
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, April 5, 1983.

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

PRESENT

His Honour C. L. Bolden, LL.B., (Deputy Speaker)
Hon. L. S. Craig, (Minister of Parliamentary Affairs and Leader of the House)
Hon. H. B. St. John, Q.C., LL.B., (Deputy Prime Minister and Minister of Trade, Tourism and Industry)
Hon. Miss B. A. Miller, (Minister of Education)
Hon. L. B. Brathwaite, (Minister of Housing and Lands)
Mr. J. G. Odle, B.Sc., (Chairman of Committees)
Hon. L. R. Tull, Q.C., M.A., (Attorney General and Minister of Legal Affairs and Minister of Foreign Affairs)
Hon. DeL. O. Bradshaw, (Minister of Labour, Social Security and Sport)
Hon. Dr. R. L. Cheltenham, M.A., M.Sc., (Econ.), (Minister of Agriculture, Food and Consumer Affairs)
Mr. R. E. Brathwaite

Prayers were read by Archdeacon F. A. Cayless.

Hon. V. L. JOHNSON, Mr. N. K. SIMMONS and Dr. R. C. HAYNES entered the Chamber and took their seats.

MINUTES

Mr. DEPUTY SPEAKER: The Minutes of the meeting of Monday, 14th March, 1983.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that the Minutes of the meeting of Monday, March 14, 1983, be taken as read.

Mr. DEPUTY SPEAKER: If there are no observations or objections, let the Minutes stand confirmed.

ANNOUNCEMENTS

Mr. DEPUTY SPEAKER: I have to announce that I have received Accounts and Statements for the month of January, 1983, as prepared by the Accountant General.

PAPERS LAID

Hon. DeL. O. BRADSHAW: Mr. Deputy Speaker, I am commanded to lay: The Fourth Actuarial Review of the National Insurance and Social Security Scheme.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to give notice of a Bill to amend the Off-Shore Banking Act, 1979.

REPORT FROM SELECT COMMITTEES

Mr. J. G. ODLE: (St. George North): Mr. Deputy Speaker, I have the honour to report that the Select Committee on the Emergency Powers Bill is not yet in a position to report. The Committee is awaiting the advice of consultants, and I would ask that the House consider extending the time by four weeks hence.

Hon. H. B. St. JOHN: (Christ Church East Central): I beg to second that.

Dr. R. C. HAYNES: (St. Michael South Central): Mr. Deputy Speaker, I wonder whether it would not be appropriate at this time to check whether the time has now expired between the last occasion on which a representation was made to this House for an extension of time and today, because if that is the case and the time has already expired, then it would seem to me that the

Committee would under the Standing Orders of this Honourable House cease to be in existence. I wonder whether that can be checked by the Clerks at the Table.

Mr. L. L. SISNETT entered the Chamber and took his seat.

Mr. DEPUTY SPEAKER: The honourable Member for St. George North (Mr. J. G. Odle) is seeking the House's permission for an extension of the time pending which they would have had the benefit of a consultant in the matter. The time expired during the sitting of this House on the last occasion and leave was granted by the House for the Committee to sit again, therefore I rule that the Committee is within that time in which it is sitting.

Mr. P. M. GREAVES, Mr. H. A. BLACKMAN and Mr. L. A. WEEKES entered the Chamber and took their seats.

Dr. R. C. HAYNES: Mr. Deputy Speaker, according to the Order Paper before me, the Committee made a further report on January 11 and was granted leave to sit again for eight weeks. From 11th January to 11th February to 11th March, eight weeks would have passed since then. Eight weeks was the extension granted by the House and that eight weeks have expired.

Mr. DEPUTY SPEAKER: I am advised that the Chairman is correct in his application for leave for the Committee to sit again.

Dr. R. C. HAYNES: Mr. Deputy Speaker, I would be grateful for an interpretation of when the eight weeks expired.

Hon. H. B. St. JOHN: On a point of order: as I understand it, objection was taken by the honourable Member for St. Michael South Central (Dr. R. C. Haynes) to the application which was made by the honourable Member for St. George North (Mr. J. G. Odle). Your Honour heard the application, heard the representations made, Your Honour was advised in accordance with the usual custom by the Clerks at the Table, and Your Honour has not only once but twice stated that the application is in order.

It is not proper in my submission for the honourable Member then to say that he wants you to go further and give an interpretation. Again he is exhibiting his uncouth behaviour. It is totally improper, because what he is doing is questioning Your Honour's ruling. If he does not like Your Honour's ruling, he must bring a substantive motion. He cannot sit down in here and question Your Honour not only once but twice, and Your Honour has been exceedingly lenient with him, and I object on a point of order.

The honourable Member is not entitled to do that. If every time the Speaker or a presiding officer makes a ruling, he gets up and asks for an interpretation, that is tantamount to questioning your ruling. He cannot do that except in accordance with the Rules of the House. I draw those facts to Your Honour's attention.

Mr. P. M. GREAVES: (St. Michael North): I am suggesting that Your Honour did not rule. Your Honour merely said, "I am advised that the Chairman is correct". That is not a ruling.

Mr. DEPUTY SPEAKER: If the honourable Member would give way, I said that I ruled that the Chairman of Committees is in order to apply for leave, and that is my ruling.
12.30 p.m.

The question that the Committee be extended for a further four weeks was put and resolved in the affirmative, the House dividing itself as follows:

The bell was rung.

Rt. Hon. J. M. G. M. ADAMS and Mr. A. TRUSS entered the Chamber and took their seats.

Ayes: Rt. Hon. J. M. G. M. ADAMS, Hon. H. B. St. JOHN, Hon. L. S. CRAIG, Hon. L. R. TULL, Hon. L. B. BRATHWAITE, Hon. Miss B. A. MILLER, Hon. Dr. R. L. CHELTENHAM, Hon. V. L. JOHNSON, Hon. DeL. O. BRADSHAW, Mr. R. E. BRATHWAITE, Mr. A. TRUSS, Mr. L. L. SISNETT and Mr. J. G. ODLE. — (13)

Noes: Dr. R. C. HAYNES, Mr. P. M. GREAVES, Mr. N. K. SIMMONS and Mr. L. A. WEEKES. — (4)

FIRST READINGS OF BILLS

On separate motions of Hon. L. S. CRAIG, seconded by Hon. H. B. St. JOHN, the following Bills were read a first time:

A Bill to amend the Off-Shore Banking Act.

A Bill to amend the Entertainment Tax Act, Cap. 69.

A Bill to amend the Road Traffic Act, 1981-40.

A Bill to amend the Crown Lands (Vesting and Disposal) Act, Cap. 225.

ORAL REPLIES TO QUESTIONS

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, I beg to give notice that the reply to Parliamentary Question No. 21 is ready.

ORDERS OF THE DAY

Mr. B. M. TAITT entered the Chamber and took his seat.

Hon. L. S. CRAIG: Sir, I beg to move that Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of today's sitting, Sir.

Hon. L. R. TULL: I beg to second that.

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

Hon. L. S. CRAIG: I beg to move, Sir, that Government Business be now taken.

Hon. L. R. TULL: I beg to second that.

Mr. DEPUTY SPEAKER: Government Business is now the instant Order of the Day.

Order No. 6.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND IN OISTINS FOR THE OISTINS DEVELOPMENT PROJECT

Order No. 6 was called – To move the passing of the Resolution to approve the compulsory acquisition of land at Oistins, Christ Church, for the relocation of houses to be dislocated by the Oistins Development Project.

Hon. L. B. BRATHWAITE: (St. Andrew): Mr. Deputy Speaker, this Resolution is comparatively straightforward. There is no problem with respect to the difficulties on price or anything like that.

This land was acquired primarily to resite a number of people who are now displaced as a result of development within the Oistins area.

