
THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, May 8, 1984.

Pursuant to the adjournment, the House of Assembly met at 12.15 p.m. o'clock.

PRESENT

His Honour C. L. Bolden, LL.B., (Deputy Speaker)
Hon. L. S. Craig, (Minister of Parliamentary Affairs and Leader of the House)
Hon. Miss B. A. Miller, (Minister of Education)
Mr. J. G. Odle, B.Sc., (Chairman of Committees)
Hon. L. R. Tull, Q.C., M.A., (Attorney General and Minister of Legal Affairs and Minister of Foreign Affairs)
Hon. DeL. O. Bradshaw, (Minister of Labour, Social Security, Sport and Community Services)
Mr. L. L. Sisnett, (Parliamentary Secretary)
Hon. Dr. R. L. Cheltenham, M.A., M.Sc., (Econ.), (Minister of Agriculture, Food & Consumer Affairs)
Mr. R. E. Brathwaite
Mr. A. Truss.

Prayers were read by Fr. D. Stapleton.

Hon. V. L. JOHNSON entered the Chamber and took his seat.

MINUTES

Mr. DEPUTY SPEAKER: The House is now in session. The Minutes of the meeting of Tuesday, April 17, 1984.

Mr. B. M. TAITT and Mr. M. A. KING entered the Chamber and took their seats.

Hon. L. S. CRAIG: Sir, I beg to move that the Minutes of the meeting of Tuesday, April 17, 1984 be taken as read.

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

ANNOUNCEMENTS BY HIS HONOUR

Mr. DEPUTY SPEAKER: I must announce that I have received from the Governor-General a letter indicating his absence from the island on private and official business.

I am also to announce that I have been informed by Father Vaughan, the Chaplain of this Honourable Chamber, that he will not be available to us for at least four weeks. During the interim, Father Stapleton of St. Joseph's Parish Church will assist us in prayers.

I have further to announce, from the Honourable the Senate to the Honourable the House of Assembly, the return of the National Insurance and Social Security (Amendment) Bill, 1984.

Hon. L. S. CRAIG: Sir, with reference to the matter which came back from the Senate, I hope to deal with it if possible during today's sitting. I am told that the Clerk of the House will draw this to the attention of the Members on the other side.

Mr. DEPUTY SPEAKER: If there are no objections, the matter will be dealt with at a later stage in today's sitting.

PAPERS LAID

Hon. DeL. O. BRADSHAW: Mr. Deputy Speaker, I am commanded to lay the following documents:

The Annual Report of the Child Care Board for the period April 1982 – March 1983;

The Annual Report of the Department of Labour for the year 1981.

Hon. L. R. TULL: Mr. Deputy Speaker, on behalf of the Minister of Finance and Planning, I am commanded to lay the following:

The Financial Statement showing Net Customs and Excise Receipts for 12 months ended 31st March 1984.

Statement of Account of the Transactions in Rum in the Several Districts of the Island for the period January – March 1984.

GOVERNMENT NOTICES

Hon. L. R. TULL: Mr. Deputy Speaker, I beg to give notice of the following Bills:

A Bill to provide for the establishment of the National Health Service Board.

A Bill to amend the Statute law in respect of technical deficiencies in certain intellectual Property Acts of Barbados.

A Bill to amend the Provisional Collection of Taxes Act.

FIRST READINGS OF BILLS

On separate motions of Hon. L. R. TULL, seconded by Hon. L. S. CRAIG, the following Bills were read a first time:

A Bill to provide for the establishment of the National Health Service Board.

A Bill to amend the Statute law in respect of technical deficiencies in certain intellectual Property Acts of Barbados.

A Bill to amend the Provisional Collection of Taxes Act.

Mr. P. M. GREAVES entered the Chamber and took his seat.

SUSPENSION OF STANDING ORDERS

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

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

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

Hon. L. S. CRAIG: Sir, at this point I would like to inform the House that there is a supplementary Resolution coming down from the Ministry of Education today. It is not to take money out of the Treasury to use, it is money which has already been voted which we cannot use, so we have to get money from the Consolidated Fund. The money which was voted in the Estimates would lapse.

I say this because I do not want any Member to feel that with the Estimates just past, we are going into the Treasury looking for money to supplement something again.

I propose to do this Resolution in all of its stages today. I say this for the benefit of Members on the other side. At some time during the course of the day I will give notice of it.

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

AMENDMENT RE NATIONAL INSURANCE AND SOCIAL SECURITY (AMENDMENT) BILL, 1984

Hon. L. R. TULL: Mr. Deputy Speaker, the Opposition has agreed to deal with a matter that has been sent down by the Senate to the House, and it relates to the National Insurance and Social Security (Amendment) Bill. I understand also that all honourable Members have copies of the proposed amendment. The Opposition has seen it, and I beg to move that the House now concur in the amendment sent down from the Senate.

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

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

GOVERNMENT BUSINESS

ROAD TRAFFIC (AMENDMENT) ACT, 1984

Order No. 3 was called – To move the Second Reading of a Bill to amend the Road Traffic Act, 1981–40.

Hon. V. L. JOHNSON (St. Michael West Central): Mr. Deputy Speaker, the purpose of this legislation is to make provision for a new regime governing the weight of motor vehicles that can ply on the roads of Barbados.

The present situation is that we have essentially three categories of motor vehicles operating in Barbados, and I am talking now about vehicles designed to carry freight and loading.

When our roads were designed, they were designed with a particular class of vehicle in mind. The course of national development has brought about a situation in which we now have vehicles plying the roadways which are clearly in excess of what the maximum safe loading in terms of the damage that they can do to the roads is concerned. They exceed what would be the reasonable loading for our roads.

The first category relates to some 1 124 vehicles, which carry a gross weight not exceeding 12 tonnes. This legislation is seeking to revise the structure for those vehicles that currently carry a special licence. These exceed the 12 tonnes limit which we regard as reasonable for the roads in Barbados. Vehicles falling in the category exceeding 12 tonnes and up to 19 tonnes, therefore, are the vehicles that will be affected by the restructuring which is being introduced.

There are approximately 279 such vehicles in the island. When one of these, exceeding that amount of axle loading, with only one rear axle, all the downward impact is transferred to the road bed in a way that creates undue

force. The result is accelerated damage, not only to the road surface itself, but to those surfaces that fall under the road bed. These are largely water and gas services.

In recent times, we have witnessed a very substantial deterioration in our roads, particularly because of the fact that these vehicles are plying all of our major highways and are exceeding the weight for which the roads can be regarded as having been designed. This legislation will empower the Ministry of Finance to increase the fees in respect of these particular vehicles that I have just outlined, those that are in the category of 12 plus to 19 tonnes, and the idea behind this is to impose an additional tax commensurate with the quantum of damage that these vehicles will inflict on the roads.

The standards which we are introducing here in Barbados now are standards which have already been accepted internationally. We have some vehicles which are presently operating on the roads of Barbados which cannot, according to law, operate in the United States of America or Great Britain, where legislation excludes vehicles of the category which we are describing. We are simply trying to come to grips with the realities of contemporary life, that if we are going to be putting substantial investments in our highways, we have at the same time to take the necessary measures to make sure that the vehicles that will be using those roads meet certain requirements.

