final Appropriation Bill, any Final Appropriation Bill. Of course, in those early days they had no Final Appropriation Bill to refer to.

But that apart, you will find that the Final Appropriation Bill is an authority for anything. There is a constitutional requirement for it and therefore we carry it out, but the administration of the country does not hinge upon the Final Appropriation Bill. Nothing hinges on it, except, perhaps, the uniformed speech from time to time by the honourable Member for St. Michael South Central.

I am sorry that, following the general elections, not only was this Bill delayed, but that when it was finally

brought a mistake was made. I am very sorry, but I am not carrying a senior clerk's error on my back. There is do duty on the Minister of Finance to go through the records of Parliament to add up the supplementaries to see if they tally. Civil servants are employed to do those things, and if they do not do them, I am not responsible.

I discovered, when I made a tour of the Rates and Taxes Department soon after assuming office, that certain fraudulent, indeed forged receipts had been issued by a particular officer at the Rates and Taxes. As a result of that, I had further investigations carried out. Those further investigations reveal that not only had this officer issued forged receipts, Land Tax clearance notices, but he had stolen quite a lot of money. He was sent somewhere else where he stole some more; and he was transferred a second time — where he stole yet more. He is now in prison. He is a prominent member of the Democratic Labour Party. He represented it at a conference abroad.

I do not blame the right honourable Member for St. John for the fact that, during his regime, a civil servant issued a false Tax Clearance Certificate, nor would he blame me because the same civil servant stole the money of the Rates and Taxes, and the honourable Member for St. Michael South Central, when, in fact, we exchanged a few words about this earlier today, pointed to me that the politics of the matter is not important, because, just as the honourable Member for St. Michael West made in an aside, really when that sort of thing is involved, it happens to anybody and everybody at political level — you neither bring in politics nor do you blame the Minister of Finance for wickedness far less for error at senior clerk level.

The honourable Member could just as well make the same speech if it turns out that somebody writes a wrong receipt for a motor car annual licence fee, because I think they made a mistake with a vehicle belonging to the honourable Member for St. James North. He sent to pay for a vehicle and he was charged \$200, and he said to me, "Tom, this can't be right; my vehicle weighs more than that, I cannot pay such a small licence fee for it". The honourable Member for St. James North told me so, and a check was made and he was correct.

Well, the next thing we will hear now is that the Minister of Finance is to be blamed because a senior clerk misread a weight certificate in charging the honourable Member for St. James North a licence fee. He, in fact, argued with her, and she said she was right. Not a senior clerk, a clerical officer.

(Aside)

Rt. Hon. J. M. G. M. ADAMS: The honourable Member for St. Michael South is saying it is not the same thing as this. The human error involved is the same. The

clerk misread a weight certificate, a senior clerk failed to take account of an entry on the parliamentary roll. It is only the ultimate effect — that Parliament has to debate it, but it is the same mistake.

(Asides)

Rt. Hon. J. M. G. M. ADAMS: The honourable Member for St. Michael West tells me she who made the mistake in making the computer entry comes from St. Peter. It seems to me to be an exceptionally foolish mistake, and it was repeated even after she had been to a course, but, in fact, it is the same error that people are likely to make.

(Asides)

Rt. Hon. J. M. G. M. ADAMS: The honourable Member for Christ Church East Central makes a point. The standard of clerical work, perhaps, has gone down in Barbados. It is not that we are any less intelligent than we were or any less educated. It is that with the great expansion of employment opportunity, which the country has enjoyed in the last few years, a capable clerical officer gets promoted or gets an opportunity in many businesses that have come to Barbados in the last few years.

In the old days, there was far less opportunity. These days now, people who go to university on exhibition and on scholarship started life in the Civil Service as clerical officers, and they had the intellectual equipment to make a greater success of the job that you would normally expect from a clerical officer. In these days, there is a greater spread of work opportunity and you do get more people making mistakes in clerical officer position than, perhaps, you got in the old days — but no Minister is responsible for it.

(Asides)

Rt. Hon. J. M. G. M. ADAMS: I hear the honourable Member for St. Michael West saying they are a lot of people with eight or nine "O" Levels who do not have these opportunities. You will soon see an advertisement in the newspaper for people with four "O" Levels to apply for jobs as immigration officers, because we think the level of the Immigration Service may need some little improvement, with special allowances for languages.

I can assure the honourable Member that we are actually going to have difficulty getting anybody with four "O" Levels and a language, far less eight or nine. If the honourable Member really thinks that they are people with eight or nine "O" Levels who cannot get any work in Barbados, I do not think you will find that he is correct.

Anyhow, Mr. Speaker, I am glad we have had the opportunity of this debate, because I really would like to put these matters into perspective. I do not mind honourable Members, if they really find an example of sloppiness in the Ministry of Finance, bringing it to the attention of the House, but I have actually reached the conclusion, now I hear all the debate on this Bill, that honourable Members cannot recognise sloppiness when they see it and they have to catch at things like this, because I can think of things that have passed through Parliament that reveal greater dereliction on the part of the Civil Service than this Final Appropriation Act.

Maybe, even things within the Ministry of Finance. This is not the worse mistake that junior officers in the Ministry of Finance have made in my time and that has come before Parliament. It is just that, led by the demonic personality of the honourable Member for St. Michael South Central, you have chosen to make something extremely

(Asides)

Rt. Hon. J. M. G. M. ADAMS: Is "demonic personality", in psychiatric terms a term of approbium?