There is only one regret that I have, which I must publicly voice, and it is that this has taken a considerable length of time to come to finality. I would hope that in future these delays would not come about but, rather, that as soon as we start to implement the machinery of acquisition we will try to expedite the question of settlement as quickly as possible.

In the case of the owner of this land, he was very amenable to the arrangements, unlike a number of other

people who we meet from time to time. I had to advert on a previous occasion to the attitude of people towards Government with respect to the purchasing of lands for the development and improvement of the community. I want to say a word for Mr. Barnett, who is a vendor in this case. He was very co-operative and very helpful and did not put any obstacles in the way of Government to prevent it from carrying out the improvements at Oistins.

Those people who now see a developed Oistins can be proud of what the Government has done and I am sure it is to the credit of the honourable Member for Christ Church East Central (Hon. H. B. St. John) who has put in a lot of work, that we have been able to bring about a successful development. I hope that he is a happy man in his heart today to know that a dream of his has come true.
12.40 p.m.

I hope for the future that in dealing with these matters of compulsory acquisition we will find more people like Mr. Gordon Barnett who will be co-operative and helpful with respect to the Government's development of progressive programmes.

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

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

Mr. P. M. GREAVES: (St. Michael North): Mr. Deputy Speaker, over the past few years, a number of persons living in the Oistins area have been removed from places where they have been living, and a number of Resolutions have come before Parliament for the acquisition of lands for the Oistins Development and Fishery Complex.

First of all, Sir, we had some houses being removed to make way for a shopping centre, which has done some good for Christ Church in that area, and then, of course, there were a number of houses being removed for the development. I had been under the impression that the development was virtually at an end. I am wondering if this is the last piece of land to be acquired for the Oistins Development.

I also want to know the very purpose for which this piece of land will be put into use, because judging from the location, it does not strike me as though it is adjoining the rest of the development. I might well be wrong, Sir, but it strikes me as though it stretches from the top of Maxwell Hill down towards the sea.

I would like to know the exact purpose for which this land is being acquired, and if there are other lands being acquired in the area, then I would like to know that, and I am sure the people would also want to know that as well.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, this land in Oistins is to the north of the sea shore and it is part of the overall future development of Oistins, although no development has taken place at the moment. A study was carried out by Mr. Richard Gill, the Town Planner, in connection with re-development of that area.

I recalled that while I was in the Ministry of Agriculture, Food and Consumer Affairs, which is responsible for the development of Oistins, it was realized that there had to be a resiting of at least three houses. The people involved were not particularly keen in moving too far from the area. One was a Baby Doots, a well known character. I suppose she is particularly well known to the other side, and she did not want to go far either. There were people who were dealing in fishing and who wanted to live near to the area.

Mr. Barnett had made an application to the Town Planning Department for the division of the lands into six lots, keeping two for himself, where he has a home at the moment. He does not live there at the moment. The place is rented out. It is a business place and an extra lot so that there would not be too much encroachment upon his dwelling, and the Government thought it was useful at the time to utilize that land. From the information which I had at the time, and still has, the resiting of the houses would harmonize with the future development for that area. This is the information that I have.

Mr. P. M. GREAVES: Mr. Deputy Speaker, the Minister spoke about the future development of the Oistins area on the plan drawn by Mr. Richard Gill, the Town Planner, and I also want to know if the three people who are being sited are going to purchase these lots from the Government. Are they merely tenants of the Government?

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, at the moment they are tenants of the Government. I do not know if the honourable Member is aware, but if he is not, I can advise him now that Government is quite willing to sell all of its lands where people are now tenants if the people are willing to purchase. So no matter what re-development there might be within the Oistins area, so long as the lands are owned or acquired by Government at some future time, the land will be sold to the tenants. At the moment they are tenants because they had to be speedily moved. They were not owners of the site where they previously lived and, therefore, they were brought over there on Mr. Barnett's land. There can be no question of any problem in the future as far as the tenants are concerned and their ability to purchase the land.

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

Hon. L. S. CRAIG: Mr. Deputy Speaker, there is a power failure. At this time I beg to move that this sitting be suspended for half an hour. Hopefully, we can have this sitting resumed.

The question was put and resolved in the negative, with the Members voting as follows:

Hon. H. B. St. JOHN, — No.

Hon. L. S. CRAIG: (Sitting with head covered) I am voting "no", because we have now seen the current come back again.

Mr. DEPUTY SPEAKER: Under the present rule, the honourable Member does not have to cover his head.

Hon. L. S. CRAIG: Thank you very much, Sir. That is news to me.

NOES: Hon. L. B. BRATHWAITE, Hon. Dr. R. L. CHELTENHAM, Hon. V. L. JOHNSON, Hon. DeL. O. BRADSHAW, Mr. R. E. BRATHWAITE, Mr. L. L. SISNETT, Mr. J. G. ODLE, Mr. B. M. TAITT, Mr. H. A. BLACKMAN, Mr. P. M. GREAVES, Mr. W. O. FRANKLIN, Mr. N. K. SIMMONS, Mr. M. A. KING.

Mr. DEPUTY SPEAKER: All the honourable Members voted "no". The sitting therefore continues. 12.50 p.m.

ENTERTAINMENT TAX (AMENDMENT) ACT, 1983

Order No. 3 was called — To move the Second Reading of a Bill to amend the Entertainment Tax Act, Cap. 69.

Rt. Hon. J. M. G. M. ADAMS: (St. Thomas): Mr. Deputy Speaker, Sir, the Entertainment Tax Act has been on the Statute Book of Barbados for almost 30 years, and the practical experience of those 30 years has persuaded the Commissioner of Inland Revenue, and through him the Government, to suggest certain amendments. These amendments have found the form in the Bill now before the House.

Over the period of 30 years, there have been some changes in the Act, but most of these changes are related to the source of entertainment on which tax is charged. I believe at one time cricket used to be in the Bill; it now has been removed. There may have been other changes as well but, in common with other areas, the Commissioner of Inland Revenue has found some difficulty in persuading persons who owe the Government taxes under his jurisdiction to pay those taxes.

There has also been some difficulty in assessment. For example, there has been no method of calculating

taxes on the gross proceeds of an entertainment where the proprietor has not distinguished between the tax charged and the payment for admission.

There have also been difficulties in determining who the proprietors and promoters are. The Commissioner has found that, on more than one occasion, there are very large scale entertainments, even at the stadium, involving sometimes foreign artists, where it has been very difficult to identify the promoter or indeed, in some cases, to identify the entertainment as a taxable entertainment.

There is also no prescribed time in the Act or the Regulations within which payment of the Entertainment Tax should be made to the Commissioner. And the enforcement procedures which existed in the Income Tax Act, such as garnishment and the filing of unpaid tax certificates, have not existed in respect of the Entertainment Tax Act.

We are therefore seeking to change some of the definitions to allow for a more easy prescription by the Minister of Finance of entertainments which should attract tax. We are also changing the definition of "proprietor" to make it wider than the present definition.

We are raising the threshold for payment of entertainment tax from, I think it is 5 cents as it is now, to \$1. Any entertainment that cost less than \$1 will not have to pay the tax. Even \$1, I think, Sir, is not much of a concession. We are also providing that the Commissioner has to be informed beforehand of the entertainments so that he can make proper arrangements to collect the money and can also acquire the assistance of the Police Force in policing the entertainment, and also in assisting him to carry out his duties.

We are increasing the fines to \$10 000. We are giving persons, who are aggrieved by decisions of the Commissioner the right to appeal to the Income Tax Appeal Board, and we are repealing the present Schedule; which sets out the forms of entertainment on which tax will be payable, in favour of a Schedule to be fixed by Regulations. The intention is, Mr. Deputy Speaker, to change Regulation 11 of the principal Regulations to provide that the tax should be paid during the first week of the next month after the entertainment takes place. That relates to something which is in the Bill.