There has been a great deal of debate about these changes, because the layman has a great deal of difficulty understanding how a vehicle carrying 20 tonnes maximum gross weight would inflict less damage than one that carries only 13 or 14 tonnes. It is simply a matter of physics. The rationale is that with one axle, all of the load impacts at one point; whereas with multiple or tandem rear axles, the load is spread over a wider surface, and consequently the destructive forces impacting on the roads are substantially reduced.

I have heard a physicist say that a woman's spike heel, for example, exerts far more downward force per square inch than something weighing 10 tonnes, because the spike is so sharp and all of the weight goes down at that one little point.

Asides

Hon. V. L. JOHNSON: These are matters of physics and I would not expect the honourable Member for St. Michael West (Mr. B. M. Taitt) to be able to handle this. I think that he had better leave this alone to persons who are more *au fait* with the physical sciences to quarrel with.

The whole idea of the legislation is to develop a new regime so that vehicles which weigh 5–12 tonnes of which I have been informed there are 1 124, will carry

one fee structure. Those weighing 13 – 19 tonnes, the ones that inflict the most damage to the roads, those with the single axle to the rear, will carry a higher fee structure, and those that are in excess of that weight, of which there are none that are not on standard wheels, will carry another fee.

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

Mr. L. L. SISNETT: I beg to second that.
12.35 p.m.

Mr. B. M. TAITT (St. Michael West): Mr. Deputy Speaker, I am not sure that the honourable Member introducing this amendment to the Road Traffic Act is in consonance with what we were told during the presentation of the Financial Statement and Budgetary Proposals. You will recall, Sir, that the right honourable gentleman for St. Thomas, while making the presentation – and for easy reference I draw your attention to page 55 of the cyclostyle document – imposed taxes on the basis of the tonnage of vehicles using the roads in Barbados, and among the taxes imposed was a taxation for vehicles not exceeding 24 tonnes – \$5 000; vehicles with three or more axles, \$1 600; and then he went on to impose taxes on a category of vehicles of 36 tonnes or over of \$2 500 and \$3 000, that is, vehicles used or adapted for use for drawing trailers on the highway as an articulated unit.

The amendment we are about to pass says that the principal Act is amended by deleting Section 28 and substituting therefor – I am not going into the details, Sir, I am dealing with the policy

Mr. DEPUTY SPEAKER: I am wondering, is the honourable Member permitted to refer to the matter of a debate which was just concluded during this session?

Mr. B. M. TAITT: With respect, Sir, I am not commenting on the debate, but I am just drawing facts from that statement. Remember, Sir, it was a statement, and I am drawing facts and reaching conclusions based on those facts. One presumes that the facts by the Minister are correct. I am not commenting on those facts, I am just drawing on those facts to comment on the Bill that is before the House.

Mr. DEPUTY SPEAKER: I will see how far you go.

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

The point I am making is that we now have legislation which says the maximum gross weight of any vehicle must not exceed and the last category quoted here is 24 tonnes.

Mr. DEPUTY SPEAKER: Is that not an issue which should be raised in the Committee stage when you are going to be dealing with the legislation itself? As it stands, in the second reading, you can comment on the principle of the Bill, but when it comes to the comparison of the legislation and the effect of that legislation, is it not that that is specifically reserved for the Committee?

Mr. B. M. TAITT: Sir, with respect, I am commenting on the total policy concerning the road traffic and the use of vehicles.

The Minister in introducing this amendment indicated that the policy would not be to restrict vehicles of more than 24 tonnes. My problem is that we have been told by the Government that there are already vehicles 36 tonnes and over plying the roads in Barbados. If in fact we now pass legislation which prohibits the use of a vehicle in excess of 24 tonnes, it would seem to me that we are passing legislation *ex post facto*, which might affect the rights of an individual who is already established and been permitted to establish, because he has been granted a licence. That is why it is necessary to refer to the source of my information, that there is at least one 36 tonne vehicle plying the roads of Barbados.

I find it difficult to understand, therefore, how the Minister responsible for Transportation would come to this Honourable House with an amendment to the Road Traffic Act and prohibit the use of a vehicle, the gross tonnage of which exceeds 24 tonnes. I am not certain, therefore, if what he is saying is what I understand. I think that it is very necessary, in the context of existence in Barbados, that this matter be clarified, and I recommend that the amendment in its present form be sent back until such time as this particular point is clarified, otherwise we are in danger of passing legislation that will have a deleterious effect on the rights of the individual, and we may be doing that without full and complete knowledge. So I am bringing that information to the honourable Member and to the Government with a view to their re-examining this issue before this Honourable House should pass the amendment.

The second point I wish to take is, in my view, of more importance. You will recall, Sir, that that honourable Minister promised us quite faithfully that we would have the Road Traffic Regulations by a specific time. If I recall correctly, when I last raised this question at the end of 1983, the honourable Member asked for time and gave us a commitment that February would not see us without the Road Traffic Regulations.

I believe that this has gone beyond a joke. This is no longer a matter on which we have to be sympathetic to the Government. I believe that it is of crucial importance that persons who use the roads in Barbados have

the law relating to the use of those roads as clearly outlined and as clearly delineated as possible, and the absence of regulations attaching to the Road Traffic Act of 1981 is not only an abomination to the travelling public, but it is, in my view, the most unfortunate commentary on the performance of the Government, and indeed on this Parliament.

When this Parliament passes legislation of that kind, this Parliament delegates to a Minister a responsibility to do certain things to bring that legislation into perspective for the citizen, and when the Parliament instructs that Minister to do certain things, that Minister does not have any right delaying the introduction of the particular Act to suit himself or his Government. It is the duty of the Government to drop everything else and get the regulations for the Road Traffic Act before this Parliament so that the people of this country would know exactly which laws they have to operate by when they are driving their vehicles along the road.

There is absolutely no excuse. We passed the Road Traffic Act in 1981 and this is May, 1984. We know the history of it. I do not propose to repeat that history, but the regulations form part of the law, and the courts have been operating up until now in a vacuum. I recall that the Chief Magistrate, commenting on the absence of regulations in the face of very serious charges brought against an individual, had occasion to deplore this absence of regulations.

The Minister has a duty to this House and to the nation not to explain, but to apologise for not having the Road Traffic Regulations before us. We have already begun on the long road of amendments to the Road Traffic Act. Sir, you and I know that it is only a matter of time before they come back down here....

Mr. DEPUTY SPEAKER: I do not know. I have no tongue to speak in this place.

Mr. B. M. TAITT: I apologise for drawing you into the debate in that way.

It would be well known to the more distinguished lawyers in Road Traffic Regulations and such like that it is only a matter of time before the Government comes back down here with more amendments to the Road Traffic Act. One is prepared to forgive, because it has been said that the Road Traffic Act was beyond the pale of the acquired knowledge of those who now deal with these matters in Government, and that they had to seek the assistance of other persons. One also recognised that, in repealing the old Road Traffic Act, and bearing in mind that it took over ten years for the new Road Traffic Act to come on stream, and bearing in mind that there was an urgent need to have that particular piece of legislation completed before the last election,

a certain amount of hurry may have led them to bring down the Act in the form in which it came. Therefore, one is not going to criticize them because they are going to have to get amendments, because as one goes along and the Act requires amending, it must be amended. 12.45 p.m.