I would be led by the honourable Member for St. Michael South Central. If that is an expression which he regards as an offensive expression, I will withdraw it.

I am trying to use a term of art, which the honourable Member well knows is probably appropriate to his case.

Led by the personality of the honourable Member for St. Michael South Central, this is chosen as a battleground, but this is no battleground. The Final Appropriation Bill does not merit the kind of treatment that honourable Members are offering it here today and on a previous occasion.

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

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

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

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

The question was put and resolved in the affirmative, and Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.
5.50 p.m.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 inclusive were called and passed.

Clause 3 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that Clause 3 do now stand part, Sir.

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

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

Dr. R. C. HAYNES: Mr. Chairman, I should just like to point out here that no amount of, shall I say, vociferous statements will stop me from carrying out my duties.

I should like to point out to the right honourable Prime Minister that the reason why he would find the word, "Final Appropriation" not in the Central Bank Reports is because their accounting system is different. And if he will check with the honourable Deputy Prime Minister, who is more familiar with these matters, he will find out the system used there and why it will not be referred here.

I just wanted to make that little point, because the accounting system is not done according to the accounts of the Accountant-General. The honourable Deputy Prime Minister quite rightly brought that to my attention a few weeks ago in relation to another matter.

I think that it is more out of ignorance that he made that statement than out of appreciation of the merits of what he was saying.

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

Rt. Hon. J. M. G. M. ADAMS: The honourable Member does not understand either the point that I have made or the explanation that the honourable Deputy Prime Minister gave him.

The public accounts of the Government of Barbados are kept in a particular form. The form does not agree with common international norms.

For example, National Insurance payments are treated as revenue by international standards and National Insurance benefits are treated as public expenditure. The airport expenditure and revenue are not considered as Government revenue. Airports, throughout the world, are not treated as governmental entities. Fees collected at airports and the cost of running an airport, invariably in international public accounting, are removed from Government's revenue. They never arise.

The only reason why we have it in Barbados is because there is only one airport and the Government has maintained it as a branch of Government rather than setting up a statutory corporation to deal with it and so on.

We count capital repayments as part of our current expenditure, capital re-payments of debt. International accounting does not. The Central Bank keeps an international form. In some respects it agrees with international accounting norms, in others, it is closer to ours

It has nothing whatsoever to do with the Final Appropriation Act. The Central Bank's Reports are published whether or not there is a Final Appropriation Act. If there were never a Final Appropriation Act, the Central Bank's Reports would still be published. It is not a source of information, that is the whole point, and the reason why it is not a source of information has nothing to do with the accounting system — it has to do with the fact that it is merely a conformitory, constitutional requirement that comes long after the basic information has been published, processed, analysed and dealt with.

The Central Bank uses the Estimates and not the Final Appropriation Act as its source material for Government expenditure. It has nothing to do with what the honourable Deputy Prime Minister may have been able to instruct the honourable Member for St. Michael South Central in.

I am very glad, indeed, that the honourable Member for St. Michael South Central has had all these opportunities of improving his economic education at the hands of the Government.

I was never able to learn anything from the former Deputy Prime Minister and very little, if any, from the former Prime Minister. Indeed, I believe I learn more now from the former Prime Minister than I ever learnt when he was right honourable Prime Minister because, at least, I have the benefit of a fairly accurate recollection — when other factors do not intervene that they may wish to be accurate — of past experience, which is of some value to the country as a whole.

The honourable Member for St. Michael South Central really has had the opportunity of more economic debate in here, than has ever existed in the 300 years of the Barbados Parliament, during the four years that he has been in Parliament. And if he had come as a spectator to Parliament before, he would have had an opportunity of just as much.

(Asides.)

Rt. Hon. J. M. G. M. ADAMS: The honourable Member would really be carrying his megalomania too far if he thinks that his presence is responsible for the

economic debate. I would advise him not to get on to that.

I cannot express, really, how irrelevant this Bill is to the Central Bank's accounting system. It is as irrelevant as the latest edition of Gray's anatomy. I mean, it has nothing whatsoever to do with the Central Bank and its accounting systems.

Mr. CHAIRMAN: The question is that Clause 3...

Dr. R. C. HAYNES: I am very glad, Sir, that the...

Mr. CHAIRMAN: I am sure that the honourable Member would agree.....

Dr. R. C. HAYNES: right honourable Prime Minister has clarified the irrelevance...

Mr. CHAIRMAN: Please...

Dr. R. C. HAYNES: because he was the person....

Mr. CHAIRMAN: Please....

Dr. R. C. HAYNES: who introduced.....

Mr. CHAIRMAN: Please.....

Dr. R. C. HAYNES:.....the whole business of the Central Bank's accounts into this debate.

Mr. CHAIRMAN: The honourable member, let me make this point. Please take your seat.

Dr. R. C. HAYNES: I am sorry.

Mr. CHAIRMAN: I am sure on this matter you and the Prime Minister can discuss if you want to learn more from him, or he from you. You can do it on another occasion. And there is an honourable Member here for St. Michael North West.

The question that Clause 3 stand part was put and resolved in the affirmative without division.

Clause 4 was called and passed.

The Schedule was called and passed.

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

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

ADJOURNMENT

Hon. L. S. CRAIG: Mr. Speaker, this brings us to the end of today's sitting, and I beg to move that the

House do now stand adjourned until Tuesday, November 9, 1982 at 12 noon.

Mr. R. E. BRATHWAITE: I beg to second that.

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

6.02 p.m.

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