We intend to provide that where the entertainment is provided by persons who are not ordinarily resident in Barbados and tickets have been sold prior to the date of the entertainment, that the entertainment tax is collected before the entertainment takes place. This is for foreign shows in Barbados, because we had a very, very great deal of difficulty with that, Sir.

As long as the tickets are sold in advance, tax will also be collected in advance, and we will be providing that in special circumstances where no time is fixed for the payment of the tax, the Commissioner can issue directions not later than the day of the show as to how the tax is to be paid.

We are also going to repeal Regulation 12 and have a new regulation substituted under which all owners and proprietors of places of entertainment, shall keep books and records, registers of payments and records of adhesive stamps and Government tickets. This is where that is appropriate.

We propose to add the following to the list of chargeable entertainment: closed circuit television shows, including shows via satellite, night cricket, dog racing, judo shows, karate, kung fu and kid boxing shows. We are adding musical entertainment consisting of vocal, instrumental music or combination thereof.

We already have professional boxing. We are going to add wrestling, vehicle racing and any of the forms of entertainment, Sir, performed by persons who are not ordinarily residents in Barbados, whether or not it is audience participation. It will be found that somewhere in the Act there is a rule indicating that audience participation is a pre-condition of certain chargeable activities. I was under the impression that that rule used to exist, and perhaps still exists, Sir, but that will cover all foreign entertainment.

1.00 p.m.

I mention these matters not because they are before the House but because I want to let the House know what is proposed. The Regulations will in due course come before the House if the Bill is passed in its present form, but these are additional forms of entertainment, which it is sought to add to the Schedule of chargeable activities.

I have a large file here, Sir, which goes back not only to my predecessor as Minister of Finance, and not only to his predecessor but even to his predecessor, so it ought to be possible to answer most questions that can arise on the matter, but I hope that honourable Members will not think that I have a knowledge of all possible questions that may be asked. All I can say is that if they are asked, I will endeavour in Committee to search out the information to assist honourable Members on any queries they may have.

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

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

Rt. Hon. E. W. BARROW (St. John): Mr. Deputy Speaker, the Bill which we have before us really does not go far enough. The legislation which the honourable Minister of Finance (Rt. Hon. J. M. G. M. ADAMS) has adverted to does go back a long time in history, but if the honourable Member searches the files and consults with the Commissioner of Inland Revenue, he will find that this is a law which has been honoured more in the breach than in its observance.

What I mean to say is that there are various forms of entertainment going on in Barbados, particularly on weekends, quite apart from the cinemas and so on. Let us leave the cinemas out for the time being because it should not be difficult to collect entertainment tax from them. The tax has already been repealed in so far as the Barbados Cricket Association and games under their auspices are concerned. But the general level of entertainment in Barbados revolves around weekend dances, some of them in small places, some of them in people's backyards with a tarpaulin, some of them in more elaborate and sophisticated structures such as the George Street Auditorium and in various other places. Each political party has at least one or two dances a year.

I am respectfully suggesting that the amendment does not go far enough because the whole thing ought to be repealed. I do not think it is really worthwhile.

I remember a long time ago when they used to have dances in Queens Park. I do not know whether you had come down from St. John yet.

Mr. DEPUTY SPEAKER: For the information of the honourable Member, I came down in the Forties.

Rt. Hon. E. W. BARROW: And promptly went away. Some of us who are denizens of this area were involved up there by Harrison College. I came down from the country at a fairly early age.

But it was our popular recreation on a Saturday evening to go to Queens Park. We did not go to the Bridgetown Club and the Royal Barbados Yacht Club as some of the members of our profession are wont to do nowadays. We found our entertainment in Queens Park, and I remember very well that a certain gentleman, who is not unrelated to one of the three U's, was working in the Income Tax Department and he was the only person I can remember coming and sitting down at the gate and checking the people coming into Queens Park on a Saturday night. He was a very dutiful officer in that department. Then Mr. Desmond Johnson used to come around, and they got rid of him, because they felt that he was too zealous for some reason or another. He is now in real estate.

This is really an exercise in futility. I do not think that the total amount of money that you are going to collect at the end of the financial year really justifies paying overtime to Government officers. If they are going to do their job properly, they have to sit at the gate in order to verify the accounts at least until 1.30 a.m. or 2 o'clock in the morning.

On Independence night you have six or eight really large fetes going on at the Marine, the Auditorium, the Drill Hall, this place and the other place, so you have to deploy nearly the whole staff of the Inland Revenue Department to see that the Government gets its fair share of the tax.

When you are collecting money, let me tell you our experience. I do not know whether it is yours, Mr. Deputy Speaker, but our experience is that we have a hard job keeping a check. If we have a dance, sometimes the people who come in greatly exceed the multiplicand of the number of tickets you sold at the door.

It is an irritant. Nowadays it is very difficult. It is not really profitable to run an occasion unless you do like a member of the Senate, buy 1 000 tickets and distribute them up and down Roebuck Street to make sure that you have an impressive looking audience. If Mr. David Seale buys 1 000 tickets, then you can check on that, but we depend on a lot of small people and couples coming in and paying \$10. Some people are fortunate in getting the bands and the advertisements paid for. Somebody has a service-of-song or a little, what is described in New York as "a rent party," like they had a lot of rent parties last week round and about Bridgetown near the end of the month. Or, with the cost of living nowadays, you have to get some extra money if you want to go on the excursion, so you have a little parang in the backyard with a tarpaulin and so on and you get an occasional licence.

The Government makes money in a multiplicity of other ways. If you have a \$10 entrance for a dance, it means that you have to collect an extra \$2 from each person attending that dance and paying for admission; that is \$12.

Asides.

Rt. Hon. E. W. BARROW: You are not going to charge dances! I see, home drums beat first. I am very glad to hear that they are not going to charge for dances; but let us say now that we are going to have the Mighty Sparrow, whom I understand is going to be appearing within the next two weeks on four occasions. The tickets, I understand from the organisers, are going to be \$20, that means you have to tack on another \$4 for young people who go to see international celebrities such as Sparrow.

I would like to say in fairness to the Government that the 1977 Act is when they increased it to 20 per cent. It is not 20 per cent today. It started off at about 5 per cent, then I believe it went to 10 per cent and it is 20 per cent, and, as far as I can remember, it has been so from 1977.

So a \$10 ticket would be visited with a tax of \$2. Let us say it is a concert or a dance or entertainment, that means that people have to look for that extra \$2, and it is the extra \$2 that sometimes will turn people away. They do not mind spending the \$2 on a Plus or a Coke — I cannot say a Cockspur Five Star because a \$2 rum is not in fashion any more and it is \$4 and \$5 whiskey. They may want a Coke or a Plus and it is that extra \$2 that would turn them away, and they would say I am going down the road for something else that is \$5. So really it is a nuisance to the small man. It is a deterrent against the keepers of functions, the organisers of international shows.

We have exempted cricket from the tax, where you have the largest possible crowd, say 18 000 to 20 000 people. That would really make a difference especially with the Indian tour coming off, but we have exempted them from the tax. We collect money from them on their other activities, and I am strongly suggesting now that I hear that dances are exempted — I do not know whether this is in the Act itself or whether it is a dispensation from the Prime Minister.

Asides.

Rt. Hon. E. W. BARROW: The Regulations. Now this is a problem. The problem is that when you do these things by Regulations, people cannot keep up. I doubt that the members of the Honourable House see the Regulations from time to time, far less the ordinary members of the public.
1.10 p.m.

I am glad to hear, and I think the greatest publicity should be given to the fact, that dances, whoever they are organised by, service-of-songs and the little — I call them parangs that you have in your backyard and that kind of thing; all of these things will be exempt from the Entertainment Tax.

I think that people who go to the cinema — well, they normally expect that they will pay the Entertainment Tax. I am glad that cricket is exempted, but I think that there are other things that could be exempted, particularly cultural shows. And not necessarily those that are for charitable purposes; any kind of cultural show should be exempted from the payment of the tax.