But there is absolutely no excuse for the Government's dilatoriness, its inefficiency, its carelessness, its absolute disinterest in giving us road regulations. The people in this country have to use regulations that were attached to a 1950 or 1951 Bill in relation to a 1981 Road Traffic Act. Then they have the temerity to say that they are bringing in a new transportation policy! People riding on the buses do not even know what their rights are, and he had the temerity to talk about a new road policy! I do not believe I need to make this point any more. I think the Government should be ashamed.

The Prime Minister on the last occasion said that he was at his wit's end in terms of getting the Road Traffic Regulations before this House. I should like to ask the Prime Minister, what has he done since he last told this Honourable House that he agreed with everything that was said against his Administration concerning this matter? I should like to know what steps he is taking in his capacity as Prime Minister to see that the Road Traffic Regulations become a fact in Barbados. I want the Prime Minister to get up and tell this House what he is doing.

(Hon. Dr. R. L. CHELTENHAM: He has no intention of doing that.)

Mr. B. M. TAITT: I hear *sotto voce* that he has no intention of doing that, and that comes from one who has been studying this Prime Ministerial thing very deeply. So if he says that, I have to accept it. Did you say he has no intention of doing that?

(Hon. L. S. CRAIG: You are trying to draw him into talk. You are talking about severance pay for Ministers.)

Mr. B. M. TAITT: Are you talking about severance pay for Ministers?

(Hon. L. S. CRAIG: Yes. And we are going to give you all of that.)

Mr. B. M. TAITT: I am talking about severance pay. Mr. Deputy Speaker.....

Mr. DEPUTY SPEAKER: Order, please. What are we talking about?

Mr. B. M. TAITT: I am saying, Sir, that the Prime Minister on the last occasion apologized to this House for the absence of Road Traffic Regulations.

Mr. DEPUTY SPEAKER: I heard that.

Mr. B. M. TAITT: It is now six months since he did that. I am asking him to get up and indicate to this Honourable Chamber what he has been able to do to get the Traffic Regulations before this House.

I am not going to go any further. I am going to wait for the Minister and the Prime Minister to enlighten the country. But I end by saying that it is a burning shame. It is an abomination.

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

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 inclusive were called and passed.

Clause 3 was called.

Hon. V. L. JOHNSON: I beg to move that Clause 3 do now stand part.

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

Mr. B. M. TAITT: The Minister, out of courtesy, should explain the discrepancy, the difference between his maximum 24 tonnes and the Prime Minister's 36 tonnes. I really think you owe it to the House or to the nation to explain it.

The Prime Minister did say there is at least one vehicle in Barbados which is over 36 tonnes. We are now passing legislation saying you cannot have a vehicle with gross weight of more than 24 tonnes. Clause 3 says that. What is going to happen to the vehicle that is already on the streets. You have some responsibility to respond to that.

Hon. V. L. JOHNSON: Mr. Chairman, the information which I have is that we do not have vehicles that fit that category. But in the event that we do, if a vehicle operates that is in excess of that tonnage, it will be treated under Clause 8 of the Road Traffic Regulations and pay a special licence of \$85 per tonne.

Mr. B. M. TAITT: Mr. Chairman, I am going to concede that the Minister might not fully grasp what I am saying. Clause 3 says:

"The principal Act is amended by deleting section 28 and substituting the following:"

It begins:

"28. (1) The maximum gross weight of any vehicle must not exceed"

And the last category here is:

"24 tonnes in the case of any other vehicle or trailer."

So there has got to be an error. If a section says that the maximum gross weight of any vehicle must not exceed.... and then we have 24 tonnes as a maximum, it is obvious that anything 24.1 tonnes and over would not be able to go on the road.

Are we in fact passing legislation to stop traffic that is already registered from travelling on the road? It does not make sense. I do not see why this House should pass this legislation only to get a message from the Other Place next week or week after next telling us that we have passed foolish legislation. If he insists in going through with it, I wish to divide the House so that I can vote against it. I am not lending myself to this kind of ignorant legislation.

Rt. Hon. J. M. G. M. ADAMS (St. Thomas): Mr Chairman, the honourable Member is obviously not familiar with the Road Traffic Act, otherwise he would know that the Road Traffic Acts, all of them for a very long time, have always put an upper limit, but then there is a saving clause which allows for application for special licences.

The Minister has given the answer. The honourable Member does not understand it. He only has to go out on the street. He would see any number of vehicles with a yellow plate on them marked, "SL", and "SL" stands for "Special Licence".

Mr. B. M. TAITT: Well then, what the Minister said when he introduced the Bill does not make sense. All heavy duty vehicles pay a special licence.

The Prime Minister must know that there was a time when he used to see vehicles with two licences on them. I am not getting into that.

The Minister said the reason why he was introducing this amendment was to preserve the roads. He said that a woman with a spike heel has been described by someone as having a more deleterious effect on the road than a ten tonne truck. The whole *raison d'être* of this legislation is to preserve the roads. That is what he said. Now, the other gentleman gets up and tells me that I am ignorant, otherwise I would have known that you can get

a special licence. What that means is all that he has said is nonsense, because if you can pass this legislation saying, "It must not exceed 24 tonnes" and then, all you have to do if you have something more than 24 tonnes is to go and apply for a special licence, I contend that passing this is foolishness.

12.55 p.m.

If they do not intend to hear, let us know what they wish to do. That is the way they operate all the time. They take no points and they believe that all knowledge reside in their breasts.

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

Clause 4 was called and passed.

On the motion of Hon. V. L. JOHNSON, seconded by Hon. DeL. O. BRADSHAW, the Bill was reported as having passed the Committee without amendment, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On separate motion of Hon. V. L. JOHNSON, seconded by Hon. DeL. O. BRADSHAW, the Bill was read a third time and passed.

MISCELLANEOUS PROVISIONS ACT, 1984

Order No. 1 was called – To move the Second Reading of a Bill to amend certain enactments relating to the payment of housing allowance.

Rt. Hon. J. M. G. M. ADAMS (St. Thomas): Mr. Deputy Speaker, it is fallen to Ministers of Finance from time to time to bring legislation to the House relating to their own salaries and salaries of other persons, and I make no apologies for being in the House on this occasion to introduce a Bill in which the paymasters discuss their own pay.

In the light of certain headlines in the *Nation* newspaper I would say that this occasion is a somewhat unique one, for although I have been able to trace an occasion in which the Leader of the Opposition introduced a Bill raising his own salary to that of twenty times what a Government maid was then getting in those days, and there are other occasions in which I have introduced Bills to increase my salary, as far as I can judge this is the first occasion in which anyone has introduced a Bill in the House of Assembly which would have the effect of reducing his total emoluments. But I am not pleading that in aid of the Bill. I am merely setting the record right.

In the last couple of days, we have had clerical gentlemen describing the present situation in Barbados

in terms last used by the Prophet Isaiah in dealing with the people of Judah and we have heard the Central Bank Building being described in roughly the same language as was used to describe the Tower of Babel. We have had other biblical analysis of a most fiery sort applied to the conduct of public business in Barbados. I intend to be more sober today.

