

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, 1st February, 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)
Rt. Hon. E. W. Barrow, Q.C., B.Sc., LL.D., (Leader of the Opposition)

Hon. L. S. Craig, (Minister of Parliamentary Affairs and Leader of the House)

Rt. Hon. J. M. G. M. Adams, Q.C., M.A., (Prime Minister and Minister of Finance and Planning)

Hon. H. B. St. John, Q.C., LL.B., (Deputy Prime Minister, Minister of Trade, Tourism and Industry)

Hon. H. deB. Forde, Q.C., M.A., LL.B.

Mr. L. E. Sandiford, M.A., (Econ.)

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. V. L. Johnson, M.A., (Minister of Transport and Works)

Mr. B. M. Taitt, B.A. (Hons.), M.A., LL.B. (Hons.)

Hon. L. R. Tull, Q.C., M.A., (Attorney General, Minister of Legal Affairs and Minister of Foreign Affairs)

Hon. DeL. O. Bradshaw, (Minister of Labour, Social Security and Sport)

Mr. L. L. Sisnett

Hon. Dr. R. L. Cheltenham, B.Sc., (Econ.), M.Sc. (Govt.), PhD., (Minister of Agriculture, Food and Consumer Affairs)

Dr. R. C. Haynes, M.B., Ch.B., F.R.C.P. (Edin.)

Mr. P. M. Greaves

Mr. R. E. Brathwaite

Hon. Dr. D. G. Blackman, B.A., (Phil., Econ.), M.A. (Phil.), PhD. (Socio.), (Minister of Health and Community Services)

Mr. L. A. Weekes

Mr. M. A. King, LL.B.

Mr. W. O. Franklin, A.I.A.S., J.P.

Mr. N. K. Simmons

Mr. H. A. Blackman

Mr. A. Truss

Prayers were read by Archdeacon F. A. Cayless.

MINUTES

Mr. DEPUTY SPEAKER: The Minutes of the Meeting of Tuesday, 18th January, 1983.

Mr. P. M. GREAVES and Mr. W. O. FRANKLIN entered the Chamber and took their seats.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that the Minutes of the meeting of Tuesday, January 18, 1983, be taken as read.

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

Mr. B. M. TAITT: Mr. Deputy Speaker, the Minutes of January 18 are not in order, Sir; in our opinion they are not correct. At page 5 of those Minutes there is a very peculiar entry which reads: "Further consideration of the Bill was postponed without motion or division."

Mr. Deputy Speaker, I do not believe that it is in keeping with the traditions and the Rules of the House that that entry makes any sense. This is on page 5, the fifth line, which says "Further consideration of the Bill was postponed without motion or division." That certainly is a peculiar entry and one which you will recall, which we do not believe, even if it were possible to have such an entry, is correct.

Mr. DEPUTY SPEAKER: I am advised by the Clerk at the Table that at the end of the Prime Minis-

ter's speech it was contained in that speech that further consideration of the Bill be postponed, and that this is not the first time that such a situation has arisen when it has been recorded in that manner. The House made no objection at the time to that speech.

Mr. B. M. TAITT: With the greatest respect, I, myself, am unaware of any entry on a motion where consideration of a matter before the House was postponed on the basis of what was contained in a speech. It would seem to me that if we are considering a matter, that the Minister or the person who is speaking at the time would have to move a motion in order for the matter to be removed from consideration of the House.

If one looks in the same Minutes on page 4, line 9, one will see "The question that further consideration of the Bill be postponed was put and resolved in the affirmative, the House dividing as follows:"

I do not see what kind of procedure we could have where further consideration of a Bill could be postponed without motion or division. It could certainly be without division, but there must be a motion before the House. And in any event, since the matter was one which led to controversy, you will recall, Sir, that you indicated that any question concerning the procedure ought to be raised when these Minutes came to be considered.

Mr. DEPUTY SPEAKER: I said any question concerning the Minutes must be raised when the Minutes are before the House.

Mr. B. M. TAITT: And I am raising them, Sir, because it is not the recollection of any single Member on this side, and furthermore, our checking indicates that it is not the recollection of other persons that any postponement of this motion was considered before the House, and I am suggesting to Your Honour that this is an irregularity which we cannot allow as a precedent. Furthermore, Sir, it smacks of fraud; it is fraudulent.

Mr. DEPUTY SPEAKER: I will ask the honourable Member to withdraw those words unless he is moving a substantive resolution of fraud against either some member of the House or an officer of the House.

Mr. B. M. TAITT: Sir, I withdraw the words but my position on whether we move a substantive motion would depend on Your Honour's ruling on this matter.

This is a very serious matter, it is one concerning the procedure of the House, and I do not believe that it is a matter which ought to be taken lightly or dealt with in any frivolous manner. It goes to the very root of the establishment and the continuation of this House as a place where not only honourable Members, but the rest of the community, can have faith in the records of

this Honourable House. I believe it goes to the very root of the matter.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I can appreciate the concern of the honourable Member for St. Michael West, but the keeping of the records of Parliament and the taking of the Minutes no doubt are the responsibilities of the Clerks at the Table, and I believe it is really unkind to make such an attack upon the Clerks, which I consider quite unnecessary and unwarranted.

I would like to feel, Mr. Deputy Speaker, that this matter can surely be resolved, and since there seems to be an irregularity as far as Members on the other side are concerned, though we have to still accept the records of the Clerk, I would like to feel that Your Honour can give a ruling on this matter later in the day or in the sitting.

I do not really believe it is fair to be attacking the Clerks at the Table in that manner. We are all just human, and if there is an error, to use the word "fraud" and words of that nature is really unnecessary.

I believe, Sir, that Your Honour would surely look at the matter and, during the course of the day or at Your Honour's convenience, deal with the matter, but to let go this attack on the Clerks, whom we know very well cannot defend themselves in here, I think is unwarranted on this occasion.

Mr. B. M. TAITT: Mr. Deputy Speaker.....

Mr. DEPUTY SPEAKER: On what does the honourable Member for St. Michael West now rise?

Mr. B. M. TAITT: We are discussing the Minutes, Sir.

Mr. DEPUTY SPEAKER: The honourable Member has made his speech already.

Mr. B. M. TAITT: As Your Honour wishes.

Rt. Hon. E. W. BARROW and Mr. P. M. GREAVES rose.

Mr. DEPUTY SPEAKER: There are two honourable Members on their feet.

The honourable Member for St. Michael North caught my eye.
12.30 p.m.

Mr. P. M. GREAVES: I take the opposite view of my colleague here, the honourable Member for St. Michael West. I believe that the Minutes here faithfully

reflects what took place on that day. I believe, Sir, that on that day the Bill was postponed and there was no motion on it and no division, because that is, in fact, what took place. Nobody moved that further consideration of the Bill should be postponed. Nobody moved it. But what was wrong was that when the House resumed after the suspension, it should have continued on the Bill on which we were at that particular time. That is the point which I had made in this very Chamber at an earlier sitting, and this is where the things went wrong.

This here, Sir, as far as I understand it, as far as I can remember it, is quite correct. There was no motion with anybody; it was just postponed. There was no motion but we should have resumed, after suspension

Hon. L. S. CRAIG: Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: The honourable Member for St. Michael North is speaking.

Hon. L. S. CRAIG: On a point of order, Sir. That is now an attack on the Chair, Mr. Deputy Speaker, and if the honourable Member is not satisfied with the conduct of the Deputy Speaker, the Standing Orders make provision for that. Here you are telling the Deputy Speaker that on that occasion, when he was in the Chair, he allowed a matter to be dealt in a manner which it should not have been dealt with. All you have to do is to bring a motion of no confidence against Your Honour.

Mr. P. M. GREAVES: Mr. Deputy Speaker, what I have said is absolutely no reflection on the Chair whatsoever. I want to say further, Sir, that I am well satisfied with the way in which you have been presiding over these matters, Sir, I want to make this quite clear, and what I said was absolutely no reflection on the Chair.

The Chair was advised by the Clerk in a certain way. There is nothing wrong with the Chair accepting the advice of the Clerk, that is what the Chair has to do. There is nothing wrong with that. But there has been an irregularity, and all I am doing is drawing to the Chair's attention that there has been an irregularity, and, Sir, I hope that this irregularity will not again occur.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, on January 21, 1983, I understand that Your Honour consulted the Clerk at the Table, I also understand because I am not privy to the *sotto voce* conversations which go on between Your Honour and the Clerks at the Table, that, that from the Record, Your Honour was informed that a motion was made. Now as a distinguished

Mr. DEPUTY SPEAKER: Which motion was made?

Rt. Hon. E. W. BARROW: A motion for postponement of further consideration. That is my understanding, and Your Honour so ruled after consulting the Clerk at the Table.

As a member of the legal profession, Your Honour will be well aware that there are two kinds of misrepresentations which eviscerate any consensus to an agreement in a contract — one is a fraudulent misrepresentation and one is an innocent misrepresentation.

Whichever kind of misrepresentation it was — I am not accusing the Clerk of fraud — he may have done it through ignorance, or through innocence of his duties or the innocence of the fact — there was a misrepresentation, and I think it is only in that context that the honourable Member for St. Michael West employed what is legal terminology, "fraud" but he did not put it as adequately, because my existence at the bar, I think antedates his by some twenty-five years, and therefore I should have a little more elegance in my submission to Your Honour as a member of the legal profession.

I am submitting that Your Honour has to investigate this as a duty not here at this point in time, but at some convenient time to Your Honour, you can call the Clerk and ask the Clerk for an explanation as to whether this was an innocent representation or not. A great injustice has been done to the general public, who are appalled at the indecent haste in which Order No. 5 was resumed and proceeded with under a misrepresentation. So there is a double misrepresentation.

Mr. DEPUTY SPEAKER: The honourable Member for St. John cannot now reflect on a vote of the House which was taken in this very session.

Rt. Hon. E. W. BARROW: I am not reflecting on a vote of this House, Sir.

Mr. DEPUTY SPEAKER: The honourable Member is trying to raise a matter which has already passed this Honourable House during this session.

Aside

Mr. DEPUTY SPEAKER: If the honourable Member would let me say what I am saying, we are dealing with the Minutes of January 21, 1983 as recorded and presented before the Chamber this morning.

Rt. Hon. E. W. BARROW: If Your Honour thinks that your intervention is a sufficient answer to what I have said, inviting Your Honour to consult with the Clerk and have this injustice rectified somehow or the other, I will desist from saying anything more. But I am sure that Your Honour is convinced. Your Honour cannot be embarrassed by anything that is said on the Floor of this

House — only the other side or we can be embarrassed — Your Honour is there to rule, and I am merely suggesting that a misrepresentation was made; because Your Honour said that you have been instructed that a motion had been made, and the Minutes do not so disclose.

The question that the Minutes be confirmed was put and resolved in the affirmative, the House dividing as follows:

Ayes: Hon. H. B. St. JOHN, Hon. Miss B. A. MILLER, Hon. L. R. TULL, Hon. L. S. CRAIG, Hon. DeL. O. BRADSHAW, Hon. L. B. BRATHWAITE, Hon. Dr. R. L. CHELTENHAM, Hon. V. L. JOHNSON, Mr. R. E. BRATHWAITE, Mr. J. G. ODLE, Mr. L. L. SISNETT and Mr. A. TRUSS — 12.

Noes: Rt. Hon. E. W. BARROW, Mr. B. M. TAITT, Mr. P. M. GREAVES, Mr. W. O. FRANKLIN, Mr. L. A. WEEKES and Mr. H. A. BLACKMAN — 6.
12.40 p.m.

PAPERS LAID

Hon. L. S. CRAIG: Mr. Deputy Speaker, on behalf of the Attorney General, I am commanded to lay the Annual Report of the Commissioner of Police for the year 1981.

NOTICES OF QUESTIONS

Mr. DEPUTY SPEAKER: Question No. 20, standing in the name of the honourable Member for St. Michael North West, re access road for residents of Pile Bay, St. Michael.

Mr. L. A. WEEKES: To enquire of the Minister of Transport and Works:

Is the Minister aware that as the Spring Garden new highway nears completion many residents of Pile Bay are unable to gain access to and exit from their homes without risk or possible personal injury?

Will the Minister state what plans there are in the contract for the construction of the highway with such entrances, and if there are none, how does Government propose to solve this problem?

Mr. DEPUTY SPEAKER: Another Question in the name of the honourable Member for St. Michael North West re sanitary equipment in the Farm Housing Area, St. Michael.

Mr. L. A. WEEKES: To enquire of the Minister of Housing and Lands:

Is the Minister aware that many toilet bowls and wash basins in the Government Housing Area at the 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?

Can the Minister state what plans he has to replace these bad units?

Mr. DEPUTY SPEAKER: Question by the same honourable Member re the Casualty at the Queen Elizabeth Hospital.

Mr. L. A. WEEKES: To enquire of the Minister of Health:

Is the Minister aware that the long hours spent by patients at the Casualty of the Queen Elizabeth Hospital without being treated are due to inadequate staff?

Will the Minister indicate what immediate plans Government has to improve this unsatisfactory situation?

Mr. DEPUTY SPEAKER: Question by the same honourable Member re street lamps at Fernihurst and other developments.

Mr. L. A. WEEKES: To enquire of the Minister of Transport and Works:

Is the Minister aware that there is a need for street lamps in Fernihurst Development, Deacons Road, St. Michael; Connell Land, Free Hill, Black Rock, St. Michael; Hinkson Gap, Danesbury, Black Rock, St. Michael; Seale's Land, Goodland, St. Michael, and Free Hill Development, Rock Gap, Black Rock, St. Michael?

Will the Minister indicate how soon Government plans to install street lamps in the above mentioned areas?

Mr. DEPUTY SPEAKER: Question by the honourable Member for St. John re public transportation for residents at Rosegate, St. John.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, to enquire of the Minister of Transport and Works:

Is the Minister aware that the inhabitants of Rosegate, in the parish of St. John, have to walk a considerable distance to Massiah Street or Roebuck Street in order to get public transportation to school and to work?

Will the Minister designate either a minibus or Transport Board service for the area in order to alleviate the difficulties now being experienced by these citizens and residents of St. John?

Mr. DEPUTY SPEAKER: Question by the honourable Member for St. Philip North re repair of roads at Lynches and other places in St. Philip.

Mr. W. O. FRANKLIN: Mr. Deputy Speaker, to enquire of the Minister of Transport and Works:

Is the Minister aware that the public roads at Lynches, Bayfield, Eastbourne, Blades Hill No. 2, Thicketts and Vineyard are in need of repairs?

Will the Minister state what action, if any, is being taken by Government to have those roads repaired?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

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

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

Hon. L. S. CRAIG: Order No. 3, Sir.

RESOLUTION TO APPROVE OF THE VESTING IN COLLINS LTD. OF LAND TOGETHER WITH THE BUILDING THEREON SITUATED AT PHILADELPHIA AND LIVERPOOL LANES, BRIDGETOWN

Hon. DeL. O. BRADSHAW: Mr. Deputy Speaker, on behalf of the Minister of Housing, I wish to move the passing of this Resolution. In so doing, the purpose of this Resolution is to seek Parliament's approval.....

Mr. B. M. TAITT: Mr. Deputy Speaker, on a point of order. It is true we may have some difficulty understanding who is responsible for what out there, but if public information is correct, I believe that the honourable Minister of Housing is now in his place. If that is so, I believe it would be irregular for a Minister to speak on behalf of another Minister who is in his place.

If the honourable Member is taking charge of the Resolution for other technical reasons, he may very well do so, and I am not questioning his right to do so, but he cannot speak on behalf of a Minister who is in his

place. He can second the motion, and the proper thing probably to have been done would have been for the substantive Minister to move the motion and he takes his position of seconder, but I draw it to Your Honour's attention for what it is worth.

Hon. L. S. CRAIG: Sir, the clownish attitude of the Member for St. Michael West will not prevail today. The Leader of the Government conducts Government's business at this level, and any Minister is entitled to get up and move a Resolution on behalf of any of his colleagues in here at any time.

(Mr. B. M. TAITT: Not when he is in his seat.)

Hon. L. S. CRAIG: If you can show me where in the Standing Orders this exists, I am prepared to bow. You just want to play to the Gallery. A political clown is what you are, and will always be.

Mr. DEPUTY SPEAKER: I am grateful to the honourable Member for St. Michael West.....

Hon. L. S. CRAIG: Sir, we on this side have collective responsibility. You have a responsibility to the Leader of the Opposition.

Mr. DEPUTY SPEAKER: Will the Honourable Leader of the House please take his seat.

I am grateful to the honourable Member for St. Michael West for mentioning the matter to me, but that is not a point of order. As far as Government Business is concerned, any Minister of Government can deal with any item of Government Business, irrespective of whether the Minister in whose name the matter falls is in his place or not. Government conducts its business in the way it sees fit.

Hon. DeL. O. BRADSHAW: Thank you, Mr. Deputy Speaker. This is not the first time that I had the distinction of moving a motion on behalf of a colleague of mine.

However, the reason for coming before Parliament today with this Resolution is because Government intends to sell what we would term a dilapidated property, known as the old Customs building near the wharf. It is adjacent to the property now owned by Collins Limited.

I would wish to recite a little bit of history, because it is necessary for one to point out that in 1973, during the regime of the Democratic Labour Party, this building was looked at, and it occupied the attention of the then Government.

12.50 p.m.

The Government then asked the Ministry of Communications and Works, as it was known then, to have a look at the building and report on its structure. The engineer, the Chief Technical Director of Communications and Works, reported that the building was dilapidated, that it was structurally unsound and that it would be extremely costly to put in shape. It was then contemplated by the Government to refurbish this building for office use.

From 1973-1976 the then Government did absolutely nothing to restore this building, or even get rid of it. We had a situation where we saw the building deteriorating very rapidly and posing not only a health hazard, but also a hazard to human life.

The owners of Collins Ltd., wrote the Government in 1976 asking the Government to either lease or sell this property. The owners advanced the reasons that there were doing business adjacent to this property, which was in terrible disrepair and dilapidated, as I said before, and they felt that they could put this property in shape so as to expand their present operation and provide work for the people of this country.

Since 1976, Mr. Deputy Speaker, Cabinet was discussing this matter. It received very careful and, on a number of occasions, very close scrutiny, because Government wanted to make sure that whatever decision it had made was in the best interest of the Government and of the people of Barbados.

The question of a lease was looked at and rejected by the Cabinet after a number of meetings. But the Government was mindful that the building would have taken an enormous sum of money to put it back in shape and it also felt that, in keeping with the policy of not allowing derelict buildings to prevail in this country, it should do something nonetheless. So it was decided by Cabinet that the building should be sold to any willing purchaser, and as Collins Ltd. had submitted a figure, Government decided that they would give the first option to that Company. The Cabinet invited Collins Ltd. to accept an offer which it felt was more reasonable; and when we say "reasonable", we felt that we should contact and consult with the Commissioner of Valuation, which we did, and we did obtain a valuation of the property from him.

Added to that, an independent valuation was also obtained by the Government. The independent valuer recommended a price of \$45 a sq. ft. for this property, and he added that the building was of very little use and it had little or no value whatsoever. That is the building. The Commissioner of Valuation did recommend a figure, which was far less than what we are accepting or what we have decided to offer this building for.

Mr. Deputy Speaker, the position is that the Government has not decided to sell of this property, because I know that people would want to say that Government is selling off properties. I would like to say that we have been very careful, and we have approached this matter with a lot of thought so that we would not hear any charges of Government not being careful in its deliberations.

However, I want to set the record straight, because the building was just lying there. The former Government did absolutely nothing for years, they could not decide what to do with it, and we felt we should either renovate it, and it was extremely costly to do so, or sell it, and we have decided to offer the building for a price of some \$300 000.

The question of providing public lavatories was raised by the Ministry of Health, because they felt that the building could be put to some other use, and they did, at one time, indicate to the Government that some consideration should be given to the provision of latrine facilities in the Bridgetown area. But the Collins Ltd., when they were told that Government was seriously considering their offer, decided; and they gave a commitment that they would provide public conveniences while renovating the building, and I have good reason to accept that in good faith.

So, Mr. Deputy Speaker, the reason why this Resolution has come before the House is that, under the Laws of Barbados, Cap. 225, Crown Lands Vested and Disposal Act, "any sale or lease or vesting of Government property must first have parliamentary approval." You will find that under Cap. 225, Section 5(1)(c) and that is why this Resolution is before this Chamber.

I think that I have given quite a detailed account of what actually transpired and led to the decision to bring this Resolution before Parliament.

Mr. Deputy Speaker, I beg to move that this Resolution do now pass.

Mr. R. E. BRATHWAITE: I beg to second that and reserve my right to speak.

Mr. W. O. FRANKLIN: Mr. Deputy Speaker, this Resolution before the House has far reaching consequences on the future policy of the BLP Government on land and property.

The past Minister of Housing gave us a historical background of the decision of the Government while introducing this Resolution, and he said that, in 1973, a structural engineer, or firms of structural engineers, carried out a survey on the building and they concluded

that the structural integrity of the building was such that it would need tremendous refurbishing.

He also said that, from the files, he noted that the Government of the day had decided to refurbish this building for offices.

Hon. DeL. O. BRADSHAW: On a point of order. Mr. Deputy Speaker, I never made such a statement during the course of my introduction.
1.00 p.m.

Mr. W. O. FRANKLIN: Mr. Deputy Speaker, I made a very careful note and I am certain I heard the words "refurbished for offices, between the period 1973 and 1976, and nothing was done." Those are my notes and I am certain I heard those words mentioned by the introducer of the motion.

He also said that, in 1976, Collins wrote the Government and made an offer either to lease or to buy the building. The past Minister of Housing took particular pains to state that the Cabinet had long deliberations on this as to whether or not they were going to lease or whether they were going to sell. He went on to say that it is not the policy of the Government to sell off their properties, and he wanted to make this clear.

I am left to come to one or two conclusions, Mr. Deputy Speaker: either (1) that there is such a terrible shortfall in the cash flow of Government that \$300 000 means a lot to the present Administration, that it took the Cabinet a long time and they decided that they needed the \$300 000, so they are going to sell; or (2), that this is a turning of the ways of policy decisions by the present Administration that they are going to start disposing of Government properties. Those are the two conclusions I am faced with.

I have had the assurance from the former Minister of Housing that it is not Government policy to sell, so I will have to conclude that the Government needed the money badly. However, Mr. Deputy Speaker, a Resolution like this needs to be carefully examined.

The philosophy of Government in their dealing with property is of prime importance to all the people in Barbados, because the Government, as custodian for the people, must decide whether or not they are going to hold any lands that are worth anything on behalf of the people of Barbados, that is, the land in the main part of Barbados, the capital of Barbados, Bridgetown.

I am a little bit alarmed that the Government should decide to dispose of property in Bridgetown. I will tell you why I am alarmed about this. Historically, Barbados never had Crown lands, and as a result, for the present Barbados Government to have accumulated lands

which they have been doing, it meant that they had to embark on a policy of the purchase of lands as they came on to the market, some by voluntary negotiations, some by compulsory acquisition where the Government felt that they needed that particular portion of land for any Government business that was pressing and urgent.

We have noticed over the years, going back to the administration of the Democratic Labour Party that now sits in Opposition, that it was the policy of that Government to acquire lands for housing, for agricultural purposes, for industrial estates, for roads and for the infrastructural development of Barbados, and that policy was continued by the present Administration. I am certain the former Minister of Housing always made the point that it was Government's policy to develop a land bank, and he has listed a number of areas that came before this House for compulsory acquisition; hundreds of compulsory acquisitions have been brought before this House for various reasons — housing, roads, playing fields, etc. — but this is the first time that this House in this session would have had to make a decision for the Government to dispose of land, and the first time in this session that this disposal should relate to lands in Bridgetown.