I think that it is necessary to do a kind of cost and benefit analysis to try to work out whether the amount

of public officers' time which will be expended in invigilating and scrutinising the payment of admissions to these various functions really is justified by the amount of revenue which you eventually will hope to collect. Because if it is going to cost us more to have efficient collection of the tax than the tax that we actually collect, then, I say that the tax is not worthwhile scraping the bottom of the barrel in order to collect it in this manner.

Hon. H. B. St. JOHN: (Christ Church East Central): Mr. Deputy Speaker, Sir, the area in this matter that is of interest to me is a little wider than the question of the tax.

I readily concur that it is not within the contemplation, or never has been within the contemplation of any Government of Barbados, since the passage of the Entertainment Tax Act to tax the Saturday night dances that take place at such places as Aberdeen or its equivalent in all of the parishes of Barbados. I am sure, Sir, that Boy Child's Disco, or the one in Horse Hill, or the many in St. Michael have never been taxed. So let us get it clear.

My understanding of the position is that those types of institutions have to have a licence to be a place of public entertainment and that the only tax that they have to pay is when they apply for that licence. Now, it is to that aspect of the taxation that I wish to look at.

It is my considered view that we have to completely revise our concepts on this question of licensing entertainment, not only from the point of view of ensuring that we recover the tax when they are eligible for tax, but also, from the point of view that, as representative of a constituency, I have been in receipt of numerous petitions by my constituents over the lack of proper regulation in Barbados of the control of noise in these places.

We are living today in an era in which the electronic revolution which has taken place with amplification of musical instruments is of such a magnitude that many Governments in the world have had to introduce legislation to ensure that next door neighbours are not deprived of a sound night's rest because of the noise emanating from places in which music is played. Where it is a private house, it is possible that there is a far greater degree of tolerance among neighbours. But I wish to draw to the attention of the Honourable House that a serious situation is developing, whereby the Barbadians are becoming less and less tolerant in this area.

I know that six or seven years ago, when I was engaged in another place, I had to deal with a number of these situations in the law courts. That remedy is still possible, but it is a costly remedy. I think that the only area of inflation which meets medical fees are legal fees, and I believe the doctors may have done a little better over the course of the last ten years in the world. The

normal middle-income Barbadian cannot afford to open the court to deal on a private nuisance basis with this matter.

I have tried to see whether the Town Planning Act has adequate machinery for this. But I regret to say that the old practice of circulating neighbours when contemplating planning permission applications has been discontinued for a long period of time. In any event, change of use is the only area that comes strictly within Town and Country Planning contemplation.

I have discussed this matter with my colleague, the honourable Minister of Health (Hon. Dr. D. G. Blackman). I really do feel that a nuisance arising from excessive noise, causing the neighbourhood to lose sleep, is a fit subject matter for public health regulation.

I have done a bit of comparative work in this area and many communities now have brought the sanction of criminal law to this area. In countries such as Switzerland, it is an offence, a criminal offence, arrestable, to make noise in such a manner on a public street or within the area of the public after 10.00 o'clock at night.

I would not like to prescribe the time in Barbados, because, obviously, there are certain districts which seem to be immuned to this noise. But I do feel that we have reached the stage where we have as part of our criteria for licensing places of public entertainment, to look at the question of whether noise can emanate from the place to the annoyance of the neighbours as one of the criteria. We must have that. It is no use saying that you can go to the private law court to get your remedy.

I believe that part of the answer lies in stipulating that if people wish to make this noise and make use of electronic instruments, they must air-condition the place — there are a number of alternatives — or have basements, put their business in that part of Bridgetown in which no residents sleep at night, and therefore make full use of existing buildings.

We cannot continue to evade this issue. I feel that the time has come not only for us to have a look at the particular area of taxation, but one must look at entertainment in its wider context. Of course, all of us are disgusted with stories where our constituents come to us and tell us that they have paid for tickets and that the alleged entertainer has not turned up. The latest one, I believe, that we had was an entertainment advertisement for one "Yellow Man". That is the latest one that I can remember. I had complaints about "Yellow Man", that he did not appear, and that if he appeared, he would not play because he was not paid. These are important matters, but some additional standards have to be introduced in this area.

1.20 p.m.

So I draw these matters to the attention of the House because I should believe that this area of entertainment is sadly lacking in its supervision under the existing law at the present moment. Since it is a multi-ministry matter, I believe that we should start to formulate plans in this area so that the public can be apprised of the fact that it is an area which we are thinking of regulating.

Mr. B. M. TAITT (St. Michael West): Mr. Deputy Speaker, Sir, I do not think that one wishes to prolong this debate, because the points have been made. I am not sure if I agree entirely with the honourable Member who has just sat down with regard to this question of the control of the noise level. I agree with him, that there has been quite a noticeable increase in the level of noise pollution in Barbados generally.

I had a very strange experience in relation to my own constituency concerning this question of the noise from entertainment areas. Recently, an organisation opened an entertainment centre right in the middle of the constituency, and the noise level, in my opinion, was fairly high. But, as usual, I thought that we should consult with the constituents and we did a survey of all those constituents who lived within a 75-yard radius of the particular building. Mr. Deputy Speaker, except for one person, who was directly in line when the door was opened and who has written two letters asking that that be regulated, and who subsequently indicated that it was now being regulated to his satisfaction, or his grandmother's satisfaction, all the people said that the thing was not bothering them.

I am not certain that we ought not to go a little more cautiously when it comes to regulating the areas of life in Barbados. It seems to me that at the moment we have a large number of regulations concerning a large number of areas, which are not being adhered to, and I do not think that it is desirable for us to have Regulations as part of our law if those Regulations are incapable of implementation.

I did not quite understand the honourable Member's comment that he did not wish to be reminded about what he called "the private law" because when we pass the Regulations, and if we pass Regulations under the scheme he seems to be proposing and they were violated, it would seem to me that you will still have to go to the same court; except that, according to him, you will be going as a criminal.

I wish to take very serious issue with him on this concept of criminalising more and more areas of life. I think we should be going in the other direction. I do not believe that a person who has a licensed place of entertainment, or a person who was holding a dance, who had excessive noise, ought in the end to be treated in the same way as a criminal who is distributing cocaine or

marijuana in Barbados. I believe that the two areas of activity are so different that to the extent we can preclude the one as being criminal, we would be better off as a society.

I think that we need to educate the population a little more than we have done. I think the Caribbean Broadcasting Corporation is an excellent means of educating people in a number of areas which, apparently, it has not given serious thought to; or the Government Information Service, if it has given thought to them, has not yet got around to implementing them.

I believe that in this whole area of increase and pollution generally, the protection of the environment as it relates to noise is something that can be taught in the same way as you teach children who are growing up not to slam doors. I believe that the community can be advised properly and in a sufficiently imaginative way that persons will become a little more susceptible to noise regulation.

The other problem which the honourable Member may be suffering from is one of age. I think the honourable Member has to recognise that the person of average age in this Honourable House now is incapable of understanding the noise level at which the current generation operates. Anyone who lives in a household with teenagers can speak truthfully on this matter. Teenagers operate at an entirely different noise level from persons in their mid-forties and beyond, and I think that has to do with the change in the mood in the community, in that we are adopting a number of the habits of North America — and one of the habits of North America is noise.

The honourable Member for Christ Church East Central (Hon. H. B. St. John) may not be as with it, in terms of modern music, as are some of his colleagues. I think the honourable Member next to him could advise him on certain aspects of modern music; modern music as practised by the bands.....

Asides.

Mr. B. M. TAITT: That is the whole point I am making that the noise may affect the honourable Member because he is not accustomed to it. It might affect some other honourable Members, but the youngsters seem to find that noise level perfectly acceptable. It is a phenomenon which you do not understand, and which they do not understand is detrimental to them in the long term. It means that the general noise level in Barbados has risen and people even speak more loudly now than they used to speak.