The fact is that housing allowances have long been an anomaly in public and private life of this island. They date from colonial times, when to bring an officer out from England it was necessary either to provide a house for him or pay him a housing allowance. The Governor had a house, as is correct and proper, the Colonial Secretary also had one, and I believe eventually the Financial Secretary had one, and in private life the managers of the major banks, Shell Oil Company, Cable and Wireless, and other organisations with headquarters in Britain were given housing. Now when Barbadians begin to occupy positions analogous to those formerly occupied by expatriates, although they had no particular wish to go and live in the provided houses, as a matter of status they used to insist that a corresponding provision be made for them. This is how house allowances came to enter the life of this country.

Honourable Members who, by and large, have been too tactful specifically to ask: "how can you pay the Prime Minister a housing allowance to live in his own house?" would be aware that this is said. Of course, there are many anomalies, but the arguments against these anomalies are not by any means new. I can remember previous honourable Members in this House objecting to the house allowance of Permanent Secretaries. I am going back to when I was a school boy, or had recently left school. There used to be arguments — "How could you pay a Permanent Secretary money for the benefit of living in his own house?" Those arguments always impressed me, and I eventually was able to abolish the idea of paying house allowances to public officers really as no more than an addition to their salaries, because those house allowances were taxable and pensionable. The only benefit to a public officer of having the house allowance paid as a house allowance and not part of a salary was that you did not have to pay as you earn on it, and therefore you only had to bring it to account at the end of the financial year.

The system of housing allowance has spread in the private sector as well. People are paying house allowance, which the Commissioner of Inland Revenue does not take off for even one moment, being other than salaries, and they grasp at these housing allowances because they seem to think there is some special benefit or advantage in them.

The Housing Allowance Scheme has distorted the salary scales of Government.

1.05 p.m.

Honourable Members who care to take a look at the Schedule of Personal Emoluments and at the list paid to the fixed point scales, will notice that there is a wide gap between the S.4 and the S.5, that where normally the gap between scales is \$100 to \$150 a month, the gap between those scales is of the order of \$500 a month, the reason being that the people in S.4 formerly enjoyed a housing allowance where the people in S.5 did not. Indeed, there were some public officers who, greatly daring, indicated to me that they thought it was a bad idea to consolidate housing allowance with salary, because there would then be a printed schedule showing how much Permanent Secretaries really got, and that the NUPW and others would notice it.

The first time I realised that the salary of a Senior Permanent Secretary was virtually no different from that of a Minister of Government — the difference is only about \$40 a month or something like that — was when the consolidated salaries were published in the list. It was then that I appreciated how closely we had come to maintaining a close link, with the Minister just a little ahead of the Permanent Secretary.

It is fully intended to maintain that relationship in respect of any increase in the emoluments of the public officers. There is going to be no increase in the salaries of public officers which again makes Permanent Secretaries' taxable and pensionable emoluments more than those of a Minister. There is no question of deciding that the public service official who is responsible to a Minister will be paid more than the Minister in future, and I therefore must advise the House that there will be a Bill to revise parliamentary salaries to maintain the relationship between the salaries of parliamentarians and the position, I believe, of Assistant Secretary and the relationship between the salaries of Ministers and the salaries of Senior Permanent Secretaries. I think there may be some regrading in respect of the position of Speaker, of Leader of the Opposition and of Parliamentary Secretary, just as I expect there is going to be some regrading to straighten out the anomalies in the higher scales in the Public Service which arose from the housing allowance system. But I do not want the public to get any impression that parliamentarians' salaries are going to stay stationary.

To resume the narrative and main part of the Bill, the housing allowances which were taxable and pensionable were removed, and instead salaries were attached to the posts which have formerly enjoyed them. This meant that a number of public officers who were living in houses provided by the Government had substantial salary increases. These were the ambassadors abroad, who had been disadvantaged by the housing allowance system, since — I was going to say in many cases, one can safely say in all cases — they were being unfavourably treated vis-a-vis their own junior officers, who sometimes would be accommodated in Government premises in overseas

countries, and certainly they were being disadvantaged in respect, for example, of doctors recruited in Barbados and provided with Government accommodation, who paid only a certain percentage of their salaries as rent for such accommodation.

They may still be other anomalies. Housing was formerly provided for certain heads of secondary schools, and was still provided free for the headmaster of Lodge School at the time when such a post existed and was filled. These are anomalies which may yet remain to be straightened out by appropriate adjustments of salary or the payment of other allowances, and these are matters which are being looked at by the Ministry of Education and the Establishments Division. I do not propose to deal with those today. The Bill before the House deals instead with the position of the tax free pensionable housing allowances which are paid to a few persons, the taxation of allowances paid to persons in the private sector, and to the Governor of the Central Bank of Barbados.

The policy of the Government, generally now is that where a house is provided for an office, that no choice is to be given to the officer who is elected to, appointed to, or otherwise holds that office. He will not in future be free to make his own arrangements and obtain either a financial benefit or suffer a financial disadvantage. Even where one of the scheduled officers does not draw a housing allowance, he is entitled to be pensioned on it. The Leader of the Opposition is in that position. Although he never drew the housing allowance, after Culloden Farm was provided he obtained a gratuity based upon its value, and his pension was calculated according to the value of the housing allowance, and very properly too.

I make no criticism of this. There has had to be a great deal of legislation indeed relating to the Prime Minister's Housing allowance. First, it had to be made non-taxable after an adverse ruling in the Department of Inland Revenue, then the occupation of Culloden Farm had to be made non-taxable by legislation after a ruling.

This is not the only housing allowance about which anomalies arose. No amount was ever assigned to the value of Government House for pension purposes. We therefore after 1980 discovered that the pension of the Chief Justice would have been higher than that of the Governor-General although there is a very substantial difference in salary, and a pensionable allowance had to be assigned to the value of Government House. This explains why in this Bill the salary of the Governor-General has had to be raised by a substantial amount so that his pensionable emoluments would be reflected in payment, and so that he would not be disadvantaged *vis-a-vis* the Chief Justice or the Prime Minister, or an Ambassador, should they live in the residence provided. That, I think, sufficiently explains the situation with the

Governor-General's salary. It has been adjusted to reflect his true pensionable emoluments.

In respect of the Chief Justice, the housing allowance assigned to the office of Chief Justice has not been increased by its full value as against Income Tax, since in fact the house is provided and it would be considered unreasonable, I think, Mr. Deputy Speaker, for the Chief Justice to have the house and the entire value of the housing allowance, as if he were another judge who draws a housing allowance but does not have the opportunity of going into a house at his option.

The same has been applied to the Prime Minister. There is a house available to the Prime Minister to move into, and therefore the Prime Minister's housing allowance has not been grossed up to its total value, as would have been the case with a judge, as if there were no house for him to move into. The Prime Minister — he has no choice — will have a reduction in his emoluments, but at least he has the choice of moving into a house.
1.15 p.m.

In the case of the Governor of the Central Bank, I am satisfied that the Governor of the Central Bank understood his contract to be that he would have a furnished house provided without any tax liability therefor. There has been an argument over this for a very long time. My predecessor would know what discussions he had with him. I know what discussions I had with him. I have considered the equity of the matter, and I really cannot see, since the salary of the Governor of the Central Bank is being equated in all material particulars with that of the Chief Justice, why he should be treated any differently for tax purposes from the Chief Justice and the Prime Minister. That explains the part of the Act relating to the Governor of the Central Bank.