Mr. Deputy Speaker, it is my firm belief that the policy of any Government should be to hold on to some of the only resource we have in Barbados for the people of Barbados, particularly when the ownership structure of land in Barbados is as it is. We are very familiar with the ownership patterns of land in Barbados, particularly in the capital of Bridgetown, and I would have thought that any Government would have given a very long thought before they disposed of any lands at all owned by the Government at this moment in time in Bridgetown, regardless of the condition of the existing building.

The importance of any real estate in Bridgetown is not the building; it is the fact that the real estate is situated in the capital of Barbados. It is a fact that the appreciation of real estate in the capital always takes a faster rate than appreciation any place else, and it is also a fact that this is an asset not only of the present Government, but of the people of Barbados, and I am urging the Minister that he should not support any Resolution for disposal by way of sale.

Now why didn't the Government consider a building lease? I am certain that terms on a building lease could have been negotiated whereby an appropriate rental would be paid to the Government on an annual basis, with terms and conditions for either renewal of the lease at the end of it or that the building should fall back to the Government at the end of the lease, as was done in other leases made by this Government and former Governments of Barbados.

Mr. Deputy Speaker, this decision brings me to a point I always wanted to find out. The Government at this time is the biggest land owner in Barbados, and I would go on record as saying that, for the biggest land owner in Barbados, the property management section of the Government is not properly geared and structured to advise the Minister on matters like this, or on anything to do with properties in Barbados.

I remember seeing a lease for the docks that went at the same lease for over 50 years before any department of Government or officer drew it to any of the Ministers' attention that that lease was completely uneconomic at the time and should be reviewed. I only brought that up to show that, in my opinion, the management of Government properties in Barbados needs to be looked at fairly closely, and that the Minister of Housing needs to have a management section to advise him on the overall portfolio of Government owned lands and assist him to make the necessary decision in keeping with the interest of Barbadians and all of our children yet to come.

Mr. Deputy Speaker, I am a little sad that the present Administration had to decide, after long deliberations, to sell this parcel of land in Bridgetown instead of leasing it to Collins Limited.

Thank you.

Hon. L. S. CRAIG: Mr. Deputy Speaker, the honourable Member for St. Philip North said he ended his speech on a very sad note. I have no doubt that I was equally as sad to hear the amount of nonsense that was coming from his lips in respect of this Resolution. He started off by saying that the Government was so short of money that they were forced to sell Collins Ltd. a building, owned by the Government, for \$300 000. We are so short of money!

I would like to know which Government today in the world is not short of money. Really, name one. Brazil, Mexico, Britain, France, West Germany, the United States of America? Only this morning I read they were either about to negotiate or have already negotiated with the IMF in respect of some assistance.

Asides.

Hon. L. S. CRAIG: All you have to do is get up and correct me when you are ready. Either they are negotiating or are about to negotiate with the IMF.

Mr. B. M. TAITT: On a point of order, Mr. Deputy Speaker, the honourable Member is misleading this House. What he must have seen, and which I am sure he saw, was that the IMF is negotiating with the US to get the US to

donate more money to the IMF, not the other way round.

Hon. L. S. CRAIG: I am going to accept that I may have misunderstood it. I don't mind stand being corrected, Sir, I will look at it again.
1.10 p.m.

But the other countries, the other powerful countries, are short of money — and we are a part of the world. So we need this little \$300 000. We are unlike Members on that side, who only a couple of months ago or thereabouts, the Member for St. Philip South made it clear before the House that \$40 million was no big thing, but \$300 000 is a big thing to us. We need the funds.

We need the funds to pay civil servants, help crack down crime, build houses for the poor, to provide a better transport system and to run the country with the money which we need — every single cent. We can appreciate your lackadaisical approach and wild spending, as you have done in the past and as you have demonstrated to this country up to 1976. That is your attitude towards the public purse. We need the \$300 000. We don't deny that. We need it.

Then, the other point the Member for St. Philip North made was about the disposal of Government land. He said it was the first time. Now I am a bit surprised to hear this Mr. Deputy Speaker — in this session, whatever you say — but we have had sessions before, and it has the same Government between 1976 up until now.

It has not got to be the session before, or this session; it is the policy of the Government that at some time they will have to dispose of land, as we have done for the poor people in Parish Land and Coverley. In all of these places where we have the lands, we have made them available for people as in Sion Hill in St. James, unlike you and your party.

You had a real estate business going. You used to buy and sell in Canada. Jerry Bull was the agent. All of a sudden you had a Jerry Bulls, they were the agents for you in Canada.

But all we have done this morning is to come with a simple Resolution, to sell to Collins.

I happen to know from when I was in the Ministry; that it is a rat-infested area, structurally weak, and Government has decided to dispose of it because it could be of more use to Collins, for the expansion of their business, than it is for the Government. So you all know the area? The only body you see go in there sometimes may be a Customs Officer going to open a door for some air to come out, or the rats to come out. It is rat-infested. Collins approached the Government to buy it for the

purpose of expanding their business and Government examined the possibilities of either putting it out to lease or selling the old building. Government decided, better judgment made us decide that it is better to sell it off, and now we are hearing this — it is the policy of the Government to sell land.

I want to deal with the other point raised by the member for St. Philip North when he made mention about the docks, that the rents are uneconomical.

You would really come in here and say after fifty years ago? When I was in the Ministry of Housing, Mrs. Doreen Mapp had set about to determine how many acres of land, what spots of land and pieces of parishes were owned by the Government and to examine leases that were owned. We discovered that Blackwood Dock was paying something like a shilling a year or some such small amount of money, the Empire Theatre had a 99 year lease, and I think they were paying 60 cents, and along the road, while looking at these things, we discovered the lease that the then Opposition had given to Aero Services for the Light Aeroplane Club. That is what we were able to discover. At that time the honourable Member for St. John was a flyer with the Light Aeroplane Club, he was President of the club, and that is why you had such an uneconomical lease.

Aside.

Hon. L. S. CRAIG: I knew he would say that is not true. You were deeply involved in the Light Aeroplane Club when they leased a small portion of land from the Government and turned around and rented it out to Aero Services for a big amount of money, and we had to rectify that. And you said that you were the President at the time. I am glad that you raised the point. I was waiting for you.

So to say that we have no policy on this is utter nonsense, because we examined all of this. Even the Light & Power Company, where you see that they have these plants with the transformers on land owned by the Government — none of them were raised for almost forty or fifty years, and we set about to raise them. We looked into all of that. He does not know, so he cannot say that Government has no policy on this.

You do not know about it. We had to look at them and upgrade them. We had a lot of work to do looking up the leases — we could not find the papers and all of these things — so to say that we did nothing about this is not really true.

(Aside)

Hon. L. S. CRAIG: Do not worry about me, worry about yourself. You have a lot of mouth now that Richie

Haynes is not in here. Whenever you see Haynes come back in here, you will be down at the other end crying. You have a lot of chat these couple of days. He will soon come back and put an injection in you. You talk up today — the cat out and the rat running about. Look the big mouse up in there! He got you choking. Do not worry about us.

Sir, the Resolution really need not bring the comments to the honourable Member, because the building is really structurally weak. It would cost the Government too much money to refurbish it and turn it into offices; whereas it is of greater use to Collins than it is to the Government. I really do not see the need for making the comments about the Government's policy on land and so on.

(Aside)

Hon. L. S. CRAIG: You know that, as far as land is concerned, you are very weak in that area. You know how you cut up four acre lots about here and turned and sold them. You are weak on that. Do not tackle that, man. Or the Cave Hill Development where you and your buddies got the land with four and five buildings on it at \$1.00 per square foot. Do not talk any land business. You are weak on that score. And how you pushed about Mr. Luther Bourne and took him off the Committee that used to look at it and the big Pope handled it. Do not tackle the land business. You are on a bad wicket with land. Have you forgotten that we had the Commission and what it revealed about you — as Minister of Housing and Lands? Do not get up in here on the land talk.

Sir, the Resolution will have my support, and I do not see the need for the comments coming from the Member for St. Philip North.

Rt. Hon. E. W. BARROW rose.

Mr. DEPUTY SPEAKER: Two honourable Members are on their feet. Will the Honourable Member for St. John, please take your seat. The honourable Member for St. James North has not yet concluded his speech.

Hon. L. S. CRAIG: Sir, that is my contribution, Sir.

Mr. DEPUTY SPEAKER: The honourable Member for St. John.

Rt. Hon. E. W. BARROW: I really do not understand why the honourable Member, the Leader of the House, has to abuse the honourable Member for St. Philip North because he said that leasing land was probably a more prudent policy than selling land outright. I really do not understand.

We had an old fellow up in Windsor Tenantry in St. George. He was a stone cutter — now called to the land

of his forefathers — and he used to be known as "Heavy Weather Green". So I have to call the honourable Member "Heavy Weather Craig", because he is making a lot of heavy-weather out of nothing at all.

I doubt that the honourable Member for St. Philip North, who, after all, probably is the most qualified land valuator in this island, having been the first Government Land Valuation Officer, a man who has travelled all the way to Australia to study the terrain system in that great sub-continent, and who is on the verge of becoming the first Barbadian adjuster in our history, should be abused for saying that he thinks that a leasehold policy is better than an outright sale.

1.20 p.m.

I am supporting the Resolution, and I will tell you why. I will support the Resolution for the disposal of land because the area is uneconomical. The only reason why I will support the sale rather than lease is because the total area involved is not contiguous to any Government land, and, therefore, if you lease, the land the amount of money which you will get is negligible; and the Government, as the honourable Member admitted, is badly in need of the cash.

The Government is so badly in need of the cash that I cannot get back my Income Tax refunds for three years. Therefore, I hope that when Collins chips in the \$300 000, as a former honourable Member for St. Joseph used to say, that I will at least get my little berry in Income Tax refund back. I know that a lot of people in Barbados are waiting for their income tax refunds. I believe that the Chair might be in the same position.

At this time of the year, the fees that we had to pay yesterday are really exorbitant. After I sent over my \$1 500 they told me I had to pay another \$60, and then another \$60 for the Bar Association, so the doctors should not complain because we, Sir, as you know, had to pay an extra \$120 over and above things like stamp duty. I do not know what the \$60 is for, it is a new one on me, I do not think we had to pay it last year, we paid for the Bar Association.

So the Government needs the money badly, as the honourable Member admitted, and I need my refunds badly now, because in any one month to have to trot out \$1,600....

Mr. DEPUTY SPEAKER: The honourable Member should leave the Bar Association where it is and let us get down Broad Street next to Collins on the wharf. Deal with the Bar Association at another time.

Rt. Hon. E. W. BARROW: All right, I will leave the Bar Association, but I am just emphasising what the

honourable Leader of the House said, that they were short of money. He says it is nothing to be ashamed of, because the United States is short of money. We are all short of money now; we know that.

But that is not a justification for selling the land. The justification for selling the land is that the area is not being used by the Government, that there are other vermin infesting the building at the moment, and therefore this vermin are of no economic advantage to Barbados. That is what the honourable Leader of the House said, so why should the Government keep a building that is rat infested? It is only a menace to public health and everything else.

I am not, generally speaking, in favour of disposing of Government lands, and now I come to the main point.

When the honourable Member who introduced the Resolution reacted as Minister of Housing, speaking for the present Minister of Housing, he having had some historical knowledge of the transaction, he made some very interesting statements, and he said that the Act, under which they presumed to come to the House, is one which says that any sale or lease or other disposal of Government property should get the approval of the House.

I agree with him entirely, but do you know what I am concerned about, Sir? A lot of property, buildings, structures are going up in public places, particularly in the City of Bridgetown, and the House is not being consulted. Not only that many of these buildings — dellies and delicatessens and bread things — are going up all over the place. I saw one going up, up to this morning, in some peculiar place, and I doubt very much they have the approval of the Town and Country Planning Office.

(Hon. H. B. St. JOHN: I quarrel about that every day).

Rt. Hon. E. W. BARROW: I am glad to get the support of the honourable Member for Christ Church East Central, but some Minister or some body must be giving these people approval.

If the Government, as a matter of policy, says we have a bus stand in this location, and the people have made representations that when they leave work they want to get a loaf of bread; let us advertise, put out a tender for a bread stand, or whatever it is. The design of the bread stand has got to be approved by the Town and Country Planning Officer, and the Cabinet, and then they should come to the House and say we went out to tender and we got competitive bids for this particular structure, and we have decided to award it and we want the approval of the House, because the Act says so.

The Act says that any sale, lease or disposition, but it is not only a question of alienation of Government property on an *ad hoc* basis that not even the Cabinet may know about, but it is the question of the unsightliness and the congestion.....

Mr. DEPUTY SPEAKER: I would like to draw to the honourable Member's attention that we are dealing with a Resolution for the disposal of property, and the honourable Member's speech is far outside the Resolution.

Rt. Hon. E. W. BARROW: I do not agree with you. I am dealing with the general principle of disposal of Government land which the Minister said, according to the Act, must engage the attention of the House.

Mr. DEPUTY SPEAKER: I do not want to argue with the honourable Member. The honourable Member cannot start the debate on the basis that Government is disposing of various areas of land. I consider that to be outside the present Resolution before the House.

Rt. Hon. E. W. BARROW: As I understand you, Mr. Deputy Speaker, you are saying that, in dealing with a Resolution for the disposal of Government land, I cannot speak on the disposal of other Government lands, I can only speak on the disposal and the alienation of Broad Street by the Government in order to get money to pay my Income Tax refunds.

Mr. DEPUTY SPEAKER: The honourable Member is assuming that Government has disposed of other lands in other areas, and that is not before the House at this time.

Rt. Hon. E. W. BARROW: I am drawing to the attention of the House the method of disposition.

Mr. DEPUTY SPEAKER: Suppose those persons are squatters on the land, illegal tenants. You are presuming that this Government has disposed of these areas of land for people to put up bread carts, etc. on them.

Rt. Hon. E. W. BARROW: Are you informing me then that these people are squatters? Because I would like to hear the Minister on that. If they are squatters, move them. You cannot tell me you will put up foundations out of blocks, stones and steel bars and big chimney stacks and that kind of thing, and these people are squatting. If they are squatting, all I say, I am glad for the information. You seem to have some information.

Mr. DEPUTY SPEAKER: The honourable Member must not accuse me of saying things. I am only drawing to the honourable Member's attention that he has gone outside the Resolution before the House.

Rt. Hon. E. W. BARROW: You say the Government has not disposed of that land? All right, so, in the course of my debate, I would like to ask the Minister if the Government has disposed of the land in the various bus stands, and what they intend to do about it. If the Government has not disposed of it — because we have not been consulted — and I doubt that any Minister in his right senses would allow those unsightly edifices to be so constructed.

I support the honourable Member for St. Philip North that, generally speaking, a Government that is spending money buying land in Hincks Street that they have not used yet, buying the National Bank Building at the corner of James Street that the Telephone Company could not get rid of, should not, in roughly the same area, go and sell land when they spent over \$3 million buying a piece of land. However, I will support this particular Resolution. I will tell you why I will support it.

1.30 p.m.

We had a plan to acquire all that side of Broad Street and to do a complete rebuilding of the whole area, and since that has been abandoned, any number can play. What I am saying is that this area is a small area, because I inspected it. It is proper to have a proper building getting taxes from the property owners than to leave it so. From the economic point of view, a sale may be better than a lease.

Mr. DEPUTY SPEAKER: The honourable Member for St. Lucy catches the eye.

Mr. R. E. BRATHWAITE: Mr. Deputy Speaker, I rise to support this Resolution. I think it is very straightforward, and I never expected that we would have so much debate on this Resolution this morning.

I would say that in the last 15 years we have had a lot of land in the parish of St. Lucy where we used to own the old Post Office, and it is still down there and it costs Government a large sum every year to keep this lot clean.

I definitely believe that if Government could look around for these waste lots that it has around and get ready cash for them, it would be a help to this country because I am sure, by looking at the Addendum here, that that lot of land is a very small lot of land. That lot of land, from the Town Planning point of view, cannot even hold a rum shop, and we are getting as much as

\$300 000 for 4 480 sq. ft. I think all of us should welcome that. As you realise, for the last ten years that place was unused, and it could be put to better use.

You will remember that once Government negotiated with a certain gentleman to buy a piece of land from this gentleman, and when he went and checked, the land was owned by Government before, and we all know how careless some people act with Government property, and I think it would be a very good idea if Government could set up some kind of plan where people could investigate where Government own small lots of land and get rid of them.

The honourable Member for St. Philip spoke about the land bank. I do not think that he could expect that Government would plan to have a land bank in the City of Bridgetown. I believe that out in Husbands, in the parish of St. James, that is earmarked for a land bank, because it is out of cane production this year, and I am sure that that is a place of substance where anybody would like to live or do anything whatsoever.

With this small lot, Mr. Deputy Speaker, I think we should all commend the honourable Member, because I am sure that for the last 10 years Government has actually got nothing out of it, and I am sure that when Collins own it this year, by the end of this year we will have to tax Collins and I am sure hundreds of thousands of dollars will come in to this country through this small lot of land.

So I believe, Mr. Deputy Speaker, that this is a very wise move, and I would like, before closing, to commend the Leader of the Opposition. I always admire him. He does not really join in foolishness. He always comes out frank and to the point, and he is one person who I can see would like the country to go on from strength to strength, and I commend him for that.

I believe, Mr. Deputy Speaker, Sir, that you will bear with me. Two Bills stand out in my head in relation to the honourable Member. I remember when his colleagues were voting against the last issue, the Water Bill, and were trying to make a big thing out of it, he got up and made it abundantly clear that it was very reasonable and he had bought water from some island down there at \$2 a pint or something like that. He does not like to play to the Gallery, but he likes to be very honest and I know that he would like to see this country go forward.

I thank you, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: The honourable Member for St. Andrew.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, I am going to be very brief and, like the last Member, I too would like to join in congratulating the right honourable Member for St. John for a very statesmanlike speech on this matter.

The idea of Government selling a piece of land to get \$300 000 to help it with its cash flow situation is a joke. There are some businesses, in Bridgetown, supermarkets, I mean, which need much more than \$300 000 to keep their cash flow position in order; and to talk about \$300 000 in relation to a big Government, which has to pay away million of dollars in wages to civil servants and the other people it employs when the weeks and months come, is a huge and colossal joke. The time must come when we must stop making sport at these things and be practical and realistic about it.

I remember, in my capacity as Minister of Health, having to pronounce on this Bill here. This building was regarded, and still is regarded, as a health hazard. As a matter of fact, it is more suited to rats and vermin than to human habitation, and, therefore, the Ministry of Health was anxious that Government should have this building down. The building should not have been there that long, it serves no useful purpose, and there is no point Mr. Deputy Speaker, having lands or a building which serve no purpose. It cost the taxpayers of this country a lot of money to buy these buildings, and to have them there doing nothing is certainly not in the best interest of the country.

When Collins Ltd. approached the Government around 1976 with respect to the purchasing or leasing of this building, Government at the time was considering the possibility of widening the road in that area and was not amenable at the time to the sale or the lease. Subsequent to that — and I am not reading from the file; this is just my memory of what was brought before us — Collins Ltd. renewed its interest in the lease or purchase of the building, and gave as a reason the need to expand their building with a view to further employment within the City of Bridgetown within their business. That was sufficiently appealing to Government, the fact that they wanted to generate income and to employ people, and the Government felt it was a very wise and sensible thing to look at their request.

The honourable Member for St. Philip North has made a very cogent point in terms of the management of Government's property. I, myself, am not persuaded that the best use is made of Government property, and despite the fact that from time to time, they have tried to update the properties owned by Government, it is still my view that there are a lot of properties which are still left out and which are owned by Government. So the need for having a proper management system

to look after the properties of the Government and the proper utilisation thereof, lends itself very much to my way of thinking, and I want to compliment the honourable Member for St. Philip North for making that suggestion.

What I do not agree with him on is this. He said that it was the DLP Government that bought estates for housing development, for industrial development and for agricultural use. I am sure the honourable Member may not remember, but the Pine and Wildey and the areas of the Bay Land were bought by the Barbados Labour Party Government, and the housing developments in those areas and Gazettes were developments by the Barbados Labour Party. So rather than the Democratic Labour Party setting the trend, we in the Barbados Labour Party did set the trend, and you followed; and we continued on after you had left.

This is not anything for us to make political mileage. I believe that we are at one in feeling that Government property should not be allowed to fall into disuse, and that wherever there is Government property, the maximum results should be had from them.

I myself, am not inclined to the sale of Government property. I believe that Government properties should also be made use of. I feel that we are not in the real estate business, and I further agree with the honourable Member for St. Philip North that we never had Crown lands.

1.40 p.m.

We started to build up a land bank in terms of Government ownership within the country, and we should continue to maintain this pattern, and it is only when you have your own lands that you can use those lands to influence the market in the country. For example, if Government feels that the price of land is getting out of hand, the Government might well consider the development of their own lands, to be sold at a reasonable price in order to influence the market generally in the country.

So I feel that Government lands should not be for sale, except in areas where there is a housing development when we seek to give people ownership of the land; not for commercial purposes. But in the case of the land, in Philadelphia Street and on the wharf, I think that the Government is well advised in taking this decision, and we appreciate the very statesmanlike attitude, so far, which the Opposition has taken on this Resolution.

Mr. B. M. TAITT: Mr. Deputy Speaker, I believe it is appropriate for me to say a few words, especially coming after the honourable Member who has just sat down, who is now, I believe, the substantive Minister who will be dealing with these matters in the future.

The fact is, Sir, that my colleague, the honourable Member for St. Philip North did, as the honourable Member who just sat down said, make a responsible statement concerning the policy of acquisition of land or the disposal of land by the Government, especially where those lands impinge on what is easily the prime areas so far as the value of land is concerned, Bridgetown.

You will recall, Mr. Deputy Speaker, that during my time in this Honourable House, this Government has, in fact, sold other small bits of land to proprietors in Bridgetown who owned land adjacent to these small bits. If one would remember the land along the Harbour, some owners have been able to acquire through long lease, and one or two through outright purchase, land which would enhance their properties. The degree of enhancement may not be seen in this year or the next five years, but in the context of a total policy, there can be no question that Collins, for \$300 000 in 1983, will be getting a property that will enhance their total property in the year 1993 perhaps. It is therefore proper that the honourable Member on this side, who has the responsibility as spokesman for Housing and Lands for this party, should indicate the desirability of having a policy which can be known to all the citizens.

If the Government has a policy by which they are going to be disposing of small bits of land they own in the City for planning purposes or health purposes, it is proper that that policy should be outlined to the citizens at large, so that all and sundry will know that where bits and pieces of land impinge on other properties, the owners of those properties may indeed be given first preference, all things being equal and the price being negotiated being reasonable. No one is questioning the efficacy of this particular sale of land, but in terms of a broad policy for the ownership of the land in this country, it is proper that we should call for a policy that can be understood by all who examine that policy.

Mr. Deputy Speaker, you will recall that, for a substantial amount of time, even during the Democratic Labour Party Administration, varying and sundry people have called for Government to make a pronouncement as to what its policy is with regard to the ability to purchase land, to lease land, or otherwise to utilise land in this country. You are aware that some countries in the Caribbean, and a country like Bermuda, have land use policies which are so clearly enunciated that even the least initiated person in these matters can be aware of what the policy of the Government is. So I think it is perfectly proper that we should seek, in a matter such as this, to ask what is Government's policy.

I would like to take this opportunity to suggest that it is wrong, some six or seven years after the

Democratic Labour Party has had responsibility for running the affairs of this country, every time a question such as this comes up in the House, for the same old tired statements and tired phrases to be trotted out.

There is, in a sense, no comparison between the straightening up of land and parish land and the purchase of a piece of property in the middle of Bridgetown. In many respects the considerations are entirely different.

No one is going to question any Government policy which seeks to rationalise the ownership of land for those who have traditionally not been able to own land in the community, but that policy would have to be put alongside any policy which suggests that the property owners in Bridgetown may indeed be benefitting through an unenlightened policy, or an enlightened policy as the case may be, to the detriment of the body politic.