I am suggesting that the answer is not in regulation. The answer really is in education. If you could point out to young people that the noise level is going to harm

their ear drums over a period of time, and that there is enough information on this to confirm it, that might be more effective.

Mr. DEPUTY SPEAKER: I would like the honourable Members to be relevant on the matter before this House. It seems as if we are straying into the area of pollution, which should come under Public Health rather than under the question of the amendments to the Entertainment Bill. The honourable Member seems to be taking up a line which is being advocated or canvassed by the honourable Member for Christ Church East Central (Hon. H. B. St. John), and I would hate to think that the debate would now move from this matter.

Mr. B. M. TAITT: I am guided by Your Honour. Thank you very much, Sir. I am merely making the point that, in relation to such Entertainment Tax as we are going to impose, I am not sure if the Minister is making the right decision — I was going on to make this point — to do this by Regulations. I am not quarrelling with the decision.

The current Regulations has a category which says fetes, fairs, etc. Those have been fixed. I believe that the honourable Member knows the general areas in which he is going to be imposing, or would like to see imposed, the Entertainment Tax. I think it would make for greater clarity if he did not do it by Regulations, but it is obvious he feels that Regulations give a little more flexibility. I am not questioning that.
1.30 p.m.

He did mention dog racing though, Sir. So far as I know, there are no provisions in Barbados for dog racing, so one would have to assume that the Prime Minister has information above and beyond the normal information which we have, and that he has suggested dog racing in anticipation of an announcement that there is going to be a dog track in Barbados. If there is going to be a dog track in Barbados, I think the Prime Minister should take the next logical step and announce the ancillary services which go with dog track racing.

A person who is well versed in this has indicated to me that in order to run a proper dog track, you need about 300 dogs — 12 races a night, eight dogs, that would be 96 dogs, they do not usually run them twice in a night — so that this would be a new industry, and this industry is usually associated with casino gambling.

The honourable Member should know that there is hardly anyone who would bring a dog track to Barbados who is not going to expect it to be supported by a casino, so if the honourable Member is giving us advance information on the dog track and dog track betting in Barbados, I think he should go the logical step and give us the entire bit of information. Failure to do that would

make the including of dog racing as part of this Schedule in the Regulations quite superfluous and unnecessary, unless, of course, we are going to go to the ridiculous lengths of including cock fighting. After all, cock fighting is a sport that is carried on in Trinidad, and who knows, the Prime Minister may have something which we do not know about.

I want to suggest, however, that I agree in general with my colleague, the honourable Member for St. John (Rt. Hon. E. W. Barrow) that we ought not to create more nuisances for the small people in the community. We collect Entertainment Tax from a few major institutions. We could continue to collect those taxes, but I am not moved myself to see that there is going to be any vast improvement in the revenues of the country as a result of this amendment.

I would like to suggest, while I am on my feet, that from experience the Entertainment Tax on bingo is not called an entertainment tax, but it is a part tax, I think it is 25 cents in the dollar. That has had a tremendous effect, a negative effect, a tremendously negative effect, on a number of small activities. Yesterday, for example, we had our excursion at Cove Bay, we had about 17 buses and 20 pickups, and a large number of people gathered at Cove Bay, and they wanted to play bingo. We have discouraged it because it is not useful to us. If we play bingo at the excursion, the Government's take is so high that the prizes paid would not be worthwhile, so we do not get involved in it. In the context of my church, we made a decision on moral grounds not to get involved in bingo, but there are a number of other little people who would like to play bingo, who find that the tax aspect of bingo is much too high and it therefore has a nuisance value.

I want to suggest, therefore, that in looking at areas to gather revenue, the Government should really pay some attention to the optimum point at which they intend to drive away people from the particular activity by the tax they impose. If, indeed, that is their intention, then they are successful. If, however, it is seen as a revenue earning measure, I do not believe that they have been successful.

Thank you very much, Mr. Deputy Speaker.

Rt. Hon. J. M. G. M. ADAMS: Sir, I would like to thank all honourable Members who participated in the debate for their contributions.

The honourable Member for St. John (Rt. Hon. E. W. Barrow) reminded me that the rate of entertainment tax was raised in 1977. I had indeed forgotten that it used to be 10 per cent, Sir, and it was raised to 20, and I am glad to be able to give him the assurance that we do not intend to charge dances.

On what the honourable Member asked about cultural shows, I would draw his attention to Section 8, subsection (1) of the Act, which allows the Commissioner to exempt the whole of the tax in cases where the show is devoted to religious, educational, philanthropic or charitable purposes. This has excluded sporting purposes, but it does include most fetes, fairs, bazaars and other parangs — to use this phrase — because I think most fetes and fairs are held for charitable purposes. The people who go to them know that they are going to assist in religious, or philanthropic charitable purposes, and I cannot off-hand ever remember what we call a fete, fair or bazaar paying Entertainment Tax in our time.

I have taken note of the speech made by the Deputy Prime Minister, and he probably if he scratches about in his memory, will recall that some consideration is being given to amending the law relating to places of public entertainment. One of the steps which I have taken, as I recall, is to delete the expression "casino" from places of public entertainment so as not to mislead honourable Members hoping to be misled, whether deliberately or otherwise, in these matters, for I would hate to have to listen to the speech made by the honourable Member for St. Michael West (Mr. B. M. Taitt) if we produce an Act relating to places of public entertainment that applied a charge on casinos.

I think that when that expression was first contemplated it meant the Sealy Hall "Casino" and the Green "Casino", but we have progressed somewhat, and casino has taken on a different meaning in its journey down through Massiah Street and Greens to Bridgetown. It no longer means quite the same as I think the gentleman at Sealy Hall intended to convey.

This leads to the speech of the honourable Member for St. Michael West, which contained a remarkable statement that dog racing is usually supported by casino gambling. I do not want to be dogmatic, but I would hazard a guess that nowhere in the world would he find a dog track associated with a casino. I have certainly never heard of one. Dog racing is associated with betting as to which dog will come first, second and so on. I have never heard of its being associated with casino gambling.

It may very well be, Mr. Deputy Speaker, that the Government might be paying more attention to the positive aspects of dog racing outlined in the honourable Member's speech than to the gambling aspects. We might be paying attention to the possibility of the large amount of employment that the maintenance of 300 dogs would carry and the investment, probably foreign investment, that would be involved in the dog track, to the work that could be given to people in setting up a dog track, to the attraction of people from Trinidad and from Martinique who might show interest, indeed, Mr. Deputy Speaker, for all I know, who may have already shown interest in

coming to Barbados to attend dog racing. I myself would find no difficulty whatsoever in accepting dog racing as an addition to the amenities offered by Barbados to its citizenry and to the people who visit us from abroad.

Finally, Mr. Deputy Speaker, I would just say a word about volume and amount. The honourable Member for St. John has probably not even seen the figures for collections in 1981-82, far less the more recent figures. 1.40 p.m.

It does appear as though the Entertainment Tax is producing enough revenue easily to justify its administration. In 1981-82 we collected almost \$560,000 in entertainment tax and in 1982-83 for reasons which are not altogether clear to me, we have collected almost \$1 million; \$975,000 to be precise.

To take an example of what he outlined — the sending of an officer to ensure collection — an officer was sent to monitor the circus last year. And I think that the nights he spent at the circus were certainly amply repaid in \$90 000 in revenue which was collected. And while we continue to attract foreign entertainment, I think, Mr. Deputy Speaker, that we will be showing a substantial surplus of the administrative cost of collecting tax from these entertainments.