The judges received pensionable housing allowances which were not particularly substantial. They have been grossed up and there is some regrading of their position. Of course, these things have their effects. The judges have got a little more than they would have got if the housing allowance alone had been grossed up, for the reason that the judges have never had a salary increase since 1980. They have not had the two and a half per cent increase. It is therefore intended that they will have their readjustment from the date the Permanent Secretaries have their readjustment, and the addition will take care of the two and a half per cent which they never got. The Permanent Secretaries are looking at the judges' salaries and making representations about their own position. Those representations are now under consideration.

Because the Constitution states that a judge's terms and conditions may not be altered to his disadvantage,

it is necessary to give the judges the option to continue receiving the salary of \$36 000 a year, plus a housing allowance. They are entitled to opt to receiving that instead of \$62 400 a year so that the terms and the conditions can be maintained. That is also true in the case of the Chief Justice. That will be dealt with in due course by an amendment which, I believe, has been circulated.

There may also be some changes to the main Section 3 of the Act. They may not necessarily be changes which are contained in the circulated amendments, since various matters may have arisen, chiefly, the delay in the coming into force of the Act.

I no longer think it would be fair for the Deputy Prime Minister to have his salary reduced retroactively when, in fact, he is not enjoying the benefits which are being offered in support of the reduction in his cash emoluments, mainly, the removal of the tax free travelling allowance.

There is, Mr. Deputy Speaker, very little more that I can add to this. I can counsel newspaper reporters, who, despite protestations to the contrary, still find themselves on the payroll and under the influence of certain honourable Members, not to accept information given over the telephone by certain people. A man who is a proven liar in one regard will not hesitate to throw them to the wolves in order to establish that he is a proven liar in other regards as well.

I am very sorry for the reporter of the *Nation* who published false headlines on the instigation of a Member of Parliament. I am sorry for whatever happens to him at the newspaper. I am sorry for the blow to his reputation which that story may have taken after his strenuous efforts to get himself on the payroll of other Members of Parliament. He will know exactly what I mean.

He should have known when the advances were made to me that there are no circumstances under which I will ever pay a reporter to put anything favourable about me, or unfavourable about anybody else, in the Press. If that headline last Wednesday is the result of the failure of his efforts to get up to the Prime Minister, so be it. He can stay with whom his bread lies, and he can continue to put his mouth where his money is.

Mr. Deputy Speaker, I see you looking disapprovingly at me. I know I am going a little bit outside.....

Mr. DEPUTY SPEAKER: You are very close to the line, Mr. Prime Minister.

Rt. Hon. J. M. G. M. ADAMS: I am going very close to the line in respect of the four corners of the Bill.

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

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

Rt. Hon. E. W. BARROW (St. John): The matter is not as simple as that, Mr. Deputy Speaker. Apart from delivering an attack on the fourth estate of the members of the Press.

(Rt. Hon. J. M. G. M. ADAMS: Only one member).

Rt. Hon. E. W. BARROW: Only one member makes it more objectionable. I am not going down that line at all, because I would be diverting from the gravamen of my criticism of the Bill which is now before us.

In view of the fact that the Right Honourable Member for St. Thomas, Minister of Finance and Prime Minister of Barbados, has accused the Press of publishing misleading statements *vis-a-vis* the original amendment to the legislation — and there is more than one item of legislation embodied in the amendments which we are considering here today — one would have thought that he would have pointed out the direction in which the public was being misled by the particular article. But since it has not been made a document of the House, as I said before, I am not going to discuss it.

1.25 p.m.

What I have to say is independent of anything which appears in the Press of Barbados. I am that independent minded. Sometimes I do not even have the opportunity or the inclination to read the newspapers. If they say good about me, it is all right, and if they say bad, that is also acceptable. I remember one famous occasion on which I said, when the members of a certain newspaper were speaking about race, that as far as I was concerned there were only two races in Barbados, that is, the employees of the *Advocate* and mankind, whereupon seven of them published a letter in the Press saying that they would not report anything that I said in Parliament or anything that I did in the law courts, which did not bother me, because I did not depend on advertising for legal practice. It had got to the ridiculous stage, Mr. Deputy Speaker, where on one occasion there was a Bill before the House in which the then Premier, Sir Grantley Adams, the virtual Leader of the Opposition Mr. Keith Walcott, Mr. Cuthbert Edwy Talma and I all spoke on the measure, and the *Advocate* reported that four members spoke on the Bill — Mr. Walcott, Mr. Adams and Mr. Talma. So as far as I am concerned, I leave the Press to their own devices.

I do not think it is really dignified for a Prime Minister to come in here introducing an important piece of legislation of this kind to devote so much of his time

to threatening. He does not have to pay the Press. It would be quite wrong for any Minister, any parliamentarian, to pay the Press to have their words published. They owe a duty to the public, but he has a far more effective weapon in his hand. He can threaten them with law suits from time to time, whether they are successful or not, so I will leave that aside. I hear the latest law suit is for \$100 000 for saying that the Prime Minister's salary has gone up by \$21 000 and change. I am not really concerned about that. That is a matter for him, but if I was in his position, I would not do it. But not only is there an amendment.....

Rt. Hon. J. M. G. M. ADAMS: If the honourable Member would give way.....

Mr. DEPUTY SPEAKER: There are two honourable Members on their feet. The honourable Member for St. John has given way.

Rt. Hon. J. M. G. M. ADAMS: I am only rising to confirm the falsity of the rumour which the honourable Member has just put out. He wants to find out whether it is true or not. There is no question of bringing any action against the *Nation* for saying that my salary has gone up.

Asides

Rt. Hon. J. M. G. M. ADAMS: I am not bringing any action against the *Nation* for that. The only new action I am bringing is against the honourable Member for St. Michael South Central (Dr. R. C. Haynes) for words spoken on a political platform at Checker Hall, St. Lucy.

Rt. Hon. E. W. BARROW: What I am saying, Mr. Deputy Speaker, is very simple. We have an amendment to certain legislation dealing with the salaries and remuneration of judges, the Prime Minister and the Deputy Prime Minister in particular. Then today we were given amendments to that amendment, which are even more lengthy than the original amendments, and if the Prime Minister had devoted some time to examining the implications of the amendments, he would have been able to enlighten us Members of Parliament and the general public, as to the real intent and purpose and the true meaning of the amendments which are being introduced.

I should just like to point out what I consider some major defects in the Bill before I come to my analysis of what is in the Bill. The first major defect is that in the original amending Bill, not the one which was circulated here today, there is a certain amount of confusion in so far as we are concerned, because if the honourable Member will look at the Bill, he will see that there is Schedule Part I, and then there are Schedule, Part I and Part II, and then Part II of the Schedule again.

I am respectfully submitting that since the First Schedule deals with the salary of the Chief Justice — when I say salary, that in a generic term, I am just saying amendments to the conditions of service for the Chief Justice and the Puisne Judges, and Part II deals with the Prime Minister's pension and the Ministers and Parliamentary Secretaries Remuneration Act of 1979 — what they really need is the First Schedule Parts I and II and then the Schedule. I wonder if the honourable Member will agree with me on that. You cannot have Part II of a Schedule, one of which deals with two completely different sets of legislation. If you go back to Clause 3 of this Bill, you have separate Schedules because you have two Part IIs, one dealing with judges and the other dealing with Ministers, and two Part Is.