Mr. Deputy Speaker, as you have heard on this side, we have no violent objections to the purchase of this particular piece of land, but I, myself, would have liked to know from the Minister what are the criteria arrived at for fixing the price of 4 000 square feet of land at \$300 000 in that particular location.

A lot of stress has been put on the use to which the land is being placed now, but I would be interested in the long term projection of the use to which the land could possibly have been put and the basis on which the price was arrived at. I am not now saying that the price is wrong, because I do not have enough information to make that determination, but I am saying that if we can have, along with the policy statement, some indication of what criteria are used in the allocation of prices to these small bits of land, again persons might be in a position to object to sales such as these.

Mr. Deputy Speaker, in the United States, where this kind of land purchase is done on an almost daily basis, the population at large gets an opportunity, through Government notice to know that such and such a piece of land is about to be sold to such and such a particular company, and if there is any objection from the public, such objection shall be made known either in writing or by way of hearings which the particular governmental agency might have.

Now while our system does not make arrangements for hearings on these matters, it is proper that the representatives in Parliament should raise the kinds of questions which the ordinary citizens might raise. It is better for the Minister to explain in some detail why this piece of property is being sold to Collins than for the feeling to go abroad that certain people in Barbados can get certain things under certain conditions, and I therefore am suggesting that the speech made by my colleague and the information asked for over here is

proper, and that we on this side will continue, when these matters come up, to raise these questions in this way.

Hon. H. B. St. JOHN: Mr. Deputy Speaker, I think that a number of issues have been raised in this debate which I would like to deal with.

It is obvious that, in the last half of the 20th century, Government has to have adequate expertise available to it to advise it on property management. We believe that this is an area where there is too little expertise available in Barbados as a whole, and I certainly support the suggestion that land management in Barbados at the governmental level needs to be strengthened.

The question of the utilisation of Government's squares and spaces in Barbados is an exceedingly worrying one. No one has complained more about this than me. I have spoken to the Town Planner and I have spoken to Government Ministers about the proliferation of so-called mobile canteens all over Barbados.

What we have found is that many of these are illegal, and the illegality arises from the fact that some members of the Town Planning Office themselves go and lay out the sites for the people. Some members inside the Town Planning Office do it. I have two classic cases, and one is at the corner of Oistins, right in the middle of a roundabout in the proposed road, where a man has put a so-called mobile restaurant there.
1.50 p.m.

While that was going up, I personally telephoned the Town Planner and told him that this is bound to be illegal. I know there is a plan drawn by a Mr. Nimmerford for a road to square off that area. Nothing happened — I know it was finished. And when it was finished, the allegation was that it was laid out by the member of the Town Planning staff.

At the airport, opposite the main entrance, you go up there and you will see one. All around you see people doing it, and we have been adamant in Government. But, Sir, the laws will be applied. We do not care who has given the permission, the laws will be applied. If that one at Oistins continues, I have threatened and I have said that I will be reporting to the Public Service Commission on that one. We must get to the bottom of it.

Asides.

Hon. H. B. St. JOHN: It is on whose land? I do not mind whose land it is.

No Town Planning permission is given, because, as a policy, Cabinet has said that you cannot give people

permission all around to put up these so-called mobile canteens. It is not correct.

We are building a proper area by Cheapside for market space. One of the problems in Barbados is that, over the course of the last twenty years, only one market has been built. After the Fairchild Market in 1956, no other markets have been built. You have to build space for your small businessmen, and we are planning, in conjunction with the area where the Post Office is, to have an enlargement of the market there.

I share all of the sentiments, because there is bound to be an explanation on how it is that so many of these canteens can go up, especially when you tell the Town Planner while they are going up — and still they do not stop them from going up. We will get to the bottom of it. And I am very glad that both sides of the House are expressing their feelings about this matter, because it is nothing but a shame that this should go along like this all the time.

Now, Sir, as the Minister has said, the real reason why this land is being sold is because we feel that the best use is not being made of the land at the present moment and that the ability of the owners of the land, which is contiguous to this land, to exploit it to its best and fullest use, is, in the circumstance of this particular piece of land, the dominant reason why we have agreed to a sale rather than to a lease.

We, Sir, have had no change of policy in respect of the sale of land. But obviously, from time to time, you will find or come across situations where Government will have a bit of land and the best use of the land may well be to permit a next door neighbour to use it so as to enhance their land.

There are also, Sir, other situations like the one at the Harbour, which was spoken about, where we came and we found that, because of the particular shape of the land there, all of the advice we had was that something had to be done about it, because it was not large enough to permit a building on it independently and by leaving it open, many people were using it as a dumping ground. That was the reason we came to Parliament and said, "Look, for a long period of time since the Harbour was built, this area has been there, and all of the advice we have is that it should be offered to the people whose land it abuts or bounds, and whose land it fronted on the other street."

But the fact that we have to come periodically for a sale, in the particular circumstances of each of the applications that we came here with, should not indicate that, as a policy, the Government is in favour of selling off Government lands.

Hon. DeL. O. BRADSHAW: Mr. Deputy Speaker, there are a couple of points to which I would like to reply. First of all, the question of Government policy in disposing of Government's property. The Government's policy is quite clear. In respect of leases, we have made it abundantly clear that whenever we take a decision to lease these properties, there would be a renewal clause included — unlike the past Administration. They never made provision for a renewal clause. In one case, where lands given to Manning Wilkinson & Challenor for twenty-five years at an annual rental fee of \$7 000, there was no renewal clause, and I would think that that was rather imprudent of the then Government. Added to that, Mr. Deputy Speaker, the agreement made provision for Government to acquire those properties at the expiration of that lease, and here again, one can see why we have adopted a clear policy quite distinct from that of the other side.

No one on that side has quarrelled about the price.....

Mr. DEPUTY SPEAKER: The time is now 2 p.m. Will the honourable Member be able to conclude his speech in ten minutes?

Hon. DeL. O. BRADSHAW: Yes, Mr. Deputy Speaker. It is significant that no Member has quarrelled with the price of \$300 000, and one can only conclude that this price was quite reasonable and that honourable Members are satisfied that Government has done everything in its power, even deliberating for such a long time on this matter, to ensure that Government's property was not given away.

As far as the criteria are concerned, we have taken estimates and recommendations of the Commissioner of Valuation. He valued the land and the property, and the land went up — it rose from 1978 or thereabouts — while the building, which, as I said, was delapidated, depreciated. So we took care to see that the land value was on the increase, and the figure which we have agreed to, compares favourably with the current value of land in town. I would go further and say that we have been lucky to get a higher price per square foot for the land which is in question here.

On the question of the mobile canteens, I think that it is time for me to say that I have never given anyone at all any permission to site a mobile canteen. But we have had problems where we have asked the Town Planning Department to issue notices to these people who put them up indiscriminately all around the place, and nothing seem to be done. I do hope that some sort of mechanism can be devised whereby we could get the Town Planner to make sure that he puts up these stop notices and get these people to take down the buildings. This has always been a problem and, as I said, we would need to look at this area.

I am very glad that the honourable Members from both sides have given support to this Resolution. Finally, we should realise that it is not because of Government's need for money; it is because we believe that it is best to get rid of things that are of no use to us.

The honourable Member for St. Michael South Central did call on Government to get rid of lands or properties that were of no use to it. I think that he was calling on the Government to do something which we have considered. We have abandoned lands that we thought were of no use, and we are bold enough to come before this House and sell properties which we know are of no use to Government. At the same time, by selling these properties, the purchasers of these properties will be able to put them to good use and be able to provide more job opportunities for the youth or the people of this country.

1.55 p.m.

I beg to move that this Resolution do now pass.

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

Hon. L. S. CRAIG: Sir, I would like to indicate to the House that I have a Supplementary Notice Paper which I will be setting out to give notice of during the course of the day.

I hope that in so doing, the Member for St. Michael West will not try to get up and demonstrate how ignorant I was when I read something in the newspaper this morning.

Earlier in the proceedings, I made mention of Brazil and Mexico, and I said that I read in the newspaper today that the United States of America — and I was very careful to choose my language — was about to go to the IMF.

I have with me now, Sir, page 2 of the Advocate-News, a CANA/REUTERS report — Washington, Monday. "ALERTS CONGRESS." "The Reagan Administration, underscoring the seriousness of the current monetary crisis, today alerted Congress it would be seeking additional financing from the International Monetary Fund."

I have with me a newspaper, the Advocate-News, which I am prepared to make a document of the House. This is what I read on page 1 of the Advocate-News.

Mr. DEPUTY SPEAKER: The honourable member can make an explanation of some material part of his speech which has been misunderstood under Standing Order 28 (16), but the honourable Member cannot read part of a newspaper in support of his argument. If the

honourable Member is saying he wants to explain the part of his speech which was misunderstood, that is accepted.

Hon. L. S. CRAIG: Sir, I am very grateful for your guidance, but I have made my point. This is what I read in the newspaper this morning, page 1 of the Advocate-News, Monday. This is the newspaper here, Sir, "ALERTS CONGRESS", but the Member for St. Michael West tried to demonstrate

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

Hon. L. S. CRAIG: that I did not read what I saw in the newspaper.

Mr. B. M. TAITT: Mr. Deputy Speaker, on a point of order.

Mr. DEPUTY SPEAKER: Two honourable members are on their feet.

Mr. B. M. TAITT: You will recall, Sir, that I rose on a point of order to point out that the honourable Member was misleading the House when he said, whether he had read it in the newspaper or not, that the United States had gone to the IMF for assistance. I pointed out that that was not possible

(Loud Asides).

Hon. L. S. CRAIG: Sir, I was very careful to choose my language.

Mr. B. M. TAITT: Foolishness! Foolishness!

Mr. DEPUTY SPEAKER: Will both honourable Members please take their seats?

SUSPENSION OF SITTING

Mr. DEPUTY SPEAKER: This sitting is now suspended until 2.45 p.m.
2.05 p.m.

On Resumption:

Mr. DEPUTY SPEAKER: This sitting is now resumed. It is now Question Time. There are no Questions on the Order Paper, so we move to Private Members' Business.

PRIVATE MEMBERS' BUSINESS

Mr. DEPUTY SPEAKER: On Tuesday last, the honourable Prime Minister at the end of his speech (a) moved the following amended motion, which is an amendment to the substantive motion moved by the honourable Member for St. Michael South, and this motion was seconded by the honourable Member for the City:

On putting the question, and before the vote could be taken, the honourable Member for St. Michael North contended that the amendment was out of order because it altered the whole tenor of the substantive Resolution before the Chamber and therefore is "hostile" to the main Resolution.

The end of Private Member's Business at 6.30 p.m., afforded me the opportunity to do some research on this matter. In so doing, I have looked at the Standing Orders of this Honourable House and May's Parliamentary Procedure, 19th Edition. My research of the Standing Orders of this Honourable House of Assembly does not reveal any specific rule dealing with amendments to Resolutions proposed by Private Members. Standing Order 25 deals with the method of putting the Question of Amendments: but Standing Order 25 follows Standing Order 24, which deals with seconding of Motions and amendment to Bills. I therefore rule that the procedure set out in Standing Orders 24, 25, 26, and 27 of this Honourable House deal specifically with Bills and not Private Members' Resolutions.

In May's Parliamentary Procedure, 19th Edition, at pages 376 and 377 deal with the Method of Superseding Questions, and page 377, dealing with Amendment says: The general practice in regard to amendments is explained on p.p. 386-92 and here such amendments only will be mentioned as are intended to evade an expression of opinion upon the main question by entirely altering its meaning and object. This is effected by moving the omission of all or most of the words of the question after the word "that" at the beginning, and by the substitution of an alternative proposition (which must, however, be relevant to the subject of the question), by the substitution of an alternative proposition (which must, however, be relevant to the subject of the question).

In the case of amendments of this type, the proposal of the question "That the amendment be made" effectively places before the House two alternative propositions contained in the motion and in the amendments respectively between which *the House has to make a preliminary choice before deciding finally to agree to either of them*. Consequently if the question "That the amendment be made" is agreed to, this vote does not by itself express a decision against the motion, but only a preference for taking a decision upon the alternative proposition contained in the amendment.

When, however, the main question as amended is agreed to, the original motion may be regarded as having been negatived by implication. This depends both upon the fact that the amendment has been agreed to and upon the fact that its terms are such as to imply disagreement with the motion.

A motion which has been superseded by a temporizing or non-committal amendment has not in strictness been decided and may be submitted again in substance to the decision of the House. So also can a motion which has been suspended by a conditional prohibition, as soon as that condition has ceased to operate. But a motion which has been superseded by a 'hostile' amendment, i.e. one which contains a conflicting or incompatible proposition, cannot be repeated in the same session. In view of the above, I shall now put the question as adumbrated in May's Parliamentary Procedure.

The Question therefore, is: That the Amendment be now made:

Those in favour please say AYE; those against say No.

Aside.

2.55 p.m.

Mr. DEPUTY SPEAKER: There is only one Resolution before the House, that is the amended Resolution. There is one Resolution before the House. I put the question on the amended Resolution already, the amended Resolution which is now before the Chamber, which has been moved by the honourable Prime Minister and seconded by the honourable Member for the City.

(Mr. L. E. SANDIFORD stands)

Rt. Hon. J. M. G. M. ADAMS: On a point of order. The honourable Member for St. Michael South cannot speak again.

Mr. DEPUTY SPEAKER: The Honourable Member for St. Michael South can speak on the amendment now before the House.

Rt. Hon. J. M. G. M. ADAMS: I was under the impression, Sir, that when a question is put on an amendment, there is no further debate. The Chair puts the motion that the "words proposed be left out stand part of the question and the words be there inserted or added" and the next question which is then put — ever since I have been in the House it has been done that way — is that the Resolution as amended do now pass or not. But there is no further proceedings.

I have never known the House on any previous occasion change a Bill and resume debate. I have always known that you put the question and then the Resolution itself is put. I have never known it done any other way, Sir, so I do not think that I can say anything else. Let me put it this way, Sir, I do not feel that the Rules of the House will allow me now, having moved an amendment, to speak again — except perhaps to reply.

Mr. DEPUTY SPEAKER: There were two motions before the House, the substantive motion, which was moved by the honourable Member for St. Michael South, and the amendment which was moved by yourself. I have just ruled that the question has to be put on the substantive motion after the amendment was moved by you. That was moved and seconded. There is only one Resolution before the House, that is the amended Resolution, which is now the substantive Resolution.

Rt. Hon. J. M. G. M. ADAMS: Well, Sir, my speech is anyhow, because I made my speech when I moved the amendment, so I cannot speak again. If you all allow me to speak again now, Sir, nobody else can speak, because I could only be speaking in the final reply. Shall I speak then?

Asides.

Mr. L. E. SANDIFORD: I really do not wish to pursue it.

The question that the Resolution as amended do now pass was put and resolved in the affirmative, the House dividing as follows:—

Ayes: Rt. Hon. J. M. G. M. ADAMS, Hon. L. S. CRAIG, Hon. Miss B. A. MILLER, Hon. Dr. R. L. CHELTENHAM, Hon. DeL. O. BRADSHAW, Hon. V. L. JOHNSON, Hon. Dr. D. G. BLACKMAN, Mr. R. E. BRATHWAITE, Mr. A. TRUSS, Mr. L. L. SISNETT and Mr. J. G. ODLE — 11.

Noes: Mr. L. E. SANDIFORD, Mr. W. O. FRANKLIN and Mr. M. A. KING — 3.

Mr. DEPUTY SPEAKER: This brings us to the end of Private Members' Business. Business is now resumed.

RESUMPTION OF GOVERNMENT BUSINESS

MOTION TO REOPEN GOVERNMENT NOTICES

Hon. L. S. CRAIG: Sir, earlier in the day I indicated that I had a Supplementary Notice Paper for which I would be seeking the leave of the House to give notice. I now propose to do so, Sir.

Mr. DEPUTY SPEAKER: The honourable Leader of the House is seeking leave to reopen "Notices." Those Honourable Members in favour, if there is no objection, leave would therefore be granted.

GOVERNMENT NOTICES

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

A Resolution to grant the sum of \$780 000 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1982–83, Part II — Capital as shown in the Supplementary Estimates 1982–83 — No. 18 which form the Schedule to the Resolution.

A Resolution to grant the sum of \$185 000 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1982–83, Part I — Current as shown in the Supplementary Estimates 1982–83 No. 19 which form the Schedule to the Resolution.

PLANT PEST AND DISEASE (ERADICATION) ACT, 1983

Order No. 4 was called — To move the Second Reading of a Bill to provide for the eradication of plant pests and diseases and related matters.

Hon. Dr. R. L. CHELTENHAM: Mr. Deputy Speaker, Sir, a few years ago, to be precise, in 1979, the sugar industry in Barbados was affected by the outbreak of smut disease. In trying to combat this disease, the Ministry of Agriculture was forced to review the existing legislation and legal techniques available for combating plant disease and, as a result of this exercise, several anomalies and inadequacies came to light.

The first was that we have, scattered across the Statute Book of this country, a large number of Acts dealing with the control and eradication of plant pests and disease. Many of these Acts repeat one another in the main and the penalties are, to many extents, out of date; they are not consistent with the existing tariffs, and many of them did not give the Ministry of Agriculture power to enter with speed on the lands of persons affected by particular pests and disease.
3.05 p.m.

So it was felt that the first thing we should do was to repeal the existing Acts on the Statute Book, the Cotton Diseases Act, Cap. 257, the Love Vine and Wild Native Cotton (Eradication) Act, Cap. 264, the Plant Pest and Disease (Importation) Act, Cap. 266, and the Sugar Cane Mosaic Disease (Eradication) Act, Cap. 269. These Acts will now be repealed by this Bill before the House. The provisions that remain relevant will be re-enacted in this Bill before the House, certain amendments which have been found necessary are being made, so this Bill in the main consolidates and amends the existing legislation, and indeed adds to it.

The first addition relates to the power which this Bill gives the Chief Agricultural Officer — to enter, without notice and without permission, on the premises of

persons affected by pests and disease. That permission to enter on premises "at shot", without notice and with speed, did not exist in the existing legislation in the past, so that is the first important new provision that is added.

In addition, Sir, the penalties under the Act have been increased to reflect current levels. The Chief Agricultural Officer now has power under the Act to designate persons as inspectors of plant pests and diseases and to declare certain plant pests and diseases to be proclaimed diseases, and certain areas in Barbados, from time to time, to be proclaimed as infected areas. In addition, Sir, the Bill provides for the making of rules and regulations.

There is no particular urgency about this bit of legislation, because fortunately for us, Sir, we have been able to contain the smut disease. We have developed a resistant variety, and as you will know, Mr. Deputy Speaker, the smut disease, fortunately for us, did not have the destructive impact on our sugar industry which it had on several other sugar economies; but we never know when we can have an outbreak of some wind or air-borne disease, and we feel that the statutory regime dealing with the eradication and the treatment of pests and diseases should be in a state that would allow us to respond with speed and with effectiveness.

So this Bill seeks to put our house in order so that if and when we are affected in the future by plant pests and disease, we will be well prepared to deal with speed and decisively with these diseases.

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

Hon. DeL. O. BRADSHAW: I beg to second that, and reserve my right to speak.

Mr. L. E. SANDIFORD: Mr. Deputy Speaker, I was really giving way to the honourable Minister because I know there is a particular problem, and I was wondering whether it would be considered as a plant pest or not.

Mr. DEPUTY SPEAKER: Is the honourable Member speaking to the Bill?

Mr. L. E. SANDIFORD: Yes, I am speaking to the Bill, and I will be very brief, because I know that other Members will wish to raise a matter.

Mr. Deputy Speaker, about a year or two ago, I believe some of the economic plants in this country fell prey to some kind of disease. I am not sure what disease it was, but there used to be a reasonable productive amount of pawpaw trees, and recently, Mr. Deputy Speaker, this particular fruit seems to be either absent or certainly not as plentiful anymore around this country. I do not know if it was blight or whatever it was, but the

tops of the trees tended to just wither and die, and hence that very valuable fruit is no longer available in any quantities.

I do not know if the Ministry of Agriculture has identified the particular factor responsible for the problem with the pawpaw trees in this island, and whether anything has been done about it, but I would certainly be glad to hear the Minister make some kind of response to that particular problem. I merely wished to draw that to the attention of the House and to give the Minister time to gather her papers together.

Hon. Miss B. A. MILLER: Thank you; I am much obliged.

Mr. Deputy Speaker, I too am interested in the particular plant pest responsible for the bunchy top disease which has quite decimated the pawpaw trees in this country. I am informed that it is spread by a leaf hopper and that it is very much on the way now. Certainly my own pawpaw trees and trees that have been newly planted by me do not appear to be suffering from the bunchy top disease. I had even thought at one time that the same leaf hopper, or a leaf hopper of the same family, was affecting the poinsettia plants, because they seem to be undergoing a similar sort of attack.

But the matter which I wish to ask of the honourable Minister of Agriculture, Mr. Deputy Speaker, has to do with the cow itch vine. I have looked with great care at the Interpretation Clause of this Bill and nowhere in that do I think it is possible to cover what we know as the cow itch vine.

It is not, I believe, a plant pest which attacks other plants or shrubs. It is not a host and parasitic plant from the relationship that it enjoys with other plants. Although it is a vine and grows on other plants, it is not, properly speaking, a parasite; it does not draw its substance from other plants. I do not know how it can properly be described. I think it has to be specifically mentioned in the same way as love vine and other shrubs are mentioned.

To say the very least, Mr. Deputy Speaker, this cow itch vine affects not only the agricultural sector, but it has caused great irritation and loss of profit in the tourist area. It seems that some parts of Barbados are affected while the others are not, and some parts which are affected are affected worse than others.

3.15 p.m.

I happen to live in a part of St. James, in Hometown, which I am told by very old villagers who can remember, that that part of St. James has always been affected by cow itch. It seems that the cow itch seed is a very hard seed which can lie in the ground for eight,

nine or ten years and still, after that long period of time, germinate. We have reason to believe that, in the part of Barbados where we live, the heavy rains which we saw in the mid 1970s seem to have germinated a lot of very old cow itch seeds, and it is true and fair to say that, certainly just above Holetown, we are infested with the cow itch.

It ripens, and there are minute hairs on the pods, which you can hardly see, which has a chemical reaction on the skin, and when you rub the skin or attempt to scratch it, you release the chemical into the skin and there is a burning sensation — and the more you rub it the more intense it becomes. The only relief seems to be is to wash it off. But then, of course for those of us who are sufferers of asthma and who have hay fever; certainly people like the honourable Minister of Agriculture and myself, who prior to moving to that part of St. James, had never suffered with respiratory or nasal diseases, have found ourselves afflicted. There is no word for it.

I certainly know that in the lower part of Holetown people have sold properties and have had to move away. I know that the tourists in Sunset Crest have been so afflicted with it that they even complained that it will swim on the top of the sea and it has prevented them from going to the beach. It is a terrible, terrible thing.

I have known myself to get up out of bed in the night scratching, change my clothes, change the bed clothes, bathe, and get back into the bed — and start to itch all over again. At this time of the year you cannot entertain guests on the patio of your house down at Holetown, Mr. Deputy Speaker Sir. It clings to fabrics, to curtains, sheets and to cushion covers. It gets into the nasal tract. It gets into the eyes and is indeed a terrible pest. In fact, again the villagers, who live close to me, tell me that, in the olden days, cow itch in the fields was the only reason for which a cane fire would have been deliberately set and controlled. That is so still even today.

It is a terrible thing, because once the pod has dried and the cow itch starts to blow, between December and January, this time of the year, right down through to March or April, unless you have really heavy rains to wash it away, there is terrible suffering in that part of the island. Tourists are afflicted with it; local residents are afflicted with it, and it attacks animals as well. I do not know why it is called cow itch, but it really is a most terrible thing, and it needs to be controlled, because I have reason to believe that it is spreading in some parts of Barbados.