Foreign artists and foreign shows do not come here for nothing; they come here to make reasonable amounts of money. And it is probable that a stadium show for a singer, which will be monitored by an officer of the Revenue department, or a show such as a circus, would leave a good deal of money behind in Barbados by way of Entertainment Tax that we could never dream of thinking that we would collect if we had to try to get it as Corporation or Income Tax, or some tax of that sort. Sometimes an indirect tax such as an entertainment tax, chargeable by way of a percentage or in the nature of a sales tax, will produce revenue for you that other means would never have any hope.

It is obvious, Sir, that subject only to the general suggestion of the Leader of the Opposition, (Rt. Hon. E. W. Barrow), which the Government fully accepts, that entertainment tax would not be worthwhile collecting if we were merely applying it to small people's dances and small fetes and fairs. I think honourable Members would tend to agree with the principle that the Bill will be better administered.

I hope that in these few words I have given the honourable Member for St. John sufficient reassurance to set his mind at rest that we may not be going down an uneconomic path of paying more in the administration of a tax than the tax it brings. I think I can say that the

House has given its general support to the Bill, which I now beg to move be read a second time.

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

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

On motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. J. G. ODLE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

Clause 3 was called.

Mr. B. M. TAITT: (St. Michael West): Just one question on Clause 3. It is really Clause 2. I want to ask a question anyhow and let Your Honour decide whether you will let me ask it.

I wonder if the Minister is aware that he has not indicated that there will be any negative or positive Resolution for the Regulations. Is that intended?

Asides.

Mr. B. M. TAITT: Well, it would have come between Clause 2 and 3. We are on Clause 3 now.

We are now going to be prescribing what entertainment means. It says that the Minister prescribes. It does not say specifically by the Regulations. We assume that from the Second Reading speech, but it seems to me that the matter ought to be clarified and that it should be "by Regulation."

You have to put it in the Act, otherwise he can prescribe by letter. You can prescribe by a note on the file. If it does not so state, you are not required to come here. The Miscellaneous Controls Act is an example. If it is not so prescribed that the Minister fixes the price, signs the thing and that is the end of that. I just wonder if that is what you intend.

Rt. Hon. E. W. BARROW: (St. John): I think the point made by the honourable Member who has just sat down is a very valid one. In the ordinary Entertainment Tax Act, Cap. 69, the categories of entertainment were set out in the Schedule to the Act itself. By this amendment, we are repealing the Schedule. Once we are repeal-

ing the Schedule, the only way we can know what kinds of entertainment will come within the ambit of the Act would be if the general public is made to know by Regulation which should be, as the honourable Member has suggested, affirmative or negative Resolution as the case may be.

I am not pontificating on that aspect at this stage or at all. I am saying that we had an instance not too long ago that the taxi drivers in this island were asked to pay a very high — I am not reflecting on a vote of the House, because it was not a vote of the House by content — exorbitant increase. Many of the taxi drivers, not all of them, felt it was exorbitant.

Now, this was done by the Minister of Finance in his office on a Thursday. On the Friday morning when the taxi drivers went to pay their licence fees, they were told that the fee had gone up, let us say to \$2 500, from let us say \$500. Some of the taxi drivers came to me and I carefully searched the *Official Gazette*, and there was no such Order in the *Official Gazette*.

I waited until the Monday and the Order did not appear, and subsequently the Minister of Finance had to come in here, long after the increased fees had been illegally mugged from the taxi drivers, to pass ratifying legislation for something he had done in his office.

I am not against the Minister doing anything in his office. What I am saying is that where the general public is affected, there has been a growing tendency recently to let us reside in the person of the Minister the power to make a lot of things, a lot of Regulations, a lot of Orders and things like that which vitally affect the financial viability of citizens of this country. This is a very dangerous trend.
1.50 p.m.

In this particular Act we had the forms of entertainment in the Schedule. The honourable Minister of Finance (Rt. Hon. J. M. G. M. Adams) has assured me that by some device, I am not quite sure whether it is an Order or Regulation, he is going to exempt dances. There is nothing in the amended Bill which says that dances held by big people or small people or political parties are exempt. All the Act says is that the Minister may prescribe the kinds of entertainment which are going to fall under the financial provisions of the Entertainment Tax; it does not say how he is going to prescribe them. How are we going to know? How am I going to know that dances are going to be exempt except they are not exempt when we repeal Cap. 69, which contains the Schedule of those particular forms of entertainment which are liable to the payment of the tax. That is the point I am making.

The Minister says he is going to prescribe, but he can do it by putting a note on his file. If he did it with

the taxi drivers, do you think he is afraid to do it in regard to somebody having a little thing in the backyard with a tarpaulin? He did it with a whole army of taxi drivers. They refused to take the money from the taxi drivers on the Friday morning and he had done it in his office, and there was no way that the general public could find out when he had increased the thing, because the House of Assembly had given him the authority by Order, which should have been gazetted, to increase those fees.

Any time that you are importing taxes of any kind, I feel that the best place to have it is in the Act itself. But there is an argument nowadays that you are changing taxes so fast that it would be very expensive for the taxpayers of this island to have to amend the Act every time you are going to increase taxes, fines and fees, and that is the only justification for giving the Minister of Finance the power to change these things. But I think you should change them by coming in here, or there should be some stipulation that it should be done by Order published in the *Official Gazette*. It should not be law until it is published, and it should be subject even to affirmative or negative Resolution. That is all I am saying.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, honourable Members should perhaps look at Section 9 of the Act, which says that the Minister may make Regulations, but I would wish to take advice on the point raised by the honourable Member, because in such matters I do not wish to have the power to make distinctions without reference to Parliament and gazetting.

The point taken by the two honourable Members is, I think, a sound one. The previous history of the Act, the difficulty that cricket encountered over a period of years in being exempted from Entertainment Tax, is the occasion of the deciding to allow prescription rather than statute, because you cannot predict in advance what sudden form of entertainment will come upon you. You do not know if somebody may discover some new way and charge \$50 to go and watch some tremendous new entertainment, and it will attract some 10 000 people and he will get away, and you may need the power to help the Commissioner of Inland Revenue, by setting matters beyond doubt, by giving that its own place in the Schedule.

But I would like a little time to consider whether this Regulation section, being an old section — it is not my section, this would go back to 1953 — coupled with the Interpretation Act gives enough access of Parliament to the process of making regulations, and I will therefore beg to move that Your Honour do now report progress and ask for leave to sit again.

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

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

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this sitting be suspended until 3.05 p.m.

Hon. L. R. TULL: I beg to second that.

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

2.05 p.m.

On resumption

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

Mr. DEPUTY SPEAKER left the Chair and the House resumed Committee, Mr. J. G. ODLE in the Chair.

COMMITTEE

(ENTERTAINMENT TAX (AMENDMENT) ACT)

Mr. CHAIRMAN: The House is in Committee.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, the point taken by the honourable Members is well taken, and when we reach Clause 7 of the present Bill, I will move the appropriate amendment.

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

Clause 4 was called.

Rt. Hon. J. M. G. M. ADAMS: Mr. Chairman, I beg to move that Clause 4 stand part.

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

Mr. W. O. FRANKLIN: Mr. Chairman, I am having some problems with Clause 4. Clause 4(1)(a) states that any person who is having entertainment must have a certificate of approval, and Clause 4(1)(b) says that he has to make special arrangements for the collection of the entertainment tax etc. But if you take Clause 4(3), you see that if a person stages entertainment without a certificate of approval — nothing about the other part of approval — a member of the Police Force or the Commissioner can stop such entertainment. If you also check Clause 4(1)(5), you see that if you have any entertainment without a certificate of approval you are guilty of an offence. In other words, a person can have permission to carry on entertainment under section (b) and still be liable to have the fete stopped for committing a felony, or something is wrong if you check it. The “or” has to come out or you have to beef up Clause 4(1)(3) and

Clause 4(1)(b). I would like to invite the Minister's comment on that particular section of the Bill.