The enactments set out in the first column of the Schedule are amended in the respect set out opposite thereto in the second column, and then in Clause 3 of the Bill, Part II of the Schedule shall come into operation in respect of the Minister assigned responsibility as Deputy Prime Minister on 1st April, and in all other respects on a date to be fixed by proclamation. Now Part II of the Schedule — I am still dealing with the same point — which they say is to come into effect on 1st April, 1984, deals with the Chief Justice, Ministers, Parliamentary Secretaries and with the Prime Minister, and ostensibly, with the Central Bank as well. So I wish the honourable Member would pay attention to them, because when we come then with the amendments to the amendments, the confusion is more compounded or confounding, because in the amendments you delete Clause 3 of the Bill and substitute a new Clause 3.

In Clause 3 that we have here, as I have already pointed out, the First Schedule and the Second Schedule is what we should really have, and Part II of the Schedule shall in respect of the Deputy Prime Minister come into effect from 1st April 1984, and in all other respects on a date to be fixed by proclamation, and then further on when we come to deal with the Chief Justice on page 2, where the Chief Justice exercises his option under subsection (1) to receive the salary set out in Part I of the Schedule, he shall be entitled to exercise an option in accordance with subsection (1) of Section 3B; or the salary set out in Part II of the Schedule he shall not be entitled etc. etc. Then they go to a judge and they say where a judge other than the Chief Justice exercises his option in this way, and they again refer to Part I and Part II of the Schedule. All I am asking is which Part I and which Part II you are referring to.

I should like to point out in relation to page 3, although I have only had it on the table here for a few minutes just before the honourable Member got up to speak, that I do not like verbs of incomplete predication. I think that when we are dealing with legislation, at least we should write the Queen's English. They have "the

salary set out in Part II of the Schedule he shall not be entitled to be paid the housing allowance....." As a matter of elegance, if the Prime Minister had been looking at the Bill rather than the reporters, he would have been able to guide us and have the past tense instead of the present. I do not think he shall not be "entitle" is elegant. For the sake of grammatical elegance, it is not a political accusation, can we have a "d" at the end of that, Sir?

Mr. DEPUTY SPEAKER: If the honourable member looks back at (3)(b), I think they put the "d" in the wrong place. The "d" was put on "Schedule".

Rt. Hon. E. W. BARROW: They must have been doing this by telephone, then. "The salary set out in Part II of the Scheduled....." The typewriter must have slipped. It is written actually, so the typewriter could not have slipped back up to the line which had already been printed. That is only a minor point. But, you see, we should study our legislation properly.
1.35 p.m.

Rt. Hon. J. M. G. M. ADAMS: I may help the Right Honourable Member.

Rt. Hon. E. W. BARROW: Okay.

Rt. Hon. J. M. G. M. ADAMS: The point he makes about Part I and Part II of the Schedule to this Bill, not to the Judges Remuneration Bill, is a valid point. But since the distinction between Part I and Part II exists only for the purpose of the coming into force of the new arrangements for the Prime Minister, the Deputy Prime Minister and the Governor of the Central Bank — and I have decided that there should be no separate arrangements — in Committee I am not going to move the passing of Clause 3 at all. Therefore, all we will have to do is to have one Schedule, and the words, "Part II" will in due course be deleted. There will just be one Schedule with no differential coming into force.

Rt. Hon. E. W. BARROW: I respectfully submit, Mr. Deputy Speaker, that that is not going to cure the mischief that we are trying to obliterate. I am saying that there should be two Schedules, the First and the Second Schedule, because there are options to be exercised by the judges in relation to the First Schedule, and there are no options to be exercised in relation, as far as I can remember, to the Second Schedule. So I am not saying it is Part I and Part II. I am saying that you have two Part IIs, but one Schedule. One relates to Ministers and the Prime Minister and the other relates to the Puisne Judges. So I am saying, in my humble opinion — I wish the honourable learned Attorney-General would look at this — that it is a kind of mislabelling, and it should be the First Schedule and the Second Schedule.

The question of coming into date really is not relevant to the point I am making. I hope that the learned Attorney-General would look at it carefully and tell me whether he agrees with me. Not right away. Give yourself a little time. You see, your legal mind might not operate with the alacrity that mine does. You may need a little more time to study it. I said may not; I am not saying it does not.

Having got that point clear, I will now come to deal with the substance. I really do not understand what all the contention is about, because we have before us here a Bill, in whichever Schedule it appears — this Schedule of course does not say "Part I, Part II" or anything else; this is just "Schedule". It comes after Part I and after the two Part IIs or Parts II, whichever is correct — it is a question of whichever you think sounds better — they have columns I and Column II, and the salary which is set out as salary under the heading of "Salary" in this Bill which I have before me for the Prime Minister is \$85 200. According to the Schedule of Personal Emoluments, the Prime Minister's present salary is something like \$63 036. Now, if you subtract \$63 036 from \$85 000, you are going to come up with an increase in the salary of \$21 000 and change. So how can you accuse the newspapers, reading the simple English contained in this Bill, of being malicious?

This is a public document. This is nothing that I, as Leader of the Opposition, or any Member on this side, or any of his Ministers or backbenchers on that side, would have to leak to the Press. When this is printed it is sent, like all other Bills and matters coming out of the Government Printery, to the Press; not only to the members of Parliament. As a matter of fact, sometimes we receive ours last. On this particular occasion, I received mine after I read it in the Press. But it is sent to all the people who subscribe to the *Official Gazette*, including the newspapers, Government officials, Permanent Secretaries. So what is this thing about somebody leaking something to somebody, and that they paid to print something which is a public and general document of this country? That is a lot of foolishness. They accused a newspaper man of being malicious for printing what we are here considering today, and he has made no explanation about it.

I heard a garbled account of grossing up people's salaries. I want to deal with that. I want to deal first with grossing up the salary of the Prime Minister and that of the Deputy Prime Minister.

The Prime Minister receives his salary of \$63 036. He is entitled to it because the Legislature says he is entitled to it. That is the only reason why he gets it. You could not get it if we did not say so. So we cannot criticize that because we could be reflecting on a vote of

the House. The Prime Minister was also entitled, according to the Pensions Act, the Ministers and Parliamentary Secretaries Remuneration and Allowances Act, and the Prime Minister's Pension Remuneration Act, to a rent-free residence or a housing allowance of \$1 300 a month, \$15 600 a year.

Since I was the first Prime Minister to live in a Government-provided rent free accommodation, let me explain what the position was. Around about 1964, the Town Planning Officer drew it to our attention that relative to the residence known as Culloden Farm, application had been made or was about to be made to divide up the eight acres of that property for residential purposes.

The Commissioner of Police came to me and said that it would be a great pity — he knew the place very well as he was friendly with the former occupants, the Bancrofts and Woods — and that the price was not very high; it was \$101 000, including all the furniture, beds, bedsteads. It is true the carpets were not in very elegant condition, but there was very good antique mahogany furniture, some of which is now in Ilaro Court, I believe. As the Prime Minister said here earlier, very, very good, solid Barbados furniture built with the trees from the property, and all of that and eight acres of land for \$101 000.