I have had to spend a great deal of my own money in trying to rid myself of it, cleaning the lots next to

me, which are vacant lots. I suffer the problem which a lot of other Barbadians suffer, in that a lot of the lots where I live are not built on. They are covered in bush, they are full of monkeys, which are other pests and would not let me eat anything that I produce; and rats — I had a dog which died on account of leptospirosis. I saw the rats myself.

That is where I live, in a gap that I cannot get the Government to fix. I cannot get the health people to clear the bush from around where I live. It is very uncomfortable, Mr. Deputy Speaker, and I really would like to prevail upon the honourable Minister of Agriculture, who is really my neighbour and is suffering under these same conditions with the cow itch, to give some assurance that this legislation is going to cover cow itch, even if we have to amend it now to do so, or that some new legislation is going to be introduced in respect of cow itch.

Hon. L. S. CRAIG: Sir, I was really impressed with my colleague, the Minister of Education, and moreso when she said that she cannot get her gap fixed. I think that I am her M.P. and this is a reflection on me. I think the only thing about it is that there is only one person in that gap, and I believe that Government's priority would be to look after areas which have many more people living in one gap than one person living in that gap, Sir. This demonstrates.....

Aside.

Hon. L. S. CRAIG: My colleague is telling me six people. That only shows that I do not know where my colleague lives.

Sir, I support this Bill. I see that it is to eradicate such things as love vine and the wild native cotton, but there is a disease which, as we lead up to the harvesting of the sugar cane, I would feel that it is a bounden duty of mine to make a plea for its eradication from the floor of the House. I would hope that this year we can see the eradication of cane fires in the country.

I, Mr. Deputy Speaker, would like to appeal to all Barbadians on this occasion, as we approach the harvesting of our sugar canes, to recognise the fact that there are troubled times ahead in the entire world, and to burn a cane blade, to my mind, Sir, is like burning a \$5 bill. I think that a full approach should be made in trying our best to do whatever we can as we approach the harvesting of our sugar canes.

I am appealing to all Barbadians and visitors to the country that wherever they can help in assisting us in eradicating this real disease, which has suddenly come about in our society and reduces our foreign exchange, to assist the police wherever they can. Members of the

Defence Force, youth groups, the church, and every single man, woman and child, Sir, should come to the rescue of their country. If burning is done intentionally, I would only hope that when the offenders come before the court they would be given the maximum penalty and punishment that the court will allow Sir.

This is my plea for the eradication of not only of the love vine, wild native cotton and the cow itch, which we have all complained about and which we set out to control in the Act today, Sir, but I sincerely hope that Barbadians will show a real true sense of responsibility and national pride in making sure that we do as much as possible to eradicate the cane fires.

It is very, very disheartening to see how Barbadians leave here and go to the United States of America, to my mind the world's most powerful country with all their resources at their disposal, and go to Florida and harvest their canes, and you hardly hear of any burning of them unless they are done for the purpose of snakes to get out of the fields, but yet, right here, where we have to depend on our foreign exchange for our sugar Sir, it is really a sad reflection to see our lands turned into something like an oven during the year. So this is my appeal to all Barbadians — have some pride in their sugar this year and the years to come.

3.25 p.m.

This is my contribution in support of this Bill, Sir.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, I am very glad that this Bill has reached the House. I recall very vividly, while being in the Ministry of Agriculture, that at one stage I discovered that love vines were taking over the country, and I called for a meeting of the Technical Division and the Administrative Section to discuss this matter and how best we could approach it.

When I told the meeting that love vine was reaching epidemic proportions, the Chief Agricultural Officer said that he found it difficult to agree with me, because he did not see any problems about love vine. He said love vines did not cause any harm to the plants, that they would still grow, and I asked him if he was very serious and if he did not think the time had come when a serious approach should be made in this matter.

It is unfortunate, Mr. Deputy Speaker, that a person who can be so stubborn in his attitude to progressive matters, will, in the final analysis have to administer a matter such as this. I would hope that when the time comes and he is called upon to perform his duties, his statutory function, that he would not constitute himself as a stumbling block in carrying out the policy of the Government and the Minister in respect of this matter.

But I found it extremely difficult at the time to get through his thick skull that love vine was certainly a disease, and a disease which fed on other plants. I found it extremely difficult to get something worthwhile done.

On the question of the cow itch, I must say that I have some sympathy for my affluent colleagues on this side of the House who live in exclusive areas, and because of their exclusiveness they certainly are afflicted with matters such as these. If they were living in places like me, on Pilgrim Road, with the hoipolloi, it might not be so difficult not to be assisted in having these matters solved, but I assure them that, during my last days in the Ministry of Health, I was able to put in train, and I hope it will remain in train, an effort whereby cow itch would be immediately dealt with.

I regarded that as a priority question, and I did not do this for the benefit of my colleagues here, nor the tourists who come to the country, happy though I would wish them to be; I did this in the interest of the small people and the dwellers, including the honourable Member for St. Michael South. Hopefully, the problems which were complained of by my colleague, the honourable Member for the City, would not so affect other members in the area that would cause them to get up at night, take off their clothes and have a bath, and to go back into bed and scratch as well. Of course I think it is a useful thing to cause the men to behave themselves when cow itch is abroad.

The question of cow itch, like all other foreign grass and termites and what have you, can only be put right when people come together and decide to rid themselves of these dangers. Too often people consider that Government must do the job for them. If there is cow itch around, Government must get out there and do it. If there are rats around, Government must do it; even love vine, Government must do it. I feel the time has come when people must look around them and make an effort for themselves. That is why I was so happy to introduce the Resolution at the time, Mr. Deputy Speaker, which permitted Government to go into properties and to have them cleaned up; the derelict buildings as well as those that were overgrown or overrun with bushes.

I assure honourable Members that, given time and goodwill — and I hope that goodwill will prevail — the question of cow itch not only in St. James among the wealthy and the well-to-do, but cow itch all over the country will be tackled, and tackled quickly. I also hope the question of love vine, which is creating serious problems in the country, will be looked at, because it can be moved readily by birds, birds are attracted by love vine, and when they see it and they take it up and they drop it, either in their droppings or from their mouths, they can spread it and it grows like wild fire, if I can put it that way.

I hope that a positive and concerted attempt is made with respect to love vine and cow itch, but the people who are involved in the Ministries of Agriculture and Health, the Ministries that will be mainly responsible, must be committed to the task of seeing that the job is done. If they are not committed, no matter what Bill we put on the Statute Book, no matter how energetic and courageous and determined the Ministers might be in seeing that the country is rid of these various pests, they will continue to exist. There must be goodwill on the part of the Technical Division within the Ministry, and determination and an enlightened approach to the problems that concern the respective Ministries if you are to succeed in ridding the country of these scourges, because that is exactly what they are.

That is my contribution to this debate.

Mr. W. O. FRANKLIN: Mr. Deputy Speaker, this is one of the occasions when I would like to join the Opposition in supporting the call of the Leader of the House for a fire free crop. I believe that I suffer even more than the Leader of the House from fires, since I am literally surrounded by canes. The whole environment has suffered considerably over the last couple of years by fires, and I support the Leader of the House in his call for everyone's co-operation in reaping the canes green this year.

While speaking on this Bill, I would like to draw to the Minister's attention a matter that has considerable effect on vegetable crops in St. Philip particularly, which concerns wind-blown herbicides. I, myself, have lost some tomatoes on one occasion and some cucumbers, and I have known of some small vegetable farmers who have lost up to five acres of tomatoes as a result of wind-blown herbicides in St. Philip.

3.35 p.m.

As you know, St. Philip is the most easterly of all the parishes, it is very flat and it is very easy to have these wind-drifts, and a lot of the plantations are very careless in the use of herbicides, particularly when they are going around the sugar cane, and they pay very little attention to the effect it has on the earning capacity of other people.

Right now, it only remains open for the persons so affected to take out a civil action in the court, but you know how time consuming and expensive it is, and it is very disheartening for anyone to be so affected.

I wonder if the Minister of Agriculture, if this has not already been drawn to his attention, that, would turn his attention to this particular problem that we have in St. Philip — and I believe it affects all other parts in Barbados — and come up with some answer that would give redress to the people that have been so affected by the wind-blown herbicides.

Hon. Dr. R. L. CHELTENHAM: Mr. Deputy Speaker, I am much indebted to all honourable Members who contributed to this debate. In particular, I am especially indebted to my friend, the honourable Minister of Education, for the moving pleas which she made for the eradication of cow itch. She spoke not only for herself, as she openly said, but also for me, because both of us live in a part of St. James, the old Lascelles Plantation, now called Halcyon Heights, which is acutely affected.

Asides.

Hon. Dr. R. L. CHELTENHAM: I am told, Sir, that is the price you pay for living in the Heights. It is acutely affected, Sir, by this cow itch. It is a nuisance, a source of discomfort of unimaginable proportions. I have seen guests come to the home, and the minute they get inside they are scratching and digging, their eyes are running and on the whole, Sir, they are behaving in such obvious discomfort as to cause their host acute embarrassment. This has apparently been going on in the area, that part of St. James for as long as there is living memory.

I am particularly pleased to be able to say that, in recent weeks the Government has taken a decision, and has supported it by the provision of funds, to tackle this problem. It rightly falls to the Ministry of Health, but the Ministry of Health and Agriculture, working together in harmony, are expected to start work very shortly on the eradication of the cow itch problem in Halcyon Heights, also in Jamestown and other affected parts of St. James, and indeed wherever it exists in the country. I am told that it does also exist in acute proportions in parts of St. George.

It is not really a plant pest and disease as plant pests and disease are defined in the present Bill before the House, because it is not a plant that affects other plants. It really affects, as I understand it, only people and animals, and so it cannot be regarded in the same way as wild cotton, or love vine, or smut disease or any of the other diseases that have recently affected the sugar cane industry.

With respect to the pleas that have been made for a fire-free reaping season, much as I welcome it, I think it has got to be said that words are of effect in relation to the cane fire problem in this country. For as long as we have had that problem, we have had leaders in all walks of life appealing through the Press, from the pulpit and in every forum for the country to protect the industry and ensure that the canes are reaped green.

Last year was an outstandingly bad year for cane fires in Barbados, and I need only remind you that we lost something like 13 000 tonnes, not of cane but of

sugar. Thirteen thousand tonnes of sugar was lost last year as a result of cane fires. And apart from the lost in actual revenue, the damage to the soil was inestimable. Because of the coral component of the soil in Barbados, there is no rapid regeneration after a cane fire, and as a result, cane fires in Barbados affect the properties of the soil in a very adverse manner.

I took the view when I came to the Ministry and looked at this problem that it made no sense talking about it, appealing to the good sense and good nature of the people. I looked at the only study that has been done on this problem, one done by Barbados Shipping and Trading, and it suggested quite clearly and explicitly that the majority of the fires in the industry were industry-related fires, that is, that the personnel of the industry, whether owners or managers or workers, were one way or another involved. The feeling that there were semi-maniacs at large from the wider community walking around lighting fires was not borne out from the limited study.

So I decided, and at the time when we introduced the Price Support System, I made it very clear to the industry that there were certain linkages that would go with the price support, and one of them was that we were not going into the next reaping season, this 1983, unless there was a radical and new approach to the whole question of cane fires, and that we would attack it at the level of people's pockets.

There must be incentives in the form of a bonus for the managers, for the workers, for reaping the canes green and penalties for reaping burnt canes. I am happy to say that this new approach raised the support of the union, and you will see in today's *Nation*, on page 7, a full page ad by Barbados Sugar Factories Ltd., which informs the workers, and indeed the entire public, about this new approach.

The starting point is 85 percent of green canes. If you are to qualify, or any holding is to qualify — and a holding would include any estate — if the workers on that holding are to qualify for this incentive bonus, at least 85 percent of that holding must be reaped green. That is the first point of qualification.

If the entire holding is reaped green, and upwards to six weeks after the trash is not burnt, the workers, including managers, can earn upwards of 8 percent bonus on their in-crop wages. Between 85 percent and 100 percent there is a graduating bonus scale. For example, at 96 percent green, that would be 4 percent burnt, they would get 6½ percent additional bonus on their in-crop wages. But it is very important that no trash be burned on that holding upwards of six weeks after.

3.45 p.m.

There was another new initiative in tackling this problem that is not mentioned in this ad, and it relates

to the recasting of the cane insurance policy. I found that in a bad year, such as we had last year, with the price of sugar very depressed, it actually paid some owners to have the canes burnt, not reaped, and to draw the insurance, and I took the decision that the policy had to be recast so that under no circumstances would a fire insurance policy serve as an incentive for people to burn canes.

This is the first time that this punishment and reward principle, touching the pockets of the workers, will be introduced, and I am very much hoping that it will prove to be a large part of the answer, if not the total answer, to this enormous problem of cane fires. But it is too early to say. I can only tell you what is the thinking behind the introduction of these measures, and we look forward to the finish of the reaping season to see precisely what impact and effect it has had.

With respect to the point raised by the honourable Member for St. Michael South, which is in effect an enquiry about what steps are being taken in relation to the virus that has been affecting pawpaw, I am to confirm, Sir, that in recent years pawpaw in Barbados has been adversely affected by a virus called bunchy top, and also by a mosaic type of virus. We have called assistance from Trinidad, in the form of a very distinguished plant pathologist, to investigate the pawpaw problem, but to date, Sir, we have not been advised of any effective curative treatment.

It does appear as though we in Barbados were late in being affected by bunchy top, but it is a virus which has been affecting pawpaw in many countries for many years, and for upwards of twenty years a desperate search has been going on to find a resistant variety, and to date, the scientists have had little or no success. It was once felt in Barbados that if you detected the symptoms at an early stage, such as the yellowing of the leaves, and you cut the tree, that it would spring back free of the virus, but apparently that simply does not work.

No other point has been raised except the one made by the last honourable Member who spoke, the honourable Member for St. Philip North, who alluded to the problem of herbicidal drift affecting some vegetable growers in St. Philip and in other parts of the island.

We in the Ministry are aware of the fact that there are some farmers who suffer from this particular problem, but unfortunately there is nothing that this Government can do about it. As he rightly pointed out, it is really for those affected to get hold of the offending farmers and sue them for nuisance.

It does occur to me, however, that, to some extent, this is a problem to which our extension officers should be wedded, because there is some evidence that

some of the farmers are negligent in the use of herbicides — perhaps they spray at the wrong time, and without taking as many precautions as they could and should. I give the honourable Member, the undertaking that I will discuss it with my extension officers, to see whether improved and enhanced education and instruction would not go somewhere towards correcting this particular difficulty.

I do not think there is any other point which has been raised to which I have not given a response, and with those remarks, I beg to move once again 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.

On motion of Hon. Dr. R. L. CHELTENHAM, 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.

Clause 1 was called.

Hon. Dr. R. L. CHELTENHAM: I beg to move that Clause 1 stand part.

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

Mr. L. E. SANDIFORD: Mr. Chairman, very substantial points have been made about the cow itch and the Minister has responded to these matters, but I am really wondering if he would not consider, if not now, at some stage, amending this particular clause.....I am sorry, this is Clause 1.

The question that Clause 1 stand part was put and resolved in the affirmative without division.

Clause 2 was called.

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

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

Mr. L. E. SANDIFORD: Yes, Mr. Chairman, I was making the point to find out whether the Minister would consider amending this particular part of the Interpretation Clause under plant pests on page 2 to include cow itch or however it is styled by botanical name. I do not know what it is called.

Hon. Dr. R. L. CHELTENHAM: Mr. Chairman, I am prepared to take advice on this matter with respect to whether or not it can be more effectively dealt with under the provisions of the Bill which we are discussing

or whether it should continue to be dealt with by the Ministry of Health.
3.55 p.m.

You must bear in mind, Mr. Chairman, that it is not really a plant pest or disease in the way in which love vine and wild cotton, smut disease and the other diseases, which we have in contemplation here, are pests and diseases.

It does not affect other plants. It really affects people, and animals, but not other plants, and to that extent it is different, qualitatively different from the other diseases which we are addressing by this legislation.

But it is a problem which is affecting all of us. I, myself, as I have said, am acutely affected by it. I have no doubt that you too have been affected and certainly my friend on my left, and other people too, and to that extent, I am prepared to play my part in seeing to what extent we could really lick it.

Mr. L. E. SANDIFORD: Yes, I hope you do not forget the Member for St. John, who might have also been affected in some way by the cow itch. That is a high risk area. And this representative for the constituency — I do not know what he is doing about it. I am raising the question and I am grateful for the point made by the Minister.

But it is a problem that has been with the country for a very long time; I am not saying that it just arose, and whether it is in the Ministry of Health or wherever it is. I think the time has come that we can take some kind of concerted action to look at the problem and see that something is specifically done about it.

As we harvest more canes by mechanical methods, I do not know now if these pods are taken up by the mechanical contractions and now put into the factory and are ground up. The imagination can run on this particular one, but I believe that perhaps the Ministry of Agriculture should give some deep consideration to this problem to see if it can be eradicated from the country.

Thank you.

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

Clause 3 was called.

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

Rt. Hon. E. W. BARROW: Mr. Chairman, prior to 1967 the Love Vine Eradication Act provided that the members of the constabulary of the Barbados Police

Force, now the Royal Barbados Police Force, should report on the existence of love vine in the districts which they had to patrol. I pointed out to the Chief Agricultural Officer at the time, that surely the question of eradication would be a matter for the department, and when I say the "department", you will understand that I mean the Department of Agriculture and the Ministry of Agriculture and Fisheries. The Act was accordingly amended so that people who had greater skills in the field of agriculture would be able to detect and take measures to destroy the parasite, which is growing profusely all over the island, not only in agricultural areas but also in the city areas as well.

I regret to say that little has happened since the Act has been amended. I am wondering whether today we are not doing the same thing. We are passing an Act to vest certain powers in the authorities, according to the Interpretation Clause. But what are the authorities going to do? Can somebody tell us or the general public how you can eradicate love vine without cutting down a lime tree; as one of my clients up in Golf Club Road, not the member for St. Michael South Central, had to cut down two lime trees of which I was the main beneficiary of their products, much to my distress, just to get rid of the love vine. Now I am stating a fact, and that happened within the past two months. As a result, with the fish season coming in. I was greatly inconvenienced through this discomfort, to use a mild term.

Now what we are doing here today by this clause is giving the Chief Agricultural Officer authority where the Minister may declare, on the advice of the Chief Agricultural Officer, what pests are to be eradicated, alternate host plants and the official inspection periods for the plant pests and diseases and so on. Those are words.

I would like to know what research has been done to develop some agent which will destroy parasites like the love vine without destroying the valuable fruit trees and ornamental trees and shrubs on which the love vine would normally thrive. The love vine, as far as I know from my experience, is not a very particular parasite, in the sense that the love vine can thrive on anything. It does not need a dunks tree, a lime tree, pear tree, or a mango tree. The love vine will choke and destroy almost any form of vegetation. The method used now is rather draconian in that we have to destroy the host plant itself, whatever kind of productive vegetation that host plant may happen to be.

I am only saying this, Sir. I did not have the advantage of listening to the Minister's introduction or to the whole of his speech in winding up the debate in the Second Reading, but I have consulted with my colleagues, and from what I can gather, we are no nearer a solution by passing this particular Bill than we were in 1967, when

we took the detection and reporting of the love vine — I am dealing specifically with love vine; I do not know much about the cotton plants — and removed that out of the control of the Royal Barbados Police Force and putting it into the technically more competent, we believe, hands of the Ministry of Agriculture. From 1967 until now is nearly, I believe, 15 or 16 years, and I see the love vines still proliferating.

When the Minister replies, I wonder if he can inform us whether they are any closer to a solution and what overseas technical resources they have enlisted? I do not mean bringing people down here to enjoy vacation; I mean consulting with the U.S.D.A. and people like that, institutions such as the United States Department of Agriculture, the people at Kew Gardens in Greater London, and people who have been dealing with tropical agriculture all over the world in order to assist us to find an effective method of not only controlling, but completely eradicating the love vine in this island.

Hon. Dr. R. L. CHELTENHAM: Mr. Chairman, the right honourable Leader of the Opposition has made an important, though brief intervention, Sir. I must say, Sir, that I am not aware of any ongoing research which may help us to lick this love vine problem without at the same time destroying the host plant. But he has given me some ideas as to how we may approach this problem by tapping the resources of external agencies.
4.05 p.m.

It makes no sense — and I agree with him completely — our passing legislation unless there is the will, both political and administrative, to ensure that there is a new approach and a new determination towards solving this problem.

I was surprised to learn from my immediate predecessor in office that the Chief Agricultural Officer, in whom we have vested large powers under this Act, really does not seem to regard love vine as a problem and has over the years not shown any particular interest in addressing this problem. In fairness to that officer, it must be said that if he disagrees with you, or you disagree with him on a matter, even at your level, the political level, he would still feel that he is supposed to have his way. That is one of his dominant traits, and I can only give you the undertaking that, in the light of all that has been said here today, I would think that there is need for a new determination in dealing with this matter, and I will undertake to call in the relevant officers to give new directions and to set all the directions within a rigid time frame so as to make sure that something is done.

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

Clauses 4 and 5 were called and passed.

Clause 6 was called.

Hon. Dr. R. L. CHELTENHAM: I beg to move that Clause 6 stand part.

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

Mr. W. O. FRANKLIN: Mr. Chairman, I would invite the honourable Minister for Agriculture to have a second look at this clause. It is this clause that gives the Chief Agricultural Officer the right to enter without notice at any time any farm or plantation or any building other than a dwellinghouse and remain on the premises for as long as is necessary.

Mr. Chairman, I am a little uncomfortable with this clause. I think that this is a slight invasion of the privacy and the rights of the individual owner of the property, considering the fact that, with our means of communication and with our postal service, to give notice of a visitation by any of the officers would not cause any delay. When you consider further, if you take Clause 7(1), you see that they give him ten days within which to comply with any request for the removal of any such thing.

I would be a lot happier with this clause if it included a requirement that the Chief Agricultural Officer should give notice of the intended visit by any member of his staff for the purpose of ascertaining if there is in existence any of these pests on the plants. I do not think the urgency deserves this extra power being given, and in times like these where there are Rastas and what not, you are running the risk of one of your officers losing his life by being shot by a farmer. A farmer might see him on his land and might believe that he came to carry away his crops.

Laughter.

Mr. W. O. FRANKLIN: I am very serious. Some farmers are very close to the gun nowadays and very close to the trigger. If one of your officers might just walk into a farmer's field of melons or something like that, and the farmer looks through his window and sees him out there, you might lose one of your extension officers. Quite seriously, I would ask the Minister to give this a second thought. I do not think the urgency of the matter is such that you cannot give notice to a farmer of an intended visit for the purpose of ascertaining if there are any of these diseases on the plants.

Mr. L. E. SANDIFORD: Mr. Chairman, I rise to a slightly different point. This particular clause gives the Chief Agricultural Officer or an inspector the authority to enter the premises at any time. I think it therefore places a strain, or let me say, an additional responsibility

on the staff of the Ministry of Agriculture, and I would really like to hear from the Minister whether his professional and technical staff is strong enough at the moment not only to carry out existing responsibilities under existing legislation, but to take on this additional responsibility.

Very often we pass legislation placing responsibilities on the existing administrative and support staff, but then we expect that the work will be done, and done efficiently, with the same number of hands and the same brains. I would like the Minister to address himself to this particular question that I have raised. Is the present professional, technical and administrative staff of the Ministry of Agriculture sufficient to cope, and is it coping adequately with the existing responsibilities which it has to carry? Can it carry out these additional tasks without additional staff?