To repeat, Mr. Chairman, there are two ways in which you can carry on entertainment, either with a certificate of approval or having made special arrangements, but when you come to Clause 4(1)(3), unless you have a certificate of approval the Commissioner can stop it. It makes no provision for the other arrangement, and Clause 4(1)(5) states that unless you have a certificate of approval you are guilty of an offence for entertaining.

Mr. B. M. TAITT: Mr. Chairman, I think what the honourable Member is suggesting is that in Clause 4(1)(3) the provisions under Clause 4(1)(b) should also be included or taken note of.

Hon. H. B. St. JOHN: Sir, we are checking with the draughtsmen but obviously if you have two contingencies, you will have to make provisions for both contingencies. This only relates to one. I do not wish to draft it on the Floor of the House with the Attorney General, but we are trying to check the original. To me, it would be without complying with subsection (1), because subsection (1) had in two, so there is no doubt about that. I do not wish to draft it because this is not the function of Parliamentarians.

These modern-day draughtsmen have their own set of languages; they do not always make sense, but we do not wish to do parliamentary draughting on the Floor of the House. Perhaps we can defer that one and go on to the other while we find out from the draughtsmen whether that would be the appropriate language. It is a technical matter. We have the sense of what it is.
3.15 p.m.

Can I move, Sir, that further consideration of that clause be postponed and that we do Clause 5, Sir? We are going to have to do it that way.

Aside

Hon. H. B. St. JOHN: Yes, I agree with that, Sir. We agree with that.

I beg to move, Sir, that you do now report progress to His Honour and ask for leave to sit again.

We do not wish to draft on the Floor of the Honourable House.

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

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

Hon. L. S. CRAIG: Sir, the measure which we were dealing with not too long in Committee, Sir, has been postponed.

I beg to move, Sir, that further consideration of this matter be now postponed.

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

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

CROWN LANDS (VESTING AND DISPOSAL) (AMENDMENT) ACT, 1983

Order No. 5 was called – To move the Second Reading of a Bill to amend the Crown Lands (Vesting and Disposal) Act, Cap. 225.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, some time during 1979, a Resolution of this Parliament was passed vesting this land in a company which looks after certain properties of Government, Land Reclaimers Ltd.

At the time it was done, there was an error in the description of the land itself. The description of the land was 8.565 hectares, and the description given for describing the boundaries was not what the Chief Surveyor subsequently considered to be the best description.

In 1982, a correction was made to that giving the correct description of the land as 8.465 hectares. A Resolution of this Parliament vested that land in Land Reclaimers Ltd.

It was subsequently discovered that the land itself was not vested by this Parliament in the Crown and, therefore, the Crown could only vest property in other bodies or agencies that was lawfully vested in itself.

When the matter went before the Solicitor-General, this point was taken and the Government was advised that there was an error in bringing the Resolution to Parliament, as it then was, vesting the land in Land Reclaimers Ltd. before an actual Act of Parliament had vested the lands in the Crown.

So this Bill itself, Mr. Deputy Speaker, seeks to vest the land in the Crown, and therefore, the previous Resolution would be null and void, as far as this present Bill is concerned. This Bill seeks to put the matter in its true perspective.

With those few remarks, I beg to move that this Bill be now read a second time.

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

Mr. DEPUTY SPEAKER: The honourable Member for St. Michael West.

Mr. B. M. TAITT: Mr. Deputy Speaker, obviously we are not going to oppose the vesting, but based on what the honourable Minister has said, it seems as though there is an area in this present Bill which is required to be added to make sure, out of an abundance of caution, that you do not have to come back again.

Aside.

Mr. B. M. TAITT: Which lawyers? All you have to say here is that the land is vested and deemed to have been always vested.

I would suggest that a simple statement added to this saying that the land is vested and is deemed to have been always vested in the Crown would take care of the matter and would make the Resolution that was passed acceptable, because this is new land. This is not land on which there can be any question of ownership. This is new land; this is not land that somebody can search.

I want to raise a question of law. If new land is added to Barbados or discovered, there is no need to vest that land in the Crown. Under the land law, as Your Honour would know, this is new land, so I really do not understand what it is we are doing. We are vesting new land in the Crown which the Crown already owns — must own it.

There is no other person who could lay claim to this land as long as it is new land added to Barbados. But if the lawyers are so advised, who am I to say that the lawyers are wrong?

I would just say that is a novel thing. Who could have a better claim to this land than the Government of Barbados?

3.25 p.m.

Mr. Deputy Speaker, I think the honourable Member is doing his duty as directed by the Legal Department, but I suspect that if we do not make provision now for what we have done in the past, we will have to come back down here with another piece of legislation vesting this land, which we have vested in the Crown, into the company. Otherwise, all the activities which that company carried on on the assumption that they own that land is now open to question in the courts.

I do not know that they had any activity, but if you do not tidy it up in that way, it means that lot of activities which Land Reclaimers Limited, or whatever is the company's name, can be deemed to have been extra-legal so far as it relates to land, because somebody only has to come along and say that the land was

not properly vested and that they did not have proper title, and so on. One knows that somebody somewhere would create some confusion only to discover, in the end, that it was not necessary. Anyhow Sir, I think I have made the point and I need not go any further on this.

Hon. H. B. St. JOHN (Christ Church East Central): The question of title in Barbados, regrettably, has become one not of law, but of what a particular attorney thinks in a particular transaction. It is a little frustrating when theoreticians know their theory is right but they cannot convince technicians, who have no theory, on these matters. My understanding of the law of accretion is that where as a result of an act on the foreshore of a person's property additional land is created, that it vests in the crop, because it is accretion not by natural process, but by act of human agency. Where an individual does it, they are always very careful to come to the legislature to boost the automatic rights of the Crown in relation to accretion.

That is the origin of all of the Acts that used to be on the Statute Books in Barbados when people use to create groynes. That is the fundamental principle of law.

Now this is the second occasion in two successive Governments that we ran into this problem. I was the one who raised the point, with respect to the Criminal Law, with the form of vesting when the first Deep Water Harbour was opened. Honourable Members will recall that we had to come to Parliament because the Vesting Act in those days was such that they did it by reference to a map, which left out the contiguous part of the land connected where Pelican Island used to be, and under the Criminal Law at that time, the Road Traffic Act did not define that. So for the purposes of the Criminal Law, you had to bring that in for jurisdictional purposes. That is not the same as Civil Law.

Certain questions have been raised by 'title lawyers.' Now the question of leasing of the land has arisen, that they do not see an Act on the Statute Books vesting the land in the Crown. I remember that when I used to advise Local Government this also arose in respect of the old Forts and in order to settle the matter — because you would never get a transaction closed with some of these people — you cannot go back to theory, because they are not concerned with it. They are concerned with the fact that they are acting for a purchaser, and if you do not give them what they want, your transaction can be pushed into a pigeon hole.

Normally, I would agree with the honourable Member, that you should go and take them before the court and make them pay the cost. Then, I suppose, Sir, the courts would not have any time to do anything else every week. The object of this exercise is to satisfy

out of the abundance of caution, so that forever we will know and we will be able to point to an Act and say, "This land was reclaimed." Barbados was not always like this, and there was an Act of Parliament vesting it in them. That is the only reason why it is being done.

I agree with the honourable Member that they are still going to want the subsequent Resolution vested in Land Reclaimers Limited. They are still going to want it whether we put in these words or not. They are still going to say that at the time when the Act was passed, this Act was not passed; and for the purpose of the title, I want to have a nice sequential piece of legislation. That is how you have to operate. That is why we do not have land registration, because they do not want land registration; it would make it too simple. But that is really the position. It is a little frustrating, but we have to go through this process.

These are the title lawyers in Barbados; the most meticulous that you can find; they are very meticulous. In any event, in the process of time, by the doctrine of possession of title, it will still vest in the Crown because nobody else can get it. That is the reason. I am giving you the background, so that although it may appear frustrating and unnecessary, I agree with the honourable Member. We want to get the transactions through.