Captain Farmer, who was then the Commissioner of Police said that he would like to have this place, so that the Police Sports Club and the Police Officers could have a home of their own. A decision was made to buy the property, and after that decision was made, the Cabinet decided that it would be appropriate for a residence for a Prime Minister. I never asked if there were any others. I occupied the house called "Trevor", which I used to own in Black Rock, in the three years from the time we won the election in 1961. I never asked anyone for a housing allowance. There was no provision made in the law for a housing allowance for the Premier or the Prime Minister — absolutely none. I was then Premier, and I lived in my own house and I did not receive any rent in respect of living in my own house.

1.45 p.m.

The Prime Minister suggested that when I moved into Culloden Farm — I know that he did not mean it — I did not receive any rent allowance. That is all I said. You have to listen to him very carefully. He did not say that I received one before; so people will be left with the impression that I was receiving a rent and he is so generous to say that I did not receive it after. I never received it before or after; right up to the time I vacated the residence, ostensibly for the Member for St. Thomas, who had not elected to live there, at no time did I receive it. Far from that, when the Cabinet decided that the Prime Minister or Premier should move into an official residence — and you will go back in the Estimates and

see — year after year the Prime Minister paid a certain amount of money towards the upkeep of Culloden Farm. There is provision in the Estimates in a footnote. It was not a large amount of money, it is true, but a contribution had to be made by me towards the upkeep of Culloden Farm, and towards the wages and salaries of the people who were employed.

Whereas I had a staff of two before, they had a staff of about four or five, but I had to make a contribution to that privilege of having a staff of four or five.

Asides.

Rt. Hon. E. W. BARROW: I do not know where they came from because they never used to turn up for work. I think that they were attached to the staff of the Ministry of Agriculture. But I never saw five gardeners down there at any one time. I know there were about three people knocking around outside from time to time. But I just want to make the point that at no time did I receive any housing allowance even before or after bringing them.

Now as you look at the Act, Sir, you will see that provision is made for the Prime Minister to have a house which is rent free. It is not calculated in the part of his assessable income, and he is entitled and/or for housing allowance of so much, which is now, as we know, \$1300 prior to the introduction of this Bill. I just want to have this thing in pure and simple terms.

The thought behind the housing allowance was that from time to time the incumbent and occupier of the premises may have to move out for repairs to be done, or that for some other reason the house became unattainable, and, therefore, since this was part of the new conditions of service, that he should not be out of pocket in those days, when \$600 or \$800 which was considered appropriate.

I want to say here categorically that I do not think that if such an event occurred, the Prime Minister of Barbados could find any decent furnished house for \$1300 a month.

Asides.

Rt. Hon. E. W. BARROW: The fact that you paid it yourself does not matter to me, because your house furnished must be worth more than \$1300 a month. That is not my objection. The \$1300 are neither here or there. There are people working for institutions in Barbados now. Take the honourable Member who has just been brought up to the front bench. I heard the Koreans are paying him something like \$10 000 a month for his place.

Asides.

Rt. Hon. E. W. BARROW: I cannot remember what part of St. Michael he comes from.

Mr. DEPUTY SPEAKER: Will the honourable Member please address the Chair.

Rt. Hon. E. W. BARROW: I am addressing the Chair.

The point I am making is in your favour, where a Minister can receive \$10 000 a month for a house. I understand one of the embassies stated that no Ambassador is going to live in a house in Barbados for under \$3 000 or \$3 500 a month. So you see, Sir, I am not being personal. I am pointing this out to say that I consider that housing allowance really is inadequate, because if the Prime Minister had to vacate whatever place he was living in, he could not get a place for \$1300 a month. Fortunately, the present Prime Minister had a place, and I suppose this would at least cover his mortgage payments with the high rate of interest, but it might not cover the payment of the mortgage. He is fortunate. The fact that he is not living in the house means that he is entitled to it. I understand from what he himself has said that very soon he will be coming down here for increases for everybody, backbenchers, Ministers, Parliamentary Secretaries and everyone which would be on a percentage basis. But the percentage now has to go under the \$85 000. It is not a device by the Prime Minister to get a bigger pension, because according to the old Act, when you come to computing the pension, you have to add in the housing allowance. Is that not true? Because it says salary includes the housing allowance. So it is not sort of a postponed benefit to the Prime Minister, who will be getting as a result of this legislation. There is a double benefit that he will be getting, which I am saying is contrary to the spirit of the legislation, and all this Bill is about is grossing up people to pay tax.

We have never paid anybody's Income Tax in Barbados. This is the first time. I have a solution which does not relate to the Prime Minister or the Deputy Prime Minister, but one which is in vogue but not in fashion, which is in respect of two of our sister territories in Jamaica and Trinidad. If it is that we want to put the judges in a certain position, the thing to do with the judges — and I will give you a good reason why it should be — is that judges in Barbados should like their counterparts in Trinidad and Jamaica, and should not pay any Income Tax at all. All of this grossing up nonsense would then go through the board, and you could not say that the judges are getting it and so I am getting it. You could not use that as an excuse, and I am seriously proposing this.

No matter who you put there, we are all human beings. I remember once that one of my professors was speaking about equality under the law — this is just a slight diversion — and he said, well imagine two people coming before the court with the same kind of offense, one of them such an eminent person as Professor C. M. Jordan — and he looked at his fingernails and he said "that snapperupper of inconsiderate intrivialities" — and on the other side, Mr. Robert Jones, who is a conductor at the London Transport. He wondered whether the judges would deal with Professor Jordan in the same way that he would deal with Robert Jones. He did not answer the question, because it is obvious that judges themselves are the creation of the social environment through which they have come. There is a distinctive personal interest in it, no matter who you are. Therefore, we want to remove the judges from it.

We have a case in which an employee of a regional organisation was a full resident of Barbados. From time to time, he would pay a visit to the Lesser Antilles. I think it was the Regional Economic Committee. He then argued that since some of his work took him outside, he should not pay Income Tax according to Barbados rate, but only a proportionate part of that, something like one-sixth of the Income Tax in respect of his residence and work in Barbados, that most of his work related to his traveling in the other islands outside.
1.55 p.m.

The High Court of Barbados turned him down. Do you know where he went to? His organisation appealed to the Federal Court. Who told them to send him there? Because the Federal judges were in the same position. The Federal judges were travelling from one island to the other, and therefore in respect of their tax — I am not accusing them of being biased, I am stating facts — they understood the point and reversed the Barbados' decision. Do you see what I am getting at, Sir?

I told the Attorney General — because this was a case properly within the Attorney General's province — that we should take them to the Judicial Committee of the Privy Council. As soon as we said that and we served the notice, they paid all the tax to the Commissioner of Inland Revenue and withdrew the appeal. I think honourable Members on the other side know about that case.

The point I am making is this. Let us remove the judges from even the suggestion that when it comes to tax cases, the judges will not say aloud, but subconsciously, "I have three children at the university and you know how is this going to effect me!" If there is a borderline, they will have to come down on the side of enlightened self-interest as a matter of human frailty.