Hon. Dr. R. L. CHELTENHAM: Mr. Chairman, I think the short answer is that the Ministry is well equipped in terms of numbers and technical knowhow, but weak in will. That is the short answer. I do not think that the administrative and technical officers of the Ministry of Agriculture — and I need not go into this, Sir — among Ministries in Barbados have ever had any reputation of being among the most energetic, and even though I have been trying my level best to correct that, a man can only work with the material that he has, as one of my friends says from time to time.

The trespassing upon and the whittling down of the rights of fellow Barbadians is never a matter to be taken lightly, and to that extent I was particularly attracted to the point made by the honourable Member for St. Philip North. The honourable Minister of Education reminds me that only public health inspectors in Barbados at this point have that power, and in normal circumstances not even the police have that power, and yet it has never in my experience and to my knowledge been abused by the public health inspectors. I would hope that it is not abused here by the Chief Agricultural Officer, or indeed by any of the officers of the Ministry, but I can assure you that if the slightest evidence emerges that it is a section that is being abused, that I will be the first to return to this House and ask for an amendment to the section. I think it is an area, perhaps, that we have to monitor.

Mr. B. M. TAITT: Mr. Chairman, I would like to ask the Minister: is Section 6 intended to work along with Sections 4 and 5? I am not sure if this inspection which the Chief would do is to come when the Minister has declared an inspection period as well. Is it only when the inspection period is prescribed? Is that the intention? If that is the intention, then the sting of what my colleague asked would be reduced somewhat. In its present form, it is quite broad.
4.15 p.m.

Rt. Hon. E. W. BARROW: Mr. Chairman, while you give him an opportunity to look at the clauses which have been related to the one which we were discussing, let me say that he made a very interesting observation about public health inspectors, and I am really speaking on the Bill. Because at the very time when I advocated that the power be removed from the Police Force and given to the Ministry of Agriculture, I said that there was a body of persons in Barbados who at that time were required by law to visit every building, and even open lots of land, at least once a month; and during my school days, and I am sure during yours, Mr. Chairman, the sight of what we call the sanitary inspector, in the khaki suit and cork hat with the white ladle dangling by his side, was a monthly visitation. You could be sure that you saw that sanitary inspector coming to your premises and every house in the island at least once a month.

I suggested two things. I suggested that they would be more competent — and without any additional staff certainly available — than the Police. Maybe they were not skilled in agriculture, but love vine is a thing that you can see with the naked eye; it is not like the increase in employment that you cannot detect it with the naked eye. It is something that anybody can see visibly. If you tell a child, "That is love vine", and he goes down the street and he sees another love vine he says, "That is love vine".

Far from making use of our sanitary inspectors we have immobilised them and shut them up in offices. You know what we did, this Government, the last Government and the Government before that? We took some 17 and 18 year olds, our youngsters, who normally would be liming on Broad Street, and made them Aedes Egypti inspectors, when the law required the people with the RSI certificates and so on to go to every house anyhow, once a month. And instead of giving them a little extra fee to go inside the houses and report on the Aedes Egypti, we took people who did not know what the Sanitary Institute was at all. They thought it had something to do with St. Leonard's Boys' School or the place you had up there called the Technical Institute.

The result is that we paid out an enormous sum of money, and up to today the Aedes Egypti is so much in evidence in Barbados that we had an outbreak of dengue fever, which people did not think was related to that; they thought it was only yellow fever. And the person who is alleged to have eradicated the Aedes Egypti in St. Lucia, who was born in St Lucia, was, for about eighteen or twenty years, the Chief Medical Officer in Barbados, and he could not do anything about the eradication, because he was not going outside. So we had the wrong people.

Now, I suggest that we get the sanitary inspectors back out on the beat. The same way the Commissioner is putting the policemen out on the beat, put them out on the beat and give them some extra money. The Aedes Egypti, the love vine.....

Asides.

Rt. Hon. E. W. BARROW: They do not have to have the ladles. The ladle was only a badge. The ladle was like the badge in New York. They used to go in the pig pen and look in the cess pool to see if there were any mosquitoes and that kind of thing, but they did a good job. In fact, I suggest to the Minister that they could be mobilised to do an agricultural census for us, because if you have as part of your duty to go to every house in your district at least once a month, you could say how many pigs and how many chickens the people have.

They are now getting like the people who are supposed to read meters. You know, Sir, I have not seen a meter reader anywhere, even where I live or the little property I own, for 7 years. You know what they do? They think of a number, double it, take off 10 and then about once every 18 months they have to go and adjust your bill, so that from a bill for \$300, you get one for \$17.

Asides.

Rt. Hon. E. W. BARROW: All kinds of meters! The Light and Power Co. does not read meters, the Gas Co. do not read meters and the Water Authority do not read meters. They think of a number. They think of a number and they go and ask the accountant what that person was paying in 1978, strike an average and put a little inflation in it. Nobody goes on business premises now. (They go up at Old City, up at my friend in Sion Hill, Chris — and his friend, the honourable Member who represents St. James — Gall Hill and all the recreational spots.) All these people who have a duty to visit are not visiting, so let us mobilise these resources.

The fact that the sanitary inspectors, as we used to call them, do not work for the Minister of Agriculture does not mean that you could not give them a little extra duty, particularly if, Sir, you give them \$1 or \$2 a visit per month, or something like that.

We have to mobilise all of our resources. We have too many people doing too few jobs, particularly in the Government, and the only way we are going to eradicate this, the Aedes Egypti or anything else, is to mobilise our resources.

Hon. Miss B. A. MILLER: Mr. Chairman, I would like to say that I am supportive of the view that this is a function which could be carried out by the public health inspector. It is a fact that they are the only officials in Barbados who are authorised by law to go into the home — invited or not. A policeman has to have a warrant to get in.

That tell us one or two things. Firstly, it tells us of the high regard that Barbadians have for public health, and it tells us at the same time of the high regard they have for privacy in that they extend that privilege to no one else, not even the Police Force.

I believe that this is perhaps not an issue of sufficient import to further breach that privilege of privacy that Barbadian householders cherish, and I am supportive, as I said, of the suggestion that the public health inspector might be asked to cast his eye around property to look not only for strictly public health matters, but to look for love vines and these other things which, as the right honourable Member for St. John said, are obvious to the naked eye.

But I want to say, this also, Mr. Chairman, because they are people who are critical of the public health inspectors. They come to my house; they came to my house as recently as January this year, only last month. Today is February 1. They do try to do their job. Part of the problem with the public health inspectorate is that we have not seen fit to increase it since the days of Local Government.

Local Government was abolished in this country in 1969, and between 1969 and 1983, we have extended and extended and extended the function of the public health inspector. He is inspecting food stuff and other goods at the airport and at the seaport. He is now inspecting every hairdressing salon in town, and the country too. We have extended his function to the point where the home visit is suffering.

It is true that they do not do as much home visiting as they used to, but that does not mean that they are not working. They are doing other statutory duties, and I think that it is a little unfair to suggest that they are not doing the home visiting that they are expected to do — fullstop! They are doing other duties and I think what we need to do is to upgrade the public health inspectorate.

4.25 p.m.

The public health inspector nowadays is no longer a man in a khaki pants with a white ladle. The first thing they need is a decent uniform. The man who came to my house two weeks ago had on a shirt and pants and I had to demand to see his identity before I would let him into my house to look into any vase. He did not look like an inspector. He had a respectable

hairdo, but his clothes did not suggest to me that he was a public health inspector. I think they need a recognisable uniform with a badge of some sort, clearly identifiable; with some kind of I.D. that is easily recognisable. He had to dig into his wallet for an old creased up, dirty, greasy card to show me.

I believe that this is a function that they can carry out, but we have to increase the public health inspectors in the first place, because as Barbados modernises, as new industries come and new hazardous materials are being used, there are new and modern duties for the inspector to carry out.

They are getting training. Between the Barbados Community College and the University of the West Indies at Mona, training is available to them — and we are training them. But there is just so much that the cadre of inspectors that we now have can do, and I think we have to increase the number of public health inspectors and upgrade them. They do not want to be known as public health inspectors anymore; they are really public health technicians, because they are doing a range of jobs which go beyond inspection.

I want, too, to agree with what the right honourable Member for St. John has said about the Aedes Egypti. It was his Government which picked up, as he confessed here a few minutes ago, these 16 and 17-year olds, who knew nothing about public health inspection and formed them into Aedes Egypti inspectors.

Now we have been fighting the Aedes Egypti mosquito problem since 1967. We had a consultant from the Pan American Health Organisation, who came into this country while I was at the Ministry of Health to look at the problem, because I could not understand why, in a small community like ours, we could not have eradicated the Aedes Egypti in ten years. The report of that consultant made it very clear that we did have the possibility before us of eradicating the Aedes Egypti, which is the carrier not only of dengue but of yellow fever, but part of our problem lies with the inspectorate.

Let us face it, Mr. Chairman, the Aedes Egypti breeds in known places in Barbados. There are many swampy places and places where stagnant water settles, where as soon as a little rain falls the inspectors know exactly where to go to deal with the spawning Aedes Egypti.

But, as had been said in here, you are dealing with people who were never properly trained in the first place; they are not part of the public health inspectorate. They have their own separate domain down at the old Lazaretto building, they have all kinds of social

activities going on down there, they have jobs that they do other than jobs they are supposed to do.

The report of the consultant showed very clearly that the problem that we have with the Aedes Egypti is reflected directly through the calibre of persons we had working in that campaign. It dealt with the man who headed the Aedes Egypti unit right back down to the lowest employee in that unit, and I think that is something that the Ministry of Health has got to deal with right away.

There is no reason why the public health inspectors cannot deal with the Aedes Egypti, deal with love vine, and everything else that has to be dealt with in that kind of programme that the public health inspectors have been doing over many years in Barbados. But he cannot ask it of the unit which now exists. You have got to add to the number and you have got to upgrade the whole public health inspectorate if you want them to carry out this function, but I agree they are the ones who are competent to do it, who are willing to do it and qualified to do it.

Hon. Dr. R. L. CHELTENHAM: Mr. Chairman, I need not tell the right honourable Leader of the Opposition that his viewpoint has the support of this side. In fact, the only reason why I was a little concerned about his speaking as he did is the fact that the principal supporter of that viewpoint is on this side, my friend the honourable Member for Christ Church East Central, and I feared that if at all he attracted your eye on this one, Mr. Chairman, he might have kept us here for another hour on this particular clause, because from time to time, he addresses his colleagues in the Cabinet on these matters, and we have great difficulty in getting him to stop.

With respect to the question raised by the honourable Member for St. Michael West relating to the relationship between Clause 4 dealing with the control measures, and Clause 6 dealing with the power of entry, I think he was enquiring which section in operational terms will come first, whether the officers of the Ministry, the inspectors, will enter the property first or whether the Chief Agricultural Officer will first publish the recommended measures for the control and eradication of the particular disease or pest.

It seems to me that, in operational terms, the officers will enter first, because the first requirement is to determine whether there does exist on any particular farm or holding a plant pest or disease, so that he would first have to enter to determine the existence of the disease; and having determined the existence of the disease, then Clause 4 will come into effect and he will set out the measures for eradication, for which adequate notice will be given.

Mr. B. M. TAITT: In the light of that, I am wondering if the Minister would not consider taking the point made by my colleague in the appropriate place, the concept of notice. Reasonable notice having been given, he then gets these powers.

As it stands now the Chief Agricultural Officer can be driving along and stop and turn into a house. I would like to suggest to you that when you take into consideration the rights which the individual has under the Constitution, that this may, in fact, be flying into the face of that particular right. The Chief Agricultural Officer or anybody else should have the right to turn into any property as he feels like. I think if you include notice that you will find that the clause will be acceptable. You might want to take it under advisement.

Hon. Dr. R. L. CHELTENHAM: I think I have already indicated to the honourable Member for St. Philip North that this is a matter which I am prepared to monitor very closely, and I have no doubt that, in the light of the comments that have been made both at the stage of the Second Reading and here in Committee, at some soon date we may be back here inserting certain amendments. But for now, it is a matter that I take under advisement, certainly the section, the operational effect of which I will be monitoring very closely.

Mr. B. M. TAITT: One small point on that. We are not questioning, at all the assurance given by the Minister. But in the circumstances, not all Ministers are the same, and when we are passing legislation it would seem to me that if we could, we ought to make provision for the least competent Minister, rather than the most competent.

In that context, while I believe that the Minister would be able to monitor this, I think that it would perhaps be better if we pass the clause as it is his wish to get it through, but that he lets the Attorney-General Chambers take a look at this in the context of giving notice, because it really is a solid point which the honourable Member for St. Philip North has made, and I really do not think we ought to let it go on merely an assurance from the Minister. We accept the assurance, but I think it needs something a little more than that.

The question that Clause 6 stand part was put and resolved in the affirmative without division.

Clauses 7, 8, 9, and 10 were called and passed.
4.35 p.m.

Clause 11 was called.

Hon. Dr. R. L. CHELTENHAM: It occurred to me Sir, that this perhaps will meet with the approval of both

honourable Members on the other side who spoke in relation to trespassing and privacy, that under Clause 11, which gives me power to make regulations, in truth and in fact some notice could be built into the regulations, and I will give direction right away in relation to that.

The question that Clause 11 stand part was put and resolved in the affirmative without division.

Clauses 12 to 16 were called and passed.

Clause 17 was called

Mr. CHAIRMAN: The question is

Mr. B. M. TAITT: Mr. Chairman, Sir, I just want to make a point on Clause 17 in the light of the discussion that has gone. The kind of research which has to be done would necessarily include, or could include, plant research outside of the Ministry of Agriculture's laboratories. I believe that this clause would normally apply to research being done there.

Now the clause before binds the Crown, but the clause after says that where for scientific purposes the Chief or any research institution approved by the Chief, carries out any research, the Act would not apply to any plant attacked by a plant pest or disease grown by them. One assumes here that what you mean is "reasonably so done." If for example, the officer of the Ministry of Agriculture is negligent, even though I understand what you have been doing, you have been fairly harsh in 13 and 14 on the private citizen; you say that 16 binds the Crown, but now you relieve the Chief Agricultural Officer once he purports to be doing research.

I am just drawing it to your attention. There is not anything that I wish you to do about this clause. I am just drawing it to your attention that research in the Agricultural field is a very wide area — and research is carried out in the field. I remember that one time the ADC was growing about eight fields of carrots, a large amount of carrots, more carrots than anybody else grew in Barbados that year, and they said that they were for research purposes.

So I am only drawing it to the Minister's attention that as it is phrased here, it means that almost any Act, once it is deemed research by the Chief Agricultural Officer, would take the Ministry of Agriculture exploits off the hook altogether, whereas you say that you bind the Crown. I am not sure if the two things are not in conflict.

Hon. Dr. R. L. CHELTENHAM: Mr. Chairman, I would wish to take note of what has been said by the last honourable Member who spoke, Sir. But I must confess, Sir, that I really do not understand what point he was trying to make.

Mr. B. M. TAITT: Let me be a little more specific, Sir. This says in 17, "This Act does not apply to any plant attacked by a plant pest or disease and grown for scientific purposes by the Chief Agricultural Officer or by any scientific research institution approved by the Chief Agricultural Officer." So the Act does not apply so long as the plant is grown for research purposes.

I am drawing to your attention that research in the agricultural field extends beyond the small purview of the Ministry's research facilities, and so there would be research going on in fields adjacent to other fields in the country. If the Act does not apply to those fields, then the methodology, which you purport to use in the Act to control plant pests, would not apply so long as the plant pest has been started as a scientific exercise. That is the only point that I am trying to make.

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

Clauses 18 and 19 were called and passed.

The Schedule was called and passed.

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

On separate motions of the Hon. Dr. R. L. CHELTENHAM seconded by Hon. L. S. CRAIG the Bill was read a third time and passed.
4.45 p.m.

THE SUCCESSION (AMENDMENT) ACT, 1983

Order No. 5 was called — to move the second Reading of a Bill to amend the Succession Act, Cap. 249.

Hon. H. B. St. JOHN: Mr. Deputy Speaker, this is a simple Bill. The object is to equate the position of Government creditors, in the event of their succession.

Honourable Members will recall that we passed amendments to the Bankruptcy and the Companies Acts to ensure that the Crown has priority in respect of arrears of taxes, duties and other payments, and we feel that similar provisions should be in place in the Succession Act.

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

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

Rt. Hon. E. W. BARROW: There is a situation which has recently come to the notice of members of our

profession, a situation in which people were granted relief from the payment of property taxes during their lifetime, and upon the executors applying for probate of the will, or administrators in the case of intestates, they were informed that the relief was in respect of, let us say, the testator — to use a generic term — and not in respect of the property.

The ruling which is being given now is that — let us say an old age pensioner had been granted tax relief for ten years before his death, and he leaves a spot of land and a house for his children — the beneficiaries then have to go and repay all the taxes in respect of which relief was granted. I have a case in point right now.

Asides

Mr. DEPUTY SPEAKER: Let us have some order. The honourable Member for St. John is making a point.

Rt. Hon. E. W. BARROW: The disorder is supportive. I see the honourable member for Christ Church East Central does not believe me, because he is not practising, but you could probably enlighten him at a later stage.

This seems to be very unfair, because in most cases, the amount of property which has been devised, or bequeathed, or which is inherited, is invariably a small amount — a half acre of land, or a chattel house and a house spot and that kind of thing — and frequently the amount of tax which the beneficiaries are being asked to surrender may sometimes be in excess of the value of the estate.

I wonder if this really is an enlightened policy and whether directives have really been given in that respect, because that is what we are being told.

I have not been able to proceed with some of the matters I have been dealing with, because there just is not any money there. In one respect it is approximately \$4 700 in respect of two parcels of land. The gentleman was not only over 80 years of age, but he was in the Mental Hospital. In his case he did not claim for relief for all the years because he was not in a position to claim, because he was at the Mental Hospital, and this is a real hardship on the beneficiaries of estates.

We have been told that this is a ruling which has been issued, and I would like some enlightenment whether the Government will not reconsider its position in that respect.

Mr. P. M. GREAVES: Mr. Deputy Speaker, clearly the people who owe Government money in terms of taxes for whatever purpose should pay those taxes. What this

amendment is going to do is going to delay the administration of the estate. It might be better to adjudicate the estate and for Government to get its taxes, that is if it is a large amount of money owing. But sometimes the amount is probably so negligible that it would appear to me now that what the administrator has to do before the estate can be distributed, is to make an application to the Commissioner of Inland Revenue for a certificate that there are no taxes owing.

How can, say, an executor, who probably knows nothing about the personal affairs of the deceased person, about his financial business, his transactions in his lifetime; he is merely an executor named in the will to administer the estate, what is he supposed to do? Put in a return to Inland Revenue of which he knows nothing and to which, presumably, he might have to swear?

Perhaps these are some difficulties that might arise during the course of dealing with this matter. I do not know how it is envisaged that the Government is going to handle them, and I would like some enlightenment on this matter.

Hon. H. B. St. JOHN: Mr. Chairman, two very valid points have been raised by the other side. In respect of one raised by the honourable Member for St. John, I know of no legal authority for the Collector of Taxes to do what it is alleged that he has done. But that is not surprising, because I understand that you do not get tax certificates; although, under the Tenantry Act, the taxes for the whole of the plantation has been paid, if you go to sell a part, they say the part is not included in the whole. What happens with the Collector of Taxes and his knowledge and administration of the law sometimes baffles me, but there is no such law.

There was such a proposal put by the civil servants, but it has not been accepted up to now. I do not see how you can administer the law upon the basis of a proposal, even if you happen to be the originator.

We would really like to get some more details, because this is the first we are hearing of it. Cabinet has not ruled on it, the law has not been amended. I am not surprised, Sir, about what happens in that department, but we will look at that, because it definitely has not been decided.

We really do have a problem, the Government really does have a problem with people refusing to pay taxes. There is no doubt about that at all. What is really hurtful is that sometimes they deduct P.A.Y.E., when they are really trustees of the money, and they do not hand it over to Inland Revenue, they use it as cash flow. So in those circumstances, we have to adopt the

most drastic measures to ensure that, whether there is a bankruptcy, a liquidation, or a death, we collect taxes. It is very important that we do it. It may delay settlement of the estate, but we think that since the practice is so persistent now, we have to indulge in these steps. 4.55 p.m.

I hope that the Commissioner of Inland Revenue, of course, will note that the administration of the estate is a very important part of the function of an executor or an administrator, and I am pretty sure that when an application is made for a certificate, a certificate would be granted immediately.

It must not be forgotten, however, Sir, that previously, in any event the executors and the administrators had to apply for death duty assessments. We have now been relieved of that, so a simple application for a certificate to show that no taxes are due or owing, I do not think that should take up half as much time as a death duty assessment used to take up in the past.

I really do not feel it will be any great burden, but we have to bear in mind this persistent practice that we have to grapple with today. Many people are just using the Government as a cash flow mechanism. It is a very, very serious thing. Not only in Barbados and the U.S.A. but this is a problem that is happening worldwide. Whenever the interest rates are very high, it happens.

Asides.

Hon. H. B. St. JOHN: They do it. They are masters at it.

I hope that those answers would satisfy honourable Members. The Minister of Finance is certainly going to investigate this new law which is in existence. But my own view of the law is, that if an Act gives power to relief tax and that relief has been granted, you cannot go back on that relief. I do not believe that you can go back on that relief. I believe that the courts will rule like Lord Mansfield ruled years ago, "Freedom once conferred cannot be taken away."

(Mr. B. M. TAITT: You had better speak to the Prime Minister about that).

Hon. H. B. St. JOHN: That is my view of the law. I will deal with that.

Asides.

Hon. H. B. St. JOHN: I know that tax relief has been part of the legal machinery in Barbados for many years. The Vestry used to give relief. Local Government used to give relief.

Asides.

Hon. H. B. St. JOHN: Well, we will have to get it tested in the law courts.

(Mr. B. M. TAITT: Meanwhile a lot of people gone through the eddoes).

Hon. H. B. St. JOHN: True, true. A declaration is a good way of testing these things.

Now, Sir, I hope that we are not getting confused with one thing. Relief is not being granted to old age pensioners automatically like before, because today, since the removal of the qualification bar for eligibility for old age pension, obviously you will have to investigate old age pensioners. It is not automatic like before, so maybe you are confusing a few situations here.

There are a number of people now who are eligible for old age pensions, but obviously are not going to get tax relief. So, therefore, the context in which the policy in relation to relief is being administered has changed since the introduction that the only qualification is age. That is definite.

We will certainly be investigating the other point with the Collector of Taxes. It will soon be under one jurisdiction.

Thank you.

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

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Rt. Hon. E. W. BARROW: A lot of strange things are happening in this country today, Mr. Chairman, in so far as taxation is concerned. A great deal of publicity is given to the reduction in rates of tax, forgiveness in tax and the abolition of estate and succession duties, but no publicity is given to the legal profession — that taxes, which used to be collected by the Commissioner of Inland Revenue, are collected under a different name by the Registrar of the Supreme Court.

Anybody who is dealing with any estates would know, whether his Letters of Administration or Probate

of Wills, that the Registrar is still insisting that you should make an affidavit of the value of the estate and the executors and administrators are being taxed on the value of that estate — if the Minister of Finance does not know that; I am telling him now — and then there is a whole series of charges and sub-charges and at the end when you ring up and say, "Is that probate ready?" they tell you about final fees — a new expression, "final fees". This is a tax like when you are leaving a cricket ground, you are taxed on going home. Five hundred and twenty-five dollars and twenty cents is the last final fee I had to pay — after the Estate and Succession Duties had been abolished.

Now, this is not being fair to the general public. The members of the legal profession do not know where they are from one day to another. We arrive in the Registry to find that there is a new charge on something or the other. When you ask them where that charge comes from, they tell you.....

Aside.

Rt. Hon. E. W. BARROW: Well, I have receipts. The Prime Minister does not have to ask younger members of the profession. I have receipts showing final fees and all of that.