Hon. L. B. BRATHWAITE: I only want to point out that Section 3 of Chapter 286 will actually indicate to you that the original lands which were reclaimed for the Deep Water Harbour was vested in the Crown and it was done by an Act of this Parliament, and it is expected that all similar lands accruing to the country would be so vested.

That is the situation as it stands. It might not be the most elegant, but this is really what the people in the law office feel should be done. I myself was not entirely happy and I asked this morning that they look at the matter again, and this was the view. The Attorney General has called in the draftsman as well, but his view is that we will have to continue with the Bill as it is in order to vest the land into the Crown. This, I gather, is the position, and as the honourable Deputy Prime Minister has pointed out, for the future, if you are having any transactions, be it a sale or lease — and I believe it will be a lease more than a sale — people will be questioning on these matters. It is better to tidy up the position as it is now rather than wait until the time comes when you may want to act expeditiously in matters of this kind.

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

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

left the Chair and the House went into Committee on the Bill, Mr. J. G. ODLE in the Chair.

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

3.35 p.m.

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

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

ORDERS OF THE DAY

Hon. L. S. CRAIG: Mr. Deputy Speaker, I would like to revert to Orders of the Day, Statements by Ministers.

Mr. DEPUTY SPEAKER: The honourable Leader of the House is asking that we revert to Orders of the Day. A Government Minister is entitled to make a statement at any time during the proceedings. The honourable Member is now permitted to make a statement.

STATEMENTS BY MINISTERS

Rt. Hon. J. M. G. M. ADAMS (Minister of Finance and Planning) (St. Thomas): Mr. Deputy Speaker, Preliminary data for the end of March indicate that the Government has comfortably satisfied the performance conditions agreed to in its Stand-by arrangement with the IMF. This is the second test period since the programme started in October 1982. At the first in December, the Government satisfied the requirements of the programme and made a drawing from the fund of SDR2.9 million, equivalent to just over \$6.0 million, in January this year. The performance ceiling for March 31, 1983 were that the domestic assets of the monetary authority would not exceed \$97.0 million and the banking system lending to the public sector, including statutory corporations, would not exceed \$151.0 million.

At March 31, the net domestic assets, that is currency issued by the Central Bank minus the Bank's net foreign assets, were only \$53.0 million, a little over half the upper limit agreed to with the IMF. By March 31 the Bank had also repaid all its short-term borrowing on lines of credit with foreign commercial banks paying back \$20 million on March 30th alone. This has had the effect of reducing the gross foreign assets to \$209.4 million, some \$40 million less than at the end of

December 1982 but an adequate sum representing more than 2½ months imports. The net foreign assets of the Bank i.e. the gross assets less all the short and medium term foreign debt, were \$76.6 million, just slightly higher than at the end of last December (\$75.8 million).

Credit from the banking system to the central Government and statutory corporations is provisionally estimated at \$125.0 million, or \$26.0 million below the I.M.F. ceiling for March, 1983. Strong revenues during March and careful control of expenditures during the fiscal year helped Government to keep its credit from the banking system within the limits agreed with the IMF. The level of credit outstanding at the end of March was \$32.0 million less than at the end of March 1982.

While the performance of the economy and the level of foreign reserves give some cause for satisfaction there remains the consideration that a considerable part of Barbados foreign holdings is tied up in the CMCF. In the ordinary course of affairs our holdings would be more than ample to maintain an even keel without resort to foreign borrowing, but in the circumstances, the Government still considers it prudent to maintain its programme with the IMF and obtain the balance of SDR 19 million or approximately Barbados \$42.75 million to which Barbados would be entitled between now and March 1984 under the programme negotiated last year. In the meantime the Government will continue to press for a solution to the problems presented by the CMCF.

AMENDMENTS FROM THE HONOURABLE THE SENATE

Hon. L. S. CRAIG: Sir, a measure came down from the Senate at our last sitting, and at this point I would like to have it taken.

Mr. DEPUTY SPEAKER: The Honourable the Senate debated a Bill entitled an Act to revise and consolidate the law relating to factories for the safety, health and welfare of persons employed therein, and has made certain amendments. Amendments were made in Clause 2, Clause 67, Clause 76, Clause 94, Clause 101 and Clause 102.

I therefore invite the Honourable Leader of the House to make the following motion, that this House doth agree with the Senate in the said amendments.

Hon. L. S. CRAIG: I beg to move that this House doth now agree with the said amendments from the Senate, Sir.

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

Mr. DEPUTY SPEAKER: If there are no objections, the motion is therefore carried.
3.45 p.m.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I have a Resolution here, of which I would like to give notice. I would like to do it next week and, therefore, if it be the pleasure of the House, I would like to have Government Notices re-opened.

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

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to give notice of a Resolution to further order speeches for the better organisation and administration of the debate on the Annual Financial Statement and Budgetary Proposals for the year 1983.

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

Hon. L. S. CRAIG: Sir, earlier in the day, we had suspended the Standing Orders. Since we have now reached the end of Government Business, I would like to re-open Question Time, Sir, because there is a question here which we have to give a reply to and I am quite sure that the other side would be quite willing to hear the reply, Sir. I move that Question Time be now taken, Sir.

QUESTION TIME

Mr. DEPUTY SPEAKER: It is now Question Time. Question No. 21.

Mr. L. A. WEEKES (St. Michael North West): Question No. 21, Sir — To ask the Minister of Housing and Lands:—

1. Is the Minister aware that many toilet bowls and wash basins in the Government houses at Farm Housing Area, Deacons Road, St. Michael are now in bad condition, and have never been replaced since the construction of these houses, therefore constituting a health hazard and possible damage to property?
2. Can the Minister state what plans Government has to replace these bad units?

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Deputy Speaker, the answers are as follows:—

1. No, Sir.
2. Over the years the National Housing Corporation has been replacing and carrying out remedial work on all its estates. This is an ongoing process.

Mr. DEPUTY SPEAKER: Supplementary.

Mr. L. A. WEEKES: Mr. Deputy Speaker, Sir, the Minister did not reply directly to the question that I asked. I was speaking specifically of the Farm Housing area.....

Mr. DEPUTY SPEAKER: The honourable Member will have to ask a question and not make a statement.

Mr. L. A. WEEKES: Well, can the Minister then state the true position in respect of the units he found that were bad?

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, I do not know if the honourable Member is quite *au fait* with the question that he had asked and I would want to repeat the question if he wants to be reminded and the reasons for my answers.

"Is the Minister aware that many toilet bowls and wash basins in the Government houses at Farm Housing Area, Deacons Road, St. Michael are now in bad condition, and have never been replaced since the construction of these houses, therefore constituting a health hazard and possible damage to property?"

The answer is "No, Sir."

Mr. B. M. TAITT (St. Michael West): A supplementary, Sir. Will the Minister therefore take steps to make himself aware of this?

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, Sir, the Minister has already done so.

Mr. B. M. TAITT: Supplementary, Sir. Could the Minister indicate to this Honourable House in a more or less specific way if he discovers that these things are in the state that it is said they are in — I am trying to make sure the question is right — when the persons of Deacons Farm may expect relief from this difficulty?
3.55 p.m.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, there is no need for relief. There is no emergency, there are no problems which will not normally be found in a housing estate of this size; there is ongoing repair work being done. There is also a task force in that area, a workshop is there, there are 24 members that are known to people within the areas of the people who are directly concerned, and these people can be contacted at any time.

I further give the assurance that if the tenants in these settlements find it difficult to contact the people whose telephones are known, they can contact their representatives, if they do not want to contact me, and I will take the necessary steps to ensure that remedial work is being done.

Mr. DEPUTY SPEAKER: There are no more supplementaries, that brings us to the end of Question Time.

ADJOURNMENT

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this House do now adjourn until Tuesday, April, 12, 1983, at 12 o'clock noon.

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

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

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