I am suggesting that the judges in Barbados should have their incomes free of tax. I am going further. I am

saying that in order to attract prominent members of the Bar who have displayed the ability, like how Sir Hugh Wooding — remember, Sir, in a very late stage of his legal career he was made Chief Justice of Trinidad and Tobago — the judges should receive as pension the same emoluments as they received when they were in active service, so we do not have to go through all these subterfuges of grossing up people's salary and so on. I think we should deal with the matter in a straightforward way.

There is only a small number of judges in Barbados, but the danger that is seen in this legislation is that when we start by grossing up people's housing allowances and so on, so that they will not be in a less favourable position, you get the kind of conundrums that we have been hearing in the past week coming from no less a person than the Minister of Finance — that he is worse off. I have been so impressed by his protest of being worse off, that in order to save him the \$540 that he says he is going to lose, I am going to vote against it so that he will get back his \$540, because I do not want him to lose any money. I think it is most unfair for us to be passing legislation here to take money out of the Prime Minister's pocket.

I have other reasons. I have reasons of borrowed provision. I think it is a clumsy way to do it. But I do not want him to lose any money, so we are voting against it in order that he will be in a better position.

I wish to go specifically to the question of options. In notice in the original amendment they were giving the Puisne Judges the option to receive the salary they were already receiving. That is no option at all. That is like telling a man he has not committed any offence, but you will give him the option of going to gaol. They are already receiving the salary they are being given the option of receiving. I hope that the amendments to the amendment have tried to rectify this particular difficulty.

I did some calculations on this in my own fine Italian hand, and I discovered that the net difference between what the judges are getting now and what they will get, if this legislation is passed, and they exercise the option, is the princely sum of \$180 a month. The amount which we have in the Schedule for the Puisne Judges is \$62 400, which incorporates their basic salary plus a conversion of \$7 200 grossed up to \$18 000; a taxable amount of \$5 397, their taxable salary now being \$39 003. So when you gross up the \$7 200 so that the taxpayers would be paying their Income Tax for them, you have to add on \$18 000, which is \$57 003. But \$5 397 at 60% equals \$3 238, and if you take that from \$5 397 — I can show the Honourable Minister my calculations — you come out to \$6 a day. You do not even pay a gardener \$6 a day in Barbados; \$25 a day is the minimum you can get anybody to work in your garden for you. Not that a gardener is the lowest occupation, but \$6 a day is what you are giving the Judges.

(Rt. Hon. J. M. G. M. ADAMS: I pay my gardener \$176 a week).

Rt. Hon. E. W. BARROW: You pay your gardener \$176 and you are paying the judges \$6.00 a day?

I have not had the time to study in detail the new amendments which have been tabled to see in what way they try to redress this great injustice which is done to the Puisne Judges. But as I said before, I am not dealing with it at that level, because as far as I am concerned, there are only three or four of them, and even if we increase it and we have a Court of Appeal, at the most it would only be ten people. The best you could do with them is to have them free of Income Tax all the way down, a situation to which I hope all of us in here will soon arrive under a more enlightened dispensation.

Already we have put forward a proposal which the Minister of Finance said he could not entertain at this stage. He said I had put those proposals at \$12 000 on taxable income to be tax free because we knew he could not afford it. I could say he could more than afford it because he has \$60 million in excess revenue, according to him, that he could play with, for proposals that would cost less than \$25 million. But certainly the same contention could not be applied to the salaries of judges. He cannot say that he cannot afford to let the judges be tax free, because at the moment there are only three Puisne Judges and the Chief Justice, and even if you did have the Court of Appeal and more Puisne Judges appointed, at the most they would be only ten persons whose tax free income would affect the total Government revenue in this country.

I do not want to go on sort of belabouring the point, because I think I have already made my position clear. As I said, when we come to the Committee stage of the Bill, first we have the original Bill, then the amendments to the original Bill, then we have the amending Bill and then the amendments to the amendment. While the other Members of this House are making their contributions, I will have a greater opportunity to deal *seriatim* with the amendments which have been laid today in Committee stage.

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Sir, I beg to move that this sitting be now suspended until 3 o'clock today.

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

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

ON RESUMPTION

Mr. DEPUTY SPEAKER: This sitting is now resumed.

Hon. L. S. CRAIG: Sir, earlier in the day I indicated that I would be giving notice of a Resolution to deal with it in all of its stages today and I propose to give notice of the said Resolution at this time. I am therefore seeking the leave of the House.

Mr. DEPUTY SPEAKER: The honourable Member is entitled to give notice of the Resolution at this stage.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: I beg to give notice of:

A Resolution to grant the sum of \$1,480,000 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1984/85, Part I, Current, as shown in the Supplementary Estimates, 1984/85, No. 1, which form the Schedule to the Resolution.

I am told, Sir, that this Resolution has already been circulated.

Mr. DEPUTY SPEAKER: I take it you are asking leave to deal with it.

Hon. L. S. CRAIG: Yes, Sir. I seek leave to give notice of it and to do it in all of its stages today.

Mr. DEPUTY SPEAKER: The honourable member is seeking leave to deal with the Resolution of which notice has just been given in all of its stages some time during the course of today's sitting. Are there any objections to leave being granted?

There does not appear to be any objection. The Resolution will be dealt with in all of its stages. The honourable Member is therefore entitled to deal with it at the appropriate time.

When the sitting was suspended, the House was dealing with another matter. To that it now reverts.

GOVERNMENT BUSINESS (RESUMED)

Mr. B. M. TAITT (St. Michael West): Mr. Deputy Speaker, my colleague, the Leader of the Opposition, has dealt at some length with the amending Bill before this Honourable Chamber.

I wish, first of all, to deal with the presentation of the Bill itself. Many of the anomalies and difficulties which the Leader of the Opposition outlined would entirely disappear if another fundamental error had not been made in the presentation of this Bill. I contend that a Bill of this nature ought never to be brought in a Miscellaneous

Act. I think the problems which we have heard outlined come about precisely because in a piece of legislation which deals with remuneration for the Governor-General, for the judges, for the Prime Minister and the Ministers, has, in fact, come to this Honourable Chamber by way of a Miscellaneous Act.

I do not know what informed the Government to proceed along this line, but it is elementary that, in a matter as serious as this, lawyers searching for the law subsequent to the passage of a Miscellaneous Act would have some difficulty seeking to find out what the real law is if they have to go and look for a Miscellaneous Act. That is trite, and I really find it strange, to say the least, that they would bring it under a Miscellaneous Act.

It leads one to believe that because this Honourable Chamber traditionally does not debate the Governor-General or the judges, it was perhaps thought that if the changes for the Prime Minister and the Deputy Prime Minister were attached to a Miscellaneous Bill that included the Governor-General and the judges, the debate would necessarily be contained, because this House traditionally would not debate those two sectors of the Government. That is the only excuse one could have that this rather strange and inept presentation, which itself has had to be visited by yet another piece of legislation, which, in fact, is longer than the amending Bill itself, which seeks to amend the amending Bill even before passage. It is an indication of the ineptness which has been visited upon this House by the Government in this question of bringing legislation time and time again.

Secondly, the original amending Bill talks about taxation of those allowances paid to persons in the private sector, and the most minute perusal of this Bill shows no indication of anything to do with the private sector. I have no doubt that we will get an explanation of what section (b) of the