I am now held up because I have to pay a member of this House to go all the way to St. John to value a chattel house. The total value of the estate is \$4 000. I have to pay \$105 to get a valuation. Then, I will be hit with about \$27½ final fees. And when we had the Estate and Succession Duties, that particular estate would not have had to pay no more than \$25, which is the application for the probate. That is what is happening today.

So you will find that people in a bracket who never would have paid Estate and Succession Duty, with all the different imports which are being put on now are paying extraordinary amounts of money. I say "extraordinary" not only in the sense of magnitude, but in the sense that the direction that the instructions have come from is also extraordinary.

Now, I feel that the general public should know where they stand.

(Certain remarks made at this stage by the Rt. Hon. Member for St. John were ordered to be expunged from the records by Mr. Chairman.)

Mr. P. M. GREAVES: Mr. Chairman, Sir, if I may throw a little light on what the honourable Member for St. John has raised, it is true that persons who are making an application for administration of estates are

required to file an affidavit of value, but it is because of the fee structure in the Registry that that is necessary.
5.05 p.m.

For instance if the estate is valued at, say, about \$500, that may not be the correct figure, then the fee is \$30. It is a graduated thing. If it is valued at less than \$10 000, \$180 or \$150 plus the first \$30. If it is valued at more than \$10 000 and less than \$50 000, you pay \$500. So because it is a graduated scale, for the Registry staff to be able to know how much he is to collect, you have to submit an affidavit of value. That is the reason for an affidavit of value. After you have got all this, sometimes you still have to pay — it used to be \$10 Stamp Duty plus, I think, \$1.20 or \$1.25 for recording the letters testamentary. Now everything has gone up. Instead of \$10 Stamp Duty, I think it is now \$25 Stamp Duty, I do not remember how much it is now for recording the letters testamentary.

The other point I want to raise, Sir, relates to the question I have raised earlier. Now this Bill states that first of all, the Commissioner of Inland Revenue must certify that all taxes are paid. I wonder if the Government is remembering in fact that all taxes are a first charge in any event, and even if the lands are distributed and the Commissioner of Inland Revenue discovers that there are taxes owing, he can still, even after distribution, collect taxes on the land. So I am wondering if, in fact, this particular amendment is really necessary, because taxes can still follow a property. All this does is delay administration. I would like to hear honourable Members on this.

Mr. B. M. TAITT: Mr. Chairman, I listened to my colleague on my left and I think he attempted to describe what is happening, but the point which I understood the Leader of the Opposition to be making is this: before we abolished the Estate and Succession Duties, an estate valued below a certain amount of money went without any duties at all. There was an appropriate fee which was paid for the probate or whatever. Nowadays, although we have abolished Estate and Succession Duties, every single little chattel now, once it goes to probate or it has some process, once letters of administration are taken out, they now have to pay fees which are in excess of what they would have had to pay even if they fell within the Estate and Succession Duties Act of old.

So, in essence, they are worse off, now that we have abolished Estate and Succession Duties, than before. And what is important here, Sir, is that the few estates that would really have yielded some money under the old Act, they have been relieved, because there is an upper limit on the fees to be paid.

This means that there is a wide net now that captures about 75 percent to 80 percent of all property owners in Barbados whereas before you only used to capture about 20 percent, and that would be the top 20 percent. It is another manifestation of the Government's clear policy of shifting the burden of taxation away from the rich on to the poor through the system of indirect taxation. That is a clear case of indirect taxation, and taxation, by whatever name it is called, is still taxation, because in the end the taxpayer or the estate has to shell out the money.

Now I want to make another point on this: I heard the honourable Member for Christ Church East Central saying that a certificate would be sufficient. In the light of what we have heard today, the Prime Minister has made certain statements from the Floor of this House and a number of people apparently misunderstand these statements or they act on them. On the question of Land Tax, a certificate from the Collector of Taxes that you have paid your taxes is still not being accepted as *bona fide* evidence that the taxes were paid. Apparently you have to go and carry a receipt showing that you have paid the taxes.

Mr. Chairman, that is total foolishness. That makes a mockery of the administrative machinery which we have set up in the country.

Asides

Mr. B. M. TAITT: So somebody gave a false certificate. The fellow who gave the false certificate is in prison. Does that mean that, for time immemorial now, all certificates are null and void? What kind of nonsense is that? You are making a mockery of the administrative system which is set up.

And when a person received a certificate, they have every right to throw away any receipts because they had clear official proof that they had paid the tax.

I put it to you, Mr. Chairman, that to say that this matter should be questioned in court is all very well. As an academician in the field, I like that. It is good to exercise the mind on the constitutionality or otherwise. But all of us in here know that to get a matter like that before the court is not an easy thing for a simple and ordinary person in Barbados. So in the meantime, a number of poor people have gone and paid taxes that they have paid already. I say that without fear of contradiction.

I spent nearly three weeks trying to convince a man that he should go and fight the matter. I told him he should go to a lawyer. There are lawyers who would even take it without a fee, and he said "No skipper, I ain't taking no chances, I going and pay again." That is

a cruel fate for a poor man. This is a man who cannot be described in any way as a rich man, but he went and paid the taxes. You know, Mr. Chairman, he paid for about seven years' taxes! He had a bunch.

Now, Sir, I will tell you I know some other persons who have similar problems that cannot find the receipts, and it is no point saying that people should keep their receipts. Mr. Chairman, you know, I know, and the Prime Minister must know that there are receipts which all of us should have, which we cannot go home and find.

Even more particularly stupid is that you purchase a house in 1980 and they send you tax bills for 1974 and 1977, and tell you foolishness, following the Prime Minister's statement, that taxes are following the property, but in order to have purchased that property in 1980, there had to be a certificate that all the taxes were paid. When you have fulfilled the requirements of the law, there is nothing else or better you can do. What is going to happen?

The Government has to make a statement clarifying that situation, otherwise the Government is literally taking money from people under false pretences. That is the only way you can put it. I am not paying any. If I have paid it already, I am not paying any; and I am advising my people in the constituency that if they have a certificate, carry the certificate and show it to the people in the Tax Department. If they decide they are going to take away your land after that, go to court.

But a lot of them are just simply afraid. If you say to a man of modest means that you are going to take away his land, he is not going to listen to any representative or any lawyer telling him to go to court. He will tell you very straight and plain "Skipper, this is my land that I worked hard enough for; I will pay the little extra money."

I hope that the Prime Minister did not anticipate that kind of reaction when he took the measure. That is what you would call a "calculated gamble". But I do not believe that; I do not believe that a Prime Minister would operate on that basis, but I hope he will take some steps to correct this very undesirable and unreasonable situation.

Mr. CHAIRMAN: Mr. Prime Minister, please wind up.

Rt. Hon. J. M. G. M. ADAMS: I am not necessarily winding up. I just want to speak. I do not know if any of the honourable Members would want to raise something again.

Sir, the question asked by the right honourable Leader of the Opposition has really been answered by the

honourable member for St. Michael North. I do not know if I can add anything to it. You need a certificate of value, first of all, in order to know what fees to charge because the fees are now on a scale. Secondly, you do also need it, and you would need it irrespective of any fees, for administrators, because an administrator has to post a bond equal to the value of the administration, and you cannot know what size bond to make him post unless you know the value of the estate.

I could not possibly make any promise that that would ever change. There has to be some system by which, for example, if a creditor takes out administration to an estate, he is made to account and to back up the value of any assets that may come into his hands. If a creditor takes out administration for a \$1 million estate for a debt of \$5 000, I do not think any honourable Member would want him to be able to sell the estate, get \$995 000, or whatever it is, and not account for the balance. We would always have to have that.
5.15 p.m.

I did not expect to answer questions about Land Tax, because I think that most of what had been said in here has been said already. It does go against common sense that a tax certificate should not be proof that the taxes have been paid. The Deputy Prime Minister, says that the doctrine of *omnia praesumuntur rite esse acta* should apply. I, myself, would even put it on estoppel. You should be stopped — by record or by deed — whichever it is — in fact, all of them — record, deed, and conduct perhaps — if you give a certificate saying that all taxes due and owing have been paid.

But there is against that, the fact that the Collector of Taxes has a list of tax certificates which have been issued although the taxes have not been paid. I have circulated this list. I think the Leader of the Opposition had an opportunity to see it. These are cases where, so far as one can judge, the lawyers have, for one reason or another, been able to obtain a certificate without having to hand over the taxes, and I do not want to offend the Bar Association again — but in some cases, the man has paid the taxes and the certificate has been issued — but the Collector does not have the money.

Aside

Rt. Hon. J. M. G. M. ADAMS: Well you know it is very hard to take criminal action or to take action through the Disciplinary Committee of the Bar. It is very, very hard to get it done. Disciplinary Committees, do not meet; solicitors are allowed to make settlement of several million dollars with their firm.

Mr. B. M. TAITT: This is what I was saying *sotto voce*. I am not saying anything about a Disciplinary Committee. What the honourable Member has just

described is a criminal act, and if there is anybody who has performed a criminal act, they should suffer the penalty of the Courts. But do not let the taxpayers suffer as a result of one or two criminals. Lock up the criminals! Because the man is a lawyer, it does not mean that he is not a criminal. If he is a criminal lawyer, lock him up! But do not let us put all the taxpayers in Barbados at fault because you have found that two or three persons gave false information, or 10, or even 100 tax certificates were given and the money is not in the Treasury. Investigate!

Aside

Mr. B. M. TAITT: It is less than 100? Man take the steps that you have to take, but do not punish the little people for those acts. That is what is happening otherwise.

Rt. Hon. J. M. G. M. ADAMS: It is not 10 or 100 certificates. It is a very, very large number of tax certificates — a very large number. You see, you do get all kinds of situations. I cannot believe that the situation which I spoke of *sotto voce* — and I do not believe that I should call the man's name, but it is the person, who the honourable Member referred to, who is in prison — I do not believe that that is a situation where the owner of the land was unaware of the land that the taxes were unpaid.

I was involved in it. I was lawyer for the purchaser and I had to purchase money for months and months, and was being put under pressure to hand over the purchase money to the owner of the property. And then suddenly from nowhere, one day a tax certificate was presented to me, and I had no alternative — although I was mistrustful. When the lawyer on the other side began to quarrel with me and said that I had his client's \$17 000 in my client's account and he would make me personally pay the interest if I did not hand over to him the money, I handed over the purchase money and got the certificate. I presented the certificate to the court, so you are not speaking of anything of which nobody in here has personal knowledge.

And it was me, Minister of Finance, who discovered when I went to inspect the Rates and Taxes that no receipt had ever existed in there although the certificate was issued, that no money had ever been paid. And as a result of my reporting it to the Public Service Commission the officer was suspended and he was sent to the Rates and Taxes in St. James where he emptied the safe; and when that was discovered, he went to Bridgetown and he touched the safe there in the Magistrate's Court for \$30 000 or \$40 000. But that is a bit of digression.

The owner, in my opinion, was not unaware that the certificate had been issued although the taxes had not

been paid. If the honourable Member would say that he knows of an owner who got away with not paying the taxes and he has never been challenged and the buyers and so have never been challenged — they have never had any trouble. The people who bought from that owner have never been called on to pay the taxes for which the false certificate was issued — If he said that, and then said that if he could get away with that, then it is very hard on people who paid the taxes to the lawyer, got a certificate, but the lawyer did not pay in the amounts, well, I can understand that.

Aside.

Rt. Hon. J. M. G. M. ADAMS: The public officer in the case of which I am speaking was prosecuted. I do not see what criminal offence you could prove the owner had committed.

Aside.

Rt. Hon. J. M. G. M. ADAMS: I never had any evidence of aiding and abetting. I had a lot of suspicion, but no evidence of that.

Now honourable Members are going through all the horror stories on taxes, so I am going to go through my own horror story. I applied to have my properties, a couple of them, revalued. I think I asked for a value on one to be increased by about 30 percent and they doubled it — they increased it by 100 percent. I asked for two upward valuations, and, in error, when the new valuations were sent to me, a tax bill arrived very shortly afterwards for the new valuations. Since it arrived in the month of December last year, when ordinarily tax bills were going out, I assumed that it was the current tax bills and I paid it, having already paid on the old valuations. I then discovered that what I had done was paid twice for 1981 — 82 — I paid the old valuation and the new valuation.

So when the new bills came out, I sent a cheque for the difference; and I am informed by my department that they cannot cash the cheque because there is no provision to carry forward the tax credit from one year to another; that if you overpaid the tax credit, all you can do is go and get the money from the Accountant-General — you, yourself, have to do it; they will not do it — you have to go and make an application, get the money from the Accountant-General and pay it in to them. So they — because I could not even find the receipts — cannot even give me the credit, far less credit it at the moment to the current year.

Aside.

Rt. Hon. J. M. G. M. ADAMS: Well, I am a poor man, as far as this is concerned.

I tell the story, Mr. Chairman, to indicate that it cannot possibly be a partisan matter. I mean, nobody thinks that the Government is trying to create conditions that make it hard for members of the Opposition to pay their taxes, to take an example. I would not be surprised if you find that 70 percent or 80 percent of the people with tax disputes, probably, could not be considered on the side of the honourable Members across there at all. Many of my colleagues, I believe, have tax difficulties — many, many of them. Not because they do not pay the taxes, but because their accounts are the involved and convoluted ones.

We are going to combine the Valuation and the Tax Collection Departments, so that should remove one source of difficulty, and we are looking at the condition of the first year that we are now trying to collect, which I think is 1972–73. We are looking at the condition of that, because we do understand that there would be some difficulty in defending the records in court of that particular year. The Government has no intention of being oppressive in this matter of Land Tax collection, but the amount of Land Tax owing is enormous.

Mr. Chairman, I would only draw to the attention of the House that after I announced in here that the first taxes we would be trying to collect were those of the Miramar — we were having difficulty with those on a whole set of legal grounds; it was cut up into condominiums; and perhaps our department is not doing all that is necessary — and on the estate side, Turner's Hall, it is noticeable that Turner's Hall went and settled its taxes. If I had known you all were going to talk about Land Tax in here, I would have looked at the list of the next ten and read them out, because perhaps it might have saved some litigation. I really do not know who are the next they have in mind, but we should not allow the cases of infelicity in the department to conceal the fact that there are a great number of people who do not pay the tax; a very great number.
5.25 p.m.

As far as the honourable Member for St. Michael North is concerned, I am going to arrange to pay the penny for him. He says he does not have it...

(Mr. P. M. GREAVES: I have paid it, I paid it already).

Rt. Hon. J. M. G. M. ADAMS:..... so we would not have to spend the energy coming to deal with it.

Mr. P. M. GREAVES: I still would like an answer to the point I raised. Why is it necessary to request a certificate from the Commissioner of Inland Revenue when in fact the taxes are already being charged on the property? Taxes are charged on the property, whether

it is distributed or not; even after it is distributed, put it that way, so why is it necessary to have a certificate?

Rt. Hon. J. M. G. M. ADAMS: The only taxes that are charged on the property, apart from the Acts we have been passing recently, are taxes which have been recorded in judgments in the Magistrates' courts. There is therefore no record of Income Tax owing, other than the cases which the Commissioner occasionally files, the unpaid tax certificates, therefore purchasers of the property have no notice of the unpaid tax bills, and it is presumed that they would not buy unless they had a certificate from the Commissioner of Inland Revenue, intervening between the death and the conveyance.

I certainly could not advise a client of mine, if I were back at the Bar, to purchase a property whose last movement had been on death, to buy, without a certificate from the National Insurance, the Commissioner of Inland Revenue and so on, as set out in the legislation which is now being passed.

Sir, it looks as if we are going to have to press on everybody. It is not only National Insurance and Inland Revenue, honourable Members would be surprised to know the amount owing to the Waterworks. Hotels owe the Waterworks over \$100 000. It is all kinds of Government departments where people feel they do not have to pay the Government, and I mean individual hotels owe the Waterworks over \$100 000.

Mr. P. M. GREAVES: Would the Commissioner of Inland Revenue have to certify that all National Insurance contributions have been paid? Looking back at the clause it says "all other payments" and I was beginning to believe that all other payments referred to that.

Rt. Hon. J. M. G. M. ADAMS: I do not know the answer to that.

Rt. Hon. E. W. BARROW: Mr. Chairman, I disagree with the right honourable Minister of Finance that no purchaser is going to be satisfied to accept a conveyance unless it is accompanied by a certificate, in the ordinary course of events, that all taxes have been paid. I think that, on reflection, the honourable Member for St. Michael North would agree that those certificates would be necessary before any distribution of the assets of the deceased person could take place.

I am not really questioning that, but it is remarkable that the first issue raised on Clause 2 of this Bill has not yet been confronted, and that is, that in the case of deceased persons who were granted tax relief during their lifetime, their executors and administrators are called upon by the Collector of Taxes to pay sums for

which they had been granted relief in respect of property taxes.

It stands to reason that a man who is granted relief by the Board which is set up under the Act for the relief of property taxes, would not be a man who would be in the Income Tax bracket that would merit tax. The lowest bracket is \$6 000, therefore a man who has an unearned income as an old age pensioner of more than \$6 000 would not normally be applying for relief.

I cited a case of an old gentleman who went down to the Mental Hospital and who had been granted relief before he went down there, but for the last three years of his life he was not in a position to apply. His estate is still literally in limbo because his executor is being called upon, before he can get probate, to pay nearly \$4 000 in arrears of taxes.

The attitude of the Collector of Taxes is that a tax certificate says that all taxes have been paid for the past ten years. He is not only saying that he has got a directive; he is also saying that, strictly speaking, the taxes have not been paid, because the man has been relieved, and there is no space in the certificate which says the tax has been paid or he has been relieved of paying the taxes. I wonder if you understand the problem.

To ask an executor of an estate to go and pay nearly \$4 000 in taxes on an estate worth about \$5 000 with about six beneficiaries, you are leaving nothing for the descendants of the poor old man to inherit. Two small pieces of land, an old ramshackled house he used to live in before he went down not far from where I used to live, between me and Brandons, and he went down there for his remaining days. He left a will, made when he was *compos*, fully in possession of his faculties, leaving his two pieces of land and his ramshackled house that he lived in by himself to two sons and three nephews, or somebody like that.

Now they are being called upon to pay nearly \$4 000 in taxes, because he was an old age pensioner and had no income. They say now that was in respect of him, but not in respect of the people who inherited. I am asking, is this really fair?

Asides.

Rt. Hon. E. W. BARROW: The honourable Member for Christ Church East Central said that that is ridiculous. It may be ridiculous, but that is what is being done, and I have not heard the right honourable Minister of Finance say it is not happening, because I know it is happening.

I think that some directive ought to be re-issued saying that in respect of people who were entitled to

relief, but through incapacity could not apply for it, or people who were entitled to relief and were granted relief, no taxes should be collected from the estates of those deceased persons.

Rt. Hon. J. M. G. M. ADAMS: Questions are raised by the honourable Member's query. Were entitled to relief and granted relief are two things. I believe you have to ask for relief every year. I think you have to apply every year. I remember when the honourable Member introduced the Bill in 1973, and I distinctly remember saying that the qualification for the relief and the grant of the relief were two separate processes.

Rt. Hon. E. W. BARROW: He has a better memory for what I said than I have myself. Mr. Chairman, what I am saying is that before you did not have to apply for relief every year, because once the Board was satisfied that you were an old age pensioner and had no source of income, they granted you the relief. The result is since all these new IMF budgets and so on, now they are saying you have to apply every single year, and a lot of the old age pensioners do not know that.
5.35 p.m.

This is the big problem. They do not know that they have to apply again, so when they die you find now that they did not apply for relief, say, for the last three or four years of their life, and their executors and administrators now have to go and pay all of those taxes.

Then there is the case of those who applied for relief and got it, and the executors and administrators have to pay all those taxes because the directive is that, "It applied to the person and not to the people who are getting a freeness," to quote what I heard expressed. You come along as a beneficiary; you are getting a freeness; the tax relief was in respect of that person, not in respect of what you are inheriting.

Then there is the third case, that they were not in a position to apply for relief, but were entitled to; but through incapacity, senility or something, just did not apply. In one case that I have, they have to pay 10 years for a gentleman who was in the Mental Hospital. I cannot put it any plainer than that.

Rt. Hon. J. M. G. M. ADAMS: I can only suggest to the honourable Member that the executor, if he is so permitted, apply for the relief on the grounds that the beneficiaries are unable to pay the tax.

Rt. Hon. E. W. BARROW: But you see, you are not answering my question. You are saying that you apply on the grounds of the beneficiaries, and not him, but that would never happen, because the beneficiaries are not inheriting something that they did not work for — and that is the first reply that is coming back to them. You are

getting a freeness. When I said I was quoting, I was quoting. "You are getting a freeness; and the relief was not for you, it was for the old man who died". You are getting a freeness and you have to pay. As Jackie Opel says, "you got to pay."

Rt. Hon. J. M. G. M. ADAMS: I cannot help the honourable Member anymore than the honourable Member for Christ Church East Central has helped him. An executor can certainly apply for relief, Sir, but I should point out to him that he, perhaps, is ignoring Section 22 (3) (a) of the Land Tax Act, which would not apply to the beneficiaries, but which would apply to the whole certificate; because although it says;

"A relief certificate shall not be transferable and shall cease to have effect as soon as the person to whom it is granted dies,"

it goes on to say,

"but in such event notwithstanding the subsection, the certificate may be transferred by the Relief Board to the legal personal representative of the deceased upon application made to the Relief Board for the purpose".

So they can get the certificate and then they can apply for how much relief should be given, whether nil, whether 100 per cent or whatever.

Mr. B. M. TAITT: Mr. Chairman, the honourable Member just read a Section from the Land Tax Act, and I believe he read it correctly. But if he would go back and look at the circumstances and the interpretation of that, that is intended where, say, two old persons are living together, a husband and a wife, and the old man goes off — the relief was being given to him — and the old lady inherits the property from him, they can transfer the relief. That was the intent of that particular clause.

What we are talking about now is when a young able-bodied person of reasonable means inherits property from the same old man. But what the directive has said — and to which we have not had an answer, except the very lucid statement of the Common Law from the member for Christ Church East Central — is that that person coming to the property as a beneficiary, let us say the property is worth \$5 000 they are saying that the property owes back taxes, from which the owner was relieved, of \$4 500. That is the issue.

I believe it is unconstitutional myself. I believe that that is as unconstitutional as anything you can ever come across. But that is only my belief; somebody will have to test it in the courts. But, in the meantime, a beneficiary who receives a piece of land, a chattel, a chattel house or an old broken-down house, who is told that the taxes on the land adds up to more than, or almost the value of the property, is bound to leave it to the Crown.

Mr. CHAIRMAN: What the honourable Member is saying is that what was intended as relief has become a charge on the estate.

Mr. B. M. TAITT: Precisely, Mr. Chairman. You understand it. Mr. Chairman, you put it lucidly.

Rt. Hon. J. M. G. M. ADAMS: Just one last word. These numbers! A piece of land worth \$5 000 owes \$4 500 in taxes. That is an impossibility. The most that any piece of land in Barbados can owe as tax is 11½ per cent of its value in this year of grace, 1983.

The Land Tax Act has been going since 1973. The rate of taxation is either a half per cent, one per cent, or one and a quarter per cent. It cannot be anymore than that, depending on the sort of land it is. It is not even theoretically possible to owe 13 per cent, because the one and a half per cent rate has not been applied to anything consistently over the whole time.

(Mr. B. M. TAITT: What about interest, compound interest?)

Rt. Hon. J. M. G. M. ADAMS: Compound interest of one per cent over the ten years is not going to double it. If honourable Members want me to sit down with a calculator — in fact, let Honourable Members work it out. But land is charged at so small a tax rate, so trivial a tax rate, that it cannot reach 90 per cent of the value in the time since the Land Tax Act has been going.

Mr. B. M. TAITT: The Prime Minister has successfully diverted us away from the point which you understood so clearly, so we might as well let it stay. I just want to point out something else to him.

As a result of what is happening now, you can expect mortgagees to be calling for a tax clearance every year. The Trusts and the banks will be calling them in and saying, "let us get tax clearance every year, because we do not wish to have any cumulative problem over a 4 or 5 year period." That is another charge that you can expect.

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

On motion of Hon. L. S. CRAIG, seconded by Mr. R. E. BRATHWAITE, Mr. Chairman reported to Mr. Deputy Speaker, the passing of one Bill in Committee and Mr. Deputy Speaker resumed the Chair and reported accordingly.

On separate motions of Hon. L. S. CRAIG, seconded by Mr. R. E. BRATHWAITE, the Bill was read a third time and passed.
5.45 p.m.

THE IMMIGRATION (AMENDMENT) ACT, 1983

Order No. 2 was called — To move the second reading of a Bill to amend the Immigration Act, Cap. 190.

Rt. Hon. J. M. G. M. ADAMS: Mr. Deputy Speaker, in the Manifesto of the Barbados Labour Party for the General Election of 1981, we promised to set up a Statutory Review Tribunal to give immigrants, aggrieved by the decision of the Immigration Department taken through the Minister, an opportunity to appeal and to have their cases reviewed.

A Committee, with the same name as that to which the Bill now seeks to give statutory support, has been in operation for some time now under the chairmanship of the Minister of Labour, and containing as members Mr. Ken Hewitt plus officials of the Immigration Department, and has worked sufficiently successfully for us to be satisfied that its form is the best form to embody a permanent Immigration Review Committee. We have therefore embodied this in the Bill which is now before the House and will be asking the support of the House for giving it statutory form.

We have also taken opportunity to amend the law in respect of a very substantial class of person with connections with Barbados, resident in Barbados — indeed many of them, perhaps most of them were even born in Barbados — who are entitled to citizenship of Barbados, but, because of the rule of dual nationality, would find it inconvenient to take the Oath of Allegiance and take out citizenship. In other words, they are already citizens of some other country which prohibits the holding of dual nationality. In the overwhelming majority of cases, that other country is the United States of America.

We are providing that, automatically, any such person who wishes to enjoy permanent status in Barbados without being a citizen will be able to state that he is a citizen of a country prohibiting the holding of dual nationality, he prefers to be a citizen of that country, but he is entitled to be a citizen of Barbados, and he therefore applies for permanent residence in Barbados. Some countries do forbid this, but we think that six years of the practice of a relatively open immigration policy for persons having a connection with Barbados, which we have followed, suggests that we can safely follow this practice in respect of this class of person. Subsequently, there may well be legislation to put this class of person on the same footing as citizens for other privileges.

I, personally, really cannot see, Mr. Deputy Speaker, why somebody who perhaps was born in Barbados, went to the United States as a young person or even an adult, renounced his citizenship of Barbados,

became an American citizen, enjoys Social Security or something of that sort, but decides to come back to Barbados and spend that Social Security in Barbados, I really do not see why there should not, for example, run for the House of Assembly. The law of qualification for the House of Assembly now confines candidature to citizenship.

In many cases, people get away with it, because when they come to Barbados, they do not tell the passport authorities that they renounced the citizenship of Barbados to become an American citizen, and all that happens is that they present a birth certificate and get a Barbadian passport, and that Barbadian passport will often describe them as citizens of Barbados.

But, technically, some, certainly if not all of those persons, may have renounced allegiance to the Queen and sworn allegiance to the United States, which would, under our law, deprive them of citizenship of Barbados. But we have no intention of taking this attitude. We believe in dual nationality, and therefore we do not want to put any difficulties in the way of Barbadians, who have gone abroad, done well and then seek to come back home, from so doing, and this clause of the Bill will permit those persons to be fairly fully accommodated in our country.

Aside.

Rt. Hon. J. M. G. M. ADAMS: I am told that this particular clause could not apply to people who are born in Barbados, that this refers to children of Barbadians.

The second part of the clause extends to the children of Barbadian women the same privileges as now exist for the children of Barbadian men. Clause 5 of the Bill permits immigrant status to be granted to children under 18 years of age who are immigrants. They get some difficulties with that at present.

Clause 6 of the Bill is a very important clause. We have discovered that some persons have been granted the status of immigrant, but that contrary to our thoughts when we introduced that status, no provision was made to revoke it for misconduct. This is a very significant section. A person comes to Barbados and becomes an immigrant because he has a skill, because he has money which he has invested or because he has a connection with Barbados, and he becomes an immigrant for a period of five years at the end of which he automatically becomes a permanent resident. This was always intended to be a trial period. It was never intended that being an immigrant would have the same final status as being a permanent resident.

If you look at the last sub-clause, I will give an example of that. We have an example where a person,

who was an immigrant into Barbados, attempted to bribe the Comptroller of Customs. The Comptroller of Customs, I believe, did not take it on at all, and the man actually left \$500 in the pocket of the motor car in which the Comptroller was being driven. The Comptroller placed this money in appropriate hands and asked that action be taken against the person, and we sought to revoke his immigrant status and remove him from the island. We then discovered that we had no power to revoke his immigrant status for that. We considered asking the Governor-General to make an order for his expulsion as an undesirable.....

Asides

Rt. Hon. J. M. G. M. ADAMS: We do not have that power at present.

We considered asking the Governor-General to expel him from the island as an undesirable under the Expulsion of Undesirables Act, but that is a matter which we felt really comes so much more within the discretion of the legislation, that it was a matter that should be dealt with by legislation rather than by seeking to involve the Governor-General in the process, and we decided to make an alteration in the Act.

The person, of course, has escaped because at the time he did it this Act was not in force. But we do think, especially with this subject with which we are dealing, that it is very very important to hold out the guillotine for anybody who wants to get into the business of improper inducements. We do feel that this is very important.

The remaining sub-clauses are, I think, self-explanatory. There was some discussion on sub-clause (d) of the proposed Clause 7A(1). There was some discussion in Cabinet about that. Those of us who felt that it is not every offence under that Act that should give rise to the possibility of losing his status in Barbados were overruled, and sub-clause (e) is obviously very important.

5.55 p.m.

I think the remainder of the Act speaks for itself. The Schedule sets up the Committee.

It only remains to say that we are soon going to make some changes to the Citizenship Act. We want to assimilate the procedure of naturalisation to the procedure of registration. We really do not think that there is any point of making this distinction any longer between Commonwealth countries and others; it should be only one procedure.

And we shall be providing, Sir, as exists in the United States legislation, that if you are a citizen, you

have to be a resident in Barbados for a certain amount of time, after the grant, that is. It is known that in the American legislation, you are deemed to have shown insincerity in your application for citizenship if you become a citizen and then leave, I think in the United States, within a year. Well, we will be providing this sort of qualification for the future in Barbados, and that Act should come before the House, I hope not too long a time from now.

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

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, the first thing I should like to draw to the attention of the House is that this Bill aims at one of the entrenched provisions of the Constitution of Barbados. Chapter 2, dealing with Citizenship, is one of the entrenched provisions, and whether you attack the entrenched provisions through the Immigration Act or by any other device; if you are attacking the provisions relating to citizenship by any means whatsoever, it is still an entrenched provision of the Constitution.

You cannot pretend or extend to the general public that you are abridging or enlarging their rights under the Constitution when it is clear that, in the provisions of the Bill which are now before us, you are taking away the right of citizenship from people, who, under Chapter 2 of the Constitution, born in this country, lived abroad or fathered by a Barbadian outside of Barbados, are citizens of Barbados. What are you telling us in this Bill?

Aside.

Rt. Hon. E. W. BARROW: They are not citizens? Do you want me to read the Constitution? Okay.

This is Chapter 2 of the Constitution:

"Every person who, having been born in Barbados, is on the 29th November 1966 a citizen of the United Kingdom and Colonies shall become a citizen of Barbados on 30th November."

This is Chapter 2, Article 2(2):

"Every person who, having been born outside of Barbados, is on the 29th November 1966 a citizen of the United Kingdom and Colonies shall, if his father becomes or would but for his death become a citizen of Barbados in accordance with the provisions of subsection (1)," that person becomes a citizen.

Subsection 3 says:

"Any person who on the 29th November is a citizen of the United Kingdom and colonies

- (a) having become a citizen under the British Nationality Act 1948 by virtue of his having been naturalised in Barbados as a British subject before that Act came to force; or
- (b) having become such a citizen by virtue of his having been naturalised or registered in Barbados under that Act, shall become a citizen of Barbados on 30th November 1966."

Section 3 says, that a woman who is married to a person, who is a citizen under the foregoing sections, or who was a citizen but died before 30th November, shall be entitled, upon making an application, to become a citizen automatically.

Now I go to Section 4.

"Every person born in Barbados after 29th November 1966 shall become a citizen of Barbados at the date of his birth."

Now I just want to pause here Sir.....

Rt. Hon. J. M. G. M. ADAMS: Please give way, on a point of elucidation.

Rt. Hon. E. W. BARROW: Well I do not really want to give way. I am going right through with this, and if I leave out anything, you can elucidate.

Rt. Hon. J. M. G. M. ADAMS: But I want to elucidate what I said. I am not quarrelling with the honourable Member. I think he has a good point and we on this side think that he has a good point.

Rt. Hon. E. W. BARROW: It is the Constitution, not me. All I was doing was reading the Constitution. If you want to quarrel, quarrel with the Constitution. You quarrelled with it in London. If you want to continue to quarrel here, quarrel here.

Rt. Hon. J. M. G. M. ADAMS: The honourable Member is right in defending his Constitution. But the point is that it is not on the initiative of the Immigration Department that this matter comes in any sense of reducing the citizenship — and I said so. What I said was these people, themselves, say that they cannot be citizens of Barbados because they were born in a country which prohibits dual nationality, and it is, they who want to come here without having to take out a Barbados passport. It is they that do not want the Barbados passport — not that we do not want to give them. We would be glad to give them.

Rt. Hon. E. W. BARROW: I am in a position to defend this Constitution, because I was at the birth of the

Constitution and I would not oppose the Constitution. I want to make the position abundantly clear. I am saying that this Bill here is abrogating the rights of people in this Chapter 2, under Sections 1, 2, 3, 4, and 5, right on, of the Constitution of Barbados, and it is an entrenched provision.

I am surprised to hear the right honourable Member for St. Thomas say that it is the people outside of Parliament, outside of the Crown law officers of Barbados, outside of the law courts of Barbados, who have initiated this amendment here because of some way that they feel. It has nothing to do with how they feel. I want to make the position clear.

The requirement for renunciation of your prior nationality was there all the time, particularly in the United States of America and in the case of the Commonwealth of the Bahamas and Trinidad, and my reaction, when I had to address myself both to the expatriots of Barbados and my mind to this particular problem, was that it is all right — if they said that you have to renounce to become a Barbados citizen, you have to renounce; but as far as the Constitution is concerned, it is here that you come from, it is here that you are born, or it is here that your father was born. So whatever their law says it has nothing to do with the Constitution of Barbados, because the Constitution of Barbados says you are born here and that you are a Barbadian, so we do not want to know what you had to do over there.

I had a father and aunt living in the United States for over fifty years, and they never took out American citizenship, because at one time, to that generation of Barbadians, having a British passport was some kind of talisman. You could go to Mr. Williams, the British Consul General in New York, whenever you had a complaint, and he would ring up some American employer or Traffic Cop and say, "This person is a British subject." So you will find that a lot of the older people do not have this problem, because they went to the United States before 1923, when they tightened up the immigration laws, and they decided that they were not having anything, and I would say, they were very ignorant.
6.05 p.m.

I went to meet my aunt, a dear old lady, the mother of Sir Hugh Springer, at the airport, and when I went to take her through Immigration I was surprised when she presented me with a Barbados passport — and she had lived there for over fifty years and had never come back to Barbados but once. I said to her, "You lived in the people's country all these years, enjoying their Social Security and everything else," and she said, "Not me, I will keep my British passport." They were proud of being British subjects for reasons of protection.

It is true that a lot of people who have gone to the United States of America and England now take out nationality, and we know the Bahamas, Trinidad and Tobago tell them they have to renounce. We do not think they have to renounce, according to the Constitution. What is wrong, what is palpably wrong, demonstrably wrong, is that a lot of — and I am going right down the line now — barefoot, ill-dressed Americans of certain ethnic backgrounds arrive here in the airport with a driving licence, but a Barbadian, dressed up now so that the relatives see him step off the plane looking good, arrives at the Immigration at the airport, born in Barbados, and the immigration officers ask him how long he is staying. That is what is wrong.

I feel that if somebody is resident in the United States, and because he is a Caucasian he can arrive undressed off a plane, they have no right asking a Barbadian who has a Social Security card or anything like that. Furthermore, if he can produce his own Barbados passport or his birth certificate, that is the end of the matter, there is no other issue; so what is all this nonsense about conferring landed immigrant status now? Are you going to issue green cards now for Barbadians to come back home? What kind of nonsense is that, Mr. Deputy Speaker?

I do not know if you see the point, you must have some people that you are acquainted with, if not relatives, who have been exposed to this kind of ignominy at the airport, asking them how long they are staying when it is here they were born. That is in direct contravention of the Constitution. If you were born here, you are a Barbadian citizen, and we are nothing to do with what the other people ask you to do. We turn a blind eye to that. You are a Barbadian.

There is provision in the Constitution. In Section 7 of the Constitution of Barbados, this is what it says:

"Any citizen of Barbados who has attained the age of 18 and who is also a citizen or national of any other country, or intends to become a citizen or national of any other country, shall be entitled to renounce his citizenship of Barbados by declaration made and registered in such manner as may be prescribed."

Now what does this mean?

There was, in the First World War, a case of a gentleman called Sir Roger Casement, who was an Englishman, or Irishman, and he was on the side of the people against whom Great Britain and the Commonwealth were fighting. He was tried for treason. As far as I remember, he was executed in the Tower of London. The legal point which was raised in that case was that Sir Roger Casement had gone to Germany and had be-

come a German citizen. The Attorney-General — I cannot remember who it was at the time — argued that he had not given up his British passport, that he was still entitled to a British passport, and that, as far as they were concerned, he only got to Germany because he had a British passport — a very specious kind of argument.

I have never really got to the bottom of the case, but it suited them to prosecute Sir Roger Casement right up to the Tower of London, on the grounds that he was still a British subject. The man had gone to Germany and he had acquired German nationality.

Do you know what Section 7 is? Section 7 is really about the protection of a person, a person who just goes and acquires another nationality and then does something against our better security provisions — let me use a wide generic term — and who may be in danger of being charged or indicted. As long as he can prove that he went into the Consulate, wherever the Consul General is, let us say New York, because that is the only clear Consulate Generalship that we have — not always clear Consul Generals, but certainly clear Consul Generalship, because in the Commonwealth you are not supposed to have Consuls officially, you have officers who are attached to these things. This is no reflection on anyone present, absolutely no reflection on anyone present — maybe his successors in title.

We spent more time, Mr. Deputy Speaker — if the honourable Member will give me a chance I will delegate him now to his successors in title — over these kinds of provisions of the Constitution because of the serious legal implications, and all it meant was that if a person could establish — because what we had prescribed was that you could not renounce by going to a Notary Public, you must go to a Consul General or someone like that, an authorised person under the Government of Barbados, so that we have on the record that you have renounced your Barbadian citizenship.

That provision was not there to deprive him of his Barbados citizenship. All it was there for was to protect him and afford him clear evidence that he had done a positive act; being of age and of sound mind, he had done a positive act to renounce his Barbadian citizenship.

Aside.

Rt. Hon. E. W. BARROW: All right. In other words, the Government of Barbados was not saying at this stage that you have to do it if you want to become a Trinidadian or a Bahamian or a citizen of the United States of America. It says that if you must, then we make the machinery available so you can renounce your citizenship of Barbados to satisfy those people, but as far as the Constitution is concerned, you were born in Barbados and you are a citizen of Barbados.

You know, in private international law, Mr. Deputy Speaker, that you can have several residences — but you can only have one domicile; and citizenship is even a deeper concept than domicile. You have first to establish your domicile of birth and then you can get a domicile of choice.

There have been very interesting cases. In the case of the Liverpool Royal Infirmary, and my recollection of that case was that the man did what I did at Southampton, took off his shoes and shook the dust of England off his feet, went to Jamaica, I believe it was thirty-eight years, but because he had left a large estate in England — there was Bell and the Royal Infirmary of Liverpool and Ramsay and the Liverpool Infirmary — two cases come to my mind — because he left a large estate in England and they did not want his Jamaican collaterals, let me put it that way, to become part of the landed gentry, they ruled in the High Court that he was still domiciled in England — after thirty-eight years; and he had shaken the dust of England off his feet.

In private international law, the principle is that you must have a permanent thing and the intention to give up your former domicile. I do not know if that is sound law; it was sound law when I was around the place. 6.15 p.m.

The reason why I am quoting that is that domicile is a thing of permanent residence and an intention to remain, but citizenship is a deeper concept than that, because you inherit citizenship from your foreparents, from the place where you were born fundamentally, or by assuming citizenship by becoming a naturalised citizen of a particular country. It is a positive act, but it is a very deep concept.

If a man could change his domicile at will, where he comes under the jurisdiction of all the laws for inheritance and everything, therefore a man, no matter what happens, even if he is floating in mid-air — what does the law say? — he reverts back to his domicile of origin. You cannot be a stateless person. Therefore, a man must always have his citizenship as his first base, his citizenship, based on origin, as his first base.

His citizenship based on naturalization is something different, but in the case of his citizenship of origin, what we tried to do in the Constitution was to make it clear. And I am strongly urging that if an American can land here and not be challenged, an American who was not born in Barbados, there is no reason why a Barbadian, on production of his birth certificate, should be left unharassed and be able to stay here as long as he wants to stay in this country.

What the Bill is doing, therefore, I am respectfully suggesting, is that, under the guise of enlarging the rights of citizens, it is abridging those rights. And it is not a simple matter, because long before this Bill actually came here, the provisions of it were being enforced, to my knowledge, over eight months ago in the United Kingdom, and I will tell the Minister — he is not in his place now — that not only were the Barbadian residents in the United States concerned about the regulations which were put into force before this Bill was brought to the House, but the staff of the Barbados High Commission was even more upset.

I will tell you a case in point. A lady who was born here, and whose children were born in England — and under the Constitution are citizens of Barbados — her mother died, and she wanted to bring two children. She was told at the High Commission, and I can get the names for the Minister, that they would have to send the application for her two children to be residents to Barbados because they had instructions that no applications were to be processed at any of the overseas legations.

She fought the case all the way through, and the result was that they could not keep the body any longer, because the relatives in America had to go back to work, and she had to fly down here for her mother's funeral without bringing the two children.

So this was in force. What we are being asked to pass now has been in force for over eight months. I will bring the names and everything and you can write to your High Commission and you will find that every member — I do not know about the High Commissioner because he seems to have all kinds of nationalities, depending on where tennis is playing — but all the members of the High Commission staff are up in arms — all of them — because they, themselves, have had to submit applications for their own children, who, under the Constitution, are already citizens of Barbados.

I think that the Minister ought to look into this, because he, himself, has already admitted that it really is not necessary, but he is only doing it because the immigration officers do not understand the law. All you have to tell the immigration officers is that if the people arrive here without a passport and they can prove that they were born in Barbados, or they arrived with their parents and their parents were born here — they are Barbadians, let them through.

When they had cricket here last year, there was a great deal of confusion at the airport. There were some people who were so vexed — to use a good Bajan colloquial expression — that they wanted to get on the

next plane and go back, and their relatives had to persuade them: "Well, stay and let us enjoy some of the things they had brought down", and so on. This has happened with constituents of mine all over the place.

Therefore, I am saying, and this is a serious one now, let us leave this one out for the time being. Let us postpone consideration, let us check up on these things, because it is not really necessary, for the protection of our citizenship, that we should give them a lower citizenship, which is a landed immigrant.

Mr. B. M. TAITT: Mr. Deputy Speaker, I do not think that there is a lot to be added to what has been so lucidly and clearly said by my colleague, the Leader of the Opposition. I would only like to reinforce a particular point he made, and it applies to Section 4 of the Act.

I believe that the point that was being made here is, if a person is a citizen, you cannot confer a lesser status on the person — and that is basically what you are attempting to do in this Act. When a person is born in Barbados, unless that person renounces his citizenship, no court nor legislature can take that citizenship from him.

The honourable Member may not see this established in any British case, but in 1965, the United States Supreme Court had to deal with precisely this issue, when a number of persons, who had gone to Israel, and participated in the voting in Israel, had been deemed to have lost their American citizenship. And in a case that is now a landmark case, the Supreme Court of the United States enunciated a principle, which is accepted in international law, that a person born in the United States could not be deprived of his citizenship by law.

The only place, indeed, where this sort of thing happens, is in the Eastern European countries where, within their Constitutions, provision is made for a person to be deprived of his citizenship on the commission of certain offences. But outside of that particular legal system, it is generally accepted that only the person who receives citizenship by birth can himself renounce that citizenship.

The suggestion, therefore, that we may be able, under the purported section in this Bill, to give a person, born into Barbados, permanent residence, is repugnant to the principle which I have just outlined, even though, as the Prime Minister seems to be suggesting, the intention of this Act is to assist persons who are opting for the other nationality, where those persons are entitled to dual nationality.

It would seem to me that there is a principle involved here, apart from anything else, which suggests that a person born in Barbados, who is not willing to

accept Barbadian citizenship in favour of another country, would still wish to have, or has been saying that he still wishes to have, the benefits of being a citizen in Barbados. But it would seem to me that, if you cannot take the burden, you ought not to have the benefits. But I do not really want to get into that in detail. I want to go on to make another point and to explain something that has actually happened.

6.25 p.m.

We were the first persons issuing passports in New York — the now High Commissioner in London was the Permanent Secretary in the Ministry of Home Affairs, as it then was — and I remember this issue was gone into very meticulously because a question had been asked of the then Attorney-General concerning the citizenship of Barbadians who had renounced their citizenship before 1966.

As far as the Barbadians who had renounced their citizenship before 1966 were concerned — I had then not done law as such, I had done International Law — I pointed out from New York that those persons had not, in fact, renounced Barbadian citizenship. Those persons had renounced British citizenship, or so they had thought.

The fact is that they had not renounced British citizenship, because under the 1948 British Nationality Act, arising out of the case of Lord Haw Haw, whom they wanted to prosecute as a British citizen and whom they therefore deemed

Aside

Mr. B. M. TAITT: The case is William Joyce — I am being corrected — but he is more popularly known as Lord Haw Haw. Lord Haw Haw was to be tried for treason — and was, in fact, tried for treason — and they wanted to prosecute him, and they were able, through a most specious argument, but nonetheless an accepted argument, to demonstrate that he had not renounced his citizenship before a British authority, and subsequently they enacted that into law.

Now the United States does not require persons who are seeking to become American citizens to renounce before their own authority: the renunciation is done before the United States authority. So the argument which we put forward, and which was accepted by the then Attorney-General, was that since those persons had renounced their British nationality before an American authority, they would fall under the category of those in the British Nationality Act of 1948, whom we deemed not to have, in fact, renounced their British nationality, and therefore, under Section 2 of the Constitution of Barbados, so far as Barbados was concerned, they were citizens of the United Kingdom and colonies and therefore they were still citizens of Barbados. So we

issued them passports. All those persons who had renounced or not renounced, so long as they could demonstrate that they had been born in Barbados, they were issued Barbadian passports because they were entitled to them.

Mr. Deputy Speaker. I need not make the point that the act of issuing a passport does not in itself confer citizenship, but we did issue the passports. But for those persons who came after 1966, the feeling was, that a person who renounced after 1966 was certain of what it is he was renouncing; he was, in fact, renouncing Barbadian citizenship, and if he renounced Barbadian citizenship, he cannot be heard to be asking for the privileges of Barbadian citizenship — having renounced it.

But the issue arose again, when, for example, Barbadians, who had studied medicine in the United States, discovered that, having passed their Board Exams, to get their M.D. Certificates they had to declare an intention to become an American citizen. Now when you made that declaration, especially during the time of the Vietnam War — doctors were a high priority — from the time they made a declaration of intention, they became eligible for shipment to Vietnam. This raised a hardship on those Barbadians who were studying in the United States, and who would require their certificates to prove that they were, in fact, doctors; and so they had a dilemma.

The problem was solved when an administrative directive was determined by the Government, which said that, even for those persons who renounced after 1966, once a person was born in Barbados — he may have, in fact, have given up citizenship through renunciation in the prescribed form — he would still be entitled to the privileges, not necessarily the rights, of Barbadians. And hence, Barbadians, who have United States citizenship, have, with their Barbadian birth certificate, been enjoying, at least up until the time we left the Government — and I have not heard there was any change — the privileges of a Barbadian citizen.

Now it seems to me that the Prime Minister, and Minister responsible for Immigration affairs, was genuinely seeking to accommodate a group, but in so doing, they might not be aware that they are, indeed, crossing a particular principle which is going to make the law repugnant to the Constitution if, indeed, it is passed in its present form. So when we say we will not be able to support it, it would be primarily on that ground, because it is obvious that if the law is suspiciously close, or if, in our opinion, it is in conflict with the Constitution, that one could not give assent to it.

While I am speaking — and I believe I have made the point, and the former Prime Minister has made the

other relevant aspects of that point, so I need not belabour it — I also want to draw attention to a clause which the Prime Minister spoke to, in Clause 7A, where he indicates where a person will lose his immigrant status.

I would like to recommend that, in this whole area of immigration law, the people whose laws appear to me to be the fairest — this is without reference to the quota aspects, but in terms of how the immigrant is treated in the particular country — are the United States immigration laws. These appear to me to be the fairest anywhere among all the countries.

Once a person has got immigrant status, the grounds on which he uses that immigrant status are very narrowly prescribed, and I would like to recommend, without going into a long speech, to the Minister that, as it appears, he will have to take this back for further consideration and that he examines the United States immigration position.

I will give an example of what I mean. It says here in Clause 7A(1)(b) — and I am not discussing the detail — “if he engages in activities detrimental to the security of Barbados.” I think that is a proper ground, and he will find that in the United States immigration laws they use a phrase that is even more specific, and it captures all of the activities: “if he does something that interferes with the security.” I do not think anyone can question that.

But when you come to Clause 7A(1)(d) in its present form it says “if he has been convicted of an offence under the Narcotic Drugs Act.” I want to suggest that when a man or a woman is an immigrant in a country, that that man or woman is, for all practical purposes, equal to being a citizen of that country. When you are a permanent resident in the United States, you are in no danger of losing your permanent residence, even if you commit a more heinous crime.

Now an offence under the Narcotic Drugs Act is being treated in the Magistrate's Court, if you are a first offender for smoking one reefer — and everybody knows what is a reefer, I think, with the possible exception of the right honourable Member for St. John.....

Asides.

Mr. B. M. TAITT: I am not told I should correct myself.

Mr. Deputy Speaker, the point I am making is this: in the Magistrate Court now, if a person goes, as I understand it, as a first offender for having one cigarette in his possession, he is usually given a fine. I think he goes to prison on the second offence. This seems to be the

general rule. But, of course, one can go on to point out that there are persons who have been found with large quantities of drugs in their possession who have, in fact, been given light sentences and fines. That is a sentencing policy which I do not want to go into now.

The point I want to make is this: it seems to me that even though we are discussing people, who are not entitled by right to rights and privileges in the society, that once we have conferred on them a certain status, we ought to treat them in the same way we treat our citizens before the law.

This is the position in most of the developed countries. If you are a permanent resident or a landed immigrant in Canada, you are not in danger of losing your permanent residence or landed immigrant status for what used to be misdemeanours and what are small crimes.

I do not wish it to be misunderstood that I am trying to protect dope smokers or trying to defend them in any way. That is their business. I am only saying that when it comes to drawing this kind of legislation, we have to draw it not in terms as though we are narrow-minded, but we have to approach it in the broadest possible attitude.
6.35 p.m.

The honourable Member for St. Michael West Central was a permanent resident, I believe of the United States. I do not think that he ever achieved the status of citizen, although having become a gallant member — I think he might have. He was gallant. Were you in the Armed Forces? I think he was in the Armed Forces. The honourable Member for St. Michael West Central was a permanent resident.

I, myself, Sir, never acquired that status, partly for the reasons outlined by the right honourable Member for St. John. I always had a little difficulty in accepting, psychologically, that I would become a permanent resident of anywhere other than Barbados. And so I never did acquire that status. I, fortunately, worked in the international agencies and then for the Barbados Government, so my status was always one of “extra permanent residence” and that sort of thing. Although, Mr. Deputy Speaker, I must tell you that, while I was working at the United Nations, someone did what they call “drop a dime”. The honourable Member would know what I mean. Somebody informed Immigration that I was living illegally and they sent Immigration for me. But, once I showed them my UN material, all was well.

But my wife and other friends of mine were permanent residents in the United States before they became citizens. Indeed, you have to become a permanent resident at least five years before you are entitled for citizenship. And for all practical purposes — the payment

of taxes, the serving in Armed Forces — for all practical purposes, except for one or two, the treatment of a permanent resident is equal to that of a citizen before the law.

I want to suggest that, notwithstanding the sentiments which might have been expressed concerning the need to have people coming to live among us behave in a particular manner — and it is obvious that these sentiments would have been expressed through the Ministries — I think that we ought, if we are conferring immigrant status, to do no less than what is done in other countries when they give such a status, and use only the categories of immoral behaviour.

I think that is one of the broad categories on which the immigration authorities in the developed countries tend to use. If, for example, you live off the immoral earnings of a prostitute; if you tend to corrupt the morals of a minor; in other words, if you engage in acts of moral turpitude, then you are eligible to lose your permanent residence, and indeed your citizenship, if it had been conferred. Indeed, the Mafia; alleged members of the Mafia and some confirmed members of the Mafia, found that they had lost their citizenship, acquired by naturalisation after the Second World War, and, indeed, in more recent times, when they have evaded taxation for long periods — when finally they had been caught in the net, they have lost their citizenship on the grounds that their moral behaviour was not at the required standing.

So I would like to suggest that instead of trying to be specific, as in (d) and as in (f) for example, offering a gratuity or a bribe, that the categories be consolidated in the same words and phraseology which one can find in any standard Immigrant Act. I think that if that is done, when the Bill comes back for further examination, you would find that there would not be much resistance to it.

The concept of habitual criminal, no one can quarrel with that, and therefore I do not intend to raise any questions.

Asides.

Mr. B. M. TAITT: Precisely! I had better clarify that point. When I said that persons had lost their nationality, these persons could only lose it if they had acquired it by naturalisation. As I said at the beginning of my discussion, certainly in the United States, it has been established by the Supreme Court that a person born in the United States cannot lose their nationality so long as the person was born there.

I also want to draw to the Minister that he is attempting to do something which the courts — and here now I am dealing with the House of Lords in England — have frowned upon the concept — I wish the

Minister would listen — of delegation and retention at the same time.

The Minister attempts here in 28A to delegate powers, while retaining the right to perform as if he had not delegated those powers. I think that he would find that this is a matter that has been deemed *ultra vires*, where a Minister delegates, or where an authority delegates, the authority cannot at the same time delegate the power and retain the power. The authority either retains the power or delegates the power.

In Section 28A, which is to be inserted, the Minister attempts here, by instrument in writing, to delegate any power conferred on him by this Act, except for one — and he attempts to retain that power even though it has been delegated. I wish to suggest to him that that is repugnant to the concept of Administrative law and it is a matter that he should examine.

Mr. Deputy Speaker, the Minister indicates that he would like to respond before 7 o'clock, so I think that I will stop at this point and give him an opportunity to do so.

Rt. Hon. J. M. G. M. ADAMS: Mr. Deputy Speaker, Sir, I do not know whether any other honourable Member wishes to speak, but I am not finally winding up, because I am going to move that further consideration be now postponed in a moment. I will make a motion that further consideration be postponed.

Mr. Deputy Speaker, in all humility, I would like to say that this debate, short though it has been, is an illustration of all that is best in parliamentary democracies and in parliamentary life in Barbados. We in the Government came to the House with a Bill; I have charge of it, and I have heard the right honourable Member for St. John and the honourable Member for St. Michael West, and I am not too proud to say that I think that the points they have made have been very sound and have corrected my own thinking on the clause to which they particularly addressed themselves.

The point raised by the honourable Member for St. Michael West about the Narcotic Drugs Act — well he did not have to convince me, because I long felt that that is a bit extreme. I will just deal with that, because this is one of the grounds for further consideration.

When we consider the two criminal grounds on which you can be removed, on one you have to be over the age of 25 years, convicted on indictment and sentenced to two years in jail, following an earlier conviction of an indictment, before you can have your status taken away — that is what Clause 7A(1)(c) means when you take the original interpretation into account — and then, on the other hand, you can be convicted, reprimanded, and discharged

because they find evidence that, at some time, your clothing contained marijuana, or it was alleged to contain some, and you can lose immigrant status. That is a bit extreme. And the example drawn by the honourable Member, which is living on the immoral earnings of women or corrupting minors, you cannot have it taken away for that at all. You can come to Barbados, run a number of prostitutes, be convicted of it — and remain an immigrant.
6.45 p.m.

I do think the Cabinet will have to look again at the criminal grounds under which persons can be deprived of immigrant status.

On the other point, I must confess that when the honourable Member for St. John rose to speak, he convinced me not at all in the first five minutes, and when he mentioned Sir Roger Casement — the cases of Casement and of Joyce are, in fact, virtually the only arguments in favour of this section — not against it. I do not think that Casement became a German. What he did was, he went to Germany and recruited Irish prisoners, in the Irish prisoner of war camps, then formed them into an army, and went back to Ireland in a German submarine and actually waged war on the King within his realm.

Joyce's case was a very bad case, and while it stands as a precedent, it stands as a warning to all persons, entitled to citizenship of any country, of what can happen to them. Because Joyce, from my memory, was originally a British citizen, renounced British citizenship and became an American, re-applied for British citizenship, and before it was granted went to Germany on an interim British passport and then became a German citizen. The courts held that a man could not change his nationality to that of an enemy country during a war and that he placed himself under the King's protection by obtaining an interim passport from a Consul General — the same Mr. Williams, I believe, who you referred to — in New York.

It is a very bad case for anybody who has the misfortune, by operation of a country's law, to be a citizen of that country, but is hostile to the policies of that country. Because it means that somebody, who is a citizen of Barbados, by operation of our law, may find himself guilty of treason to Barbados by being on the other side in a war, or whatever. He might never have heard about Barbados, except his father told him he was born in a place called Barbados, but he might find himself on the wrong side.

One takes the specific example of the grandchildren of Sir Conrad Reeves, who were born in Germany. What knew they of Barbados until they were big men, having served in the German Army and came here after the war? One takes the example of the Prince of Hanover, who, of course, would know Great Britain. He is the heir to King George III. He served in a panzer regiment with dis-

tingtion, and went to the House of Lords to prove that he was a British citizen and to claim the dukedom of Cumberland, although he knew it meant that he would have been liable for the penalties of treason.

So that, perhaps, is the only argument in favour of recognising a choice of citizenship. I think that this section came up because the Immigration Department and, I must confess, myself, are not fully aware of the distinction between Clauses 2(2)(ii) and 2(5) of the Constitution and the other clauses.

They have a procedure by which the child of a Barbadian abroad asks not to be registered, but to be recognized as a citizen. You will not see it in either the Constitution, the Citizenship Act or the Immigration Act, but they write for recognition because they find that they cannot actually exercise their citizenship of Barbados merely because they say they are a child of a Barbadian, and I think that the Immigration Department was confusing recognition with registration.

We used to have a clause, which said that anybody entitled to register as a citizen of Barbados was also entitled to permanent residence, so they could then choose. That clause was repealed in 1979, and it was thought desirable to re-establish the privilege. I, myself, have my doubts about the whole privilege — that is why it was repealed in 1979 — and I certainly now completely share the doubts of the Leader of the Opposition about the desirability of this clause. We are not speaking about people born in Barbados, we are, in fact, speaking about people born to Barbadian fathers overseas.

It may arise in several ways. This is the most popular reason for wanting to become a permanent resident in this country, the overwhelming reason. It seems to me that all the people who have not become permanent residents by a fluxion of time, who ask for residence, what they want is to be able to buy land without paying the Property Transfer Tax. That is the overwhelming reason. People telephone me and they say, "You know so and so is not a permanent resident, but he is just trying to buy a hotel, just trying to buy this, just trying to buy that, and they have to pay this tax."

The reason for having that tax is to encourage land ownership by Barbadians and prevent foreigners from bidding up the price of our land, and therefore I am never inclined to give a break on this. Once it is part of the law and part of policy, it is part of the law and part of policy, and I, personally do not think we should over-encourage it by making any more loopholes. I now realise that these people do not need that, because they are citizens. What they might need is exchange control permission, because they may not necessarily be resident in Barbados but they are citizens and may only need recognition.

The point about recognition. I would also like to say that the honourable Member for St. Michael West has made a point which I made for years and years when I practised as an immigration lawyer. There was a time when I once thought that I knew more about American immigration law than about Barbadian, because American immigration law is codified, Congress goes to the trouble to publish annual supplements to the law with the recent Supreme Court decisions contained in the back. I used to advise Americans, and many an American I have advised that they cannot lose their citizenship merely by voting in Barbados or by exercising the privileges of citizenship of Barbados since the 1965 case.

The honourable Member may not be aware of the case in 1950. I think he made a slight slip of the tongue. He said that a citizen cannot be deprived of his citizenship by law. That is not quite what it is. The original decision was that a native born citizen cannot be deprived of the citizenship by mere operation of the law of a foreign country, and then they went on to say in 1965, that you have to carry out some positive act to be deprived of American citizenship.

These people, to my mind, are protected by that decision. They were born in America, America effects not to recognise dual nationality, but since you cannot deprive a native born American of his citizenship by the operation of a law of a foreign country, our having this Constitution to my mind does not stop them. When I have had to advise Americans, and if I had to advise them again I would tell them the fact of this Constitution cannot stop them from their American citizenship.

I am sure that neither the Speaker nor the House would want me not to mention the name that I am going to mention next, but my former Personal Aide, Mr. Howard Roberts, is an example of a person who, I believe, has suffered from the old view of the American law. He was born in the United States, and when he and I wanted to go to the United States some time ago he had a great deal of trouble getting an American passport from the American Embassy.

So these problems are very real to the people concerned, but, again, all that we can advise them is to stand firm. To tell somebody in Barbados to stand firm — the Supreme Court will uphold him, may not be a great deal of help or consolation. But those are my views.

6.55 p.m.

The only final point that I will make before I move that further consideration be now postponed relates to the statement by the Leader of the Opposition that a person cannot be stateless, and his remarks about the London High Commission.

Tragically enough, a person can be stateless. They can be even be more stateless now if they are born in Great Britain than formerly, and one of our own diplomats at that London High Commission had an experience that, if it did not happen, you would think it was impossible.

In the time of the honourable Member's Government, a female Barbadian diplomat was appointed to the High Commission in London. She was married to a man, who was Barbadian by registration, having renounced his Trinidadian citizenship. He was born in Trinidad, renounced his citizenship and became a Barbadian. They had a child in London. The child could not be a Barbadian, because its father was not a Barbadian by birth — he was a Barbadian only by registration — it could not be British, because it was part of a diplomat household and the British at that time did not recognise the children of diplomats — and still do not — as being British, and there was no other available nationality.

Asides.

Rt. Hon. J. M. G. M. ADAMS: He was not born in Barbados. He was not born in the High Commission.

I tell you that child was stateless, so we must not assume that statelessness cannot happen to us. It will now happen, perhaps more and more, since the British has, in what in my view is quite the most illiberal Act virtually ever passed by the House of Commons, taken away the right of automatic citizenship to anybody born in Britain.

The Barbadian born in Britain will more than ever have to be aware of the difficulties of obtaining citizenship. As I see it, a Barbadian woman in Britain, married, say, to a Nigerian, where the birth may not be recognised by Nigeria, will have no recourse. If she is not registered as a British citizen, the child will not be British, it may not be Nigerian, and if she was married to somebody who renounced his citizenship and became a Barbadian, it would not be Barbadian.

This is a problem to which, perhaps, we will have to address ourselves when we come to deal with the Citizenship Bill. We were not prepared to go all the way and make the children of Barbadian women citizens automatically, but perhaps this possibility of statelessness, Sir, may persuade us in the fullness of time.

Sir, I do not intend to proceed with Clause 4 as it stands. I am inclined to include the proposed (5)(1)(b) in Clause 5(1). It will fit into Clause 5(1) at an appropriate stage. I do not propose to include the first part, and I will refer the views of the honourable Member for St. Michael West on Clause 6, the proposed Clause 7A(d), to the Minister of Immigration and, eventually, to the Cabinet.

Undoubtedly, Sir, drug offences have multiplied in Barbados. What is called "the increase in crime", as the Commissioner of Police has recently pointed out, is nearly all accounted for by the increase in drug offences, and, therefore, we do not want to give any tolerance to offences relating to narcotics, which, we think, strike at the fabric of society itself — trading in narcotics, the use of cocaine, the use of heroin; we do not want to give any countenance to that. Equally, we do not wish to give any countenance to organized prostitution, and, perhaps, other offences that do not amount to habitual criminality.

Asides.

Rt. Hon. J. M. G. M. ADAMS: I hear a voice behind saying, in effect, only doing down with such organized prostitution has threatened the fabric of society.

MOTION TO POSTPONE FURTHER CON-
SIDERATION

Rt. Hon. J. M. G. M. ADAMS: I think that we should fine-tune these provisions a little more, Sir, and I beg to move that further consideration of this Bill be now postponed.

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

The question that further consideration of the Bill be now postponed was put and resolved in the affirmative without division.

ADJOURNMENT

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this sitting be now adjourned until Tuesday, February 8, 1983 at 12:00 o'clock noon.

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

Rt. Hon. E. W. BARROW: If I heard him correct, he said, "that this sitting be now adjourned." I want to know whether the House is going to be adjourned, because we will have some difficulty when we come back next time if we are merely adjourning the sitting. It is a question of continuing the Order Paper, etc.

Hon. L. S. CRAIG: The sitting of this House, Sir.

The question that the House do now adjourn until Tuesday 8 February, 1983 at 12:00 o'clock noon was put and resolved in the affirmative without division, and Mr. Deputy Speaker adjourned the House accordingly. 7.05 p.m.

CONTENTS

MINUTES

- Confirmation of the Minutes of Tuesday,
January 18. 2724
Mr. Taitt, 2724, 2725; Mr. Deputy Speaker,
2724; Mr. Craig, 2724, 2725, 2726; Mr. Greaves,
2725, 2726; Mr. Barrow, 2726.

PAPERS LAID

- Hon. L. S. CRAIG 2727

The Annual Report of the Commissioner of
Police for the year 1981.

GOVERNMENT NOTICES

- Hon. L. S. CRAIG 2741

Resolution to grant the sum of \$780 000 from
the Consolidated Fund and to place it at the
disposal of the Government to supplement the
Estimates 1982-83, Part II - Capital as shown
in the Supplementary Estimates 1982-83
- No. 18 which form the Schedule to the
Resolution.

Resolution to grant the sum of \$185 000 from
the Consolidated Fund and to place it at the
disposal of the Government to supplement the
Estimates 1982-83, Part I - Current as shown
in the Supplementary Estimates 1982-83
No. 19 which form the Schedule to the
Resolution.

NOTICE OF QUESTIONS

Question by Mr. L. A. WEEKES of the Minister
of Transport (Hon. V. L. JOHNSON) Re Access
Road for Residents of Pile Bay, St.
Michael. 2727

Question by Mr. L. A. WEEKES of the Minister
of Housing and Lands (Hon. L. B.
BRATHWAITE) Re Sanitary Equipment in the
Farm Housing Area, St. Michael. 2727

Question by Mr. L. A. WEEKES of the Minister
of Health (Hon. Dr. D. G. BLACKMAN) Re
Casualty at the Queen Elizabeth Hospital. 2727

Question by Mr. L. A. WEEKES of the Minister
of Transport and Works (Hon. V. L. JOHNSON)

Re Street Lamps at Fernihurst and other
Developments. 2727

Question by Rt. Hon. E. W. BARROW of the
Minister of Transport and Works (Hon. V. L.
JOHNSON) Re Public Transportation for Resi-
dents at Rosegate, St. John 2727

Question by Mr. W. O. FRANKLIN of the
Minister of Transport and Works (Hon. V. L.
JOHNSON) Re repair of roads at Lynches and
other areas in St. Philip. 2728

GOVERNMENT BUSINESS

RESOLUTION RE VESTING OF LAND IN
COLLINS LTD IN BRIDGETOWN. 2728
Mr. Bradshaw, 2728, 2738; Mr. Taitt, 2728,
2731; Mr. Craig, 2728, 2731; Mr. Franklin,
2729; Mr. Barrow, 2732; Mr. R. E. Brathwaite,
2734; Mr. L. B. Brathwaite, 2735; Mr. St. John,
2737.

PLANT PEST AND DISEASE (ERADICATION)
ACT, 1983 2741
Dr. Cheltenham, 2741, 2745, 2747, 2748,
2749, 2752, 2753; Mr. Sandiford, 2742, 2747,
2749; Miss Miller, 2742, 2751; Mr. Craig, 2743;
Mr. L. B. Brathwaite, 2744; Mr. Franklin, 2745,
2749; Mr. Barrow, 2747, 2750; Mr. Taitt, 2749,
2752, 2753.

THE SUCCESSION (AMENDMENT) ACT, 1983... 2753
Mr. St. John, 2753, 2754; Mr. Barrow, 2753,
2755, 2760, 2761; Mr. Greaves, 2754, 2756,
2759, 2760; Mr. Taitt, 2756, 2758, 2761,
2762; Mr. Adams, 2757, 2758, 2761, 2762.

THE IMMIGRATION (AMENDMENT) ACT, 1983... 2762
Mr. Adams, 2762, 2764, 2770; Mr. Barrow,
2764; Mr. Taitt, 2767.

PRIVATE MEMBERS' BUSINESS

RESOLUTION CONDEMNING GOVERNMENT RE
MEMORANDUM OF UNDERSTANDING WITH
CARIBBEAN GOVERNMENTS ON SECURITY
AND DEFENCE MATTERS. 2739
Mr. Deputy Speaker, 2739, 2740, 2741; Mr.
Adams, 2740, 2741; Mr. Sandiford, 2741.

SUSPENSION. 2739
ADJOURNMENT 2773

Mr. Craig, 2773; Mr. Barrow, 2773.

SPEAKERS IN THIS ISSUE

ADAMS, Rt. Hon. J. M. G. M. (St. Thomas).
BARROW, Rt. Hon. E. W. (St. John).
BOLDEN, His Honour C. L. (St. Joseph).
BRADSHAW, Hon. DeL. O. (St. Michael South East).
BRATHWAITE, Hon. L. B. (St. Andrew).
BRATHWAITE, R. E. (St. Lucy).
CHELTENHAM, Hon. Dr. R. L. (Christ Church East).
CRAIG, Hon. L. S. (St. James North).
FRANKLIN, W. O. (St. Philip North).
GREAVES, P. M. (St. Michael North).
MILLER, Hon. B. A. (City of Bridgetown).
ST. JOHN, Hon. H. B. (Christ Church East Central).
SANDIFORD, L. E. (St. Michael South).
TAITT, B. M. (St. Michael West).
WEEKES, L. A. (St. Michael North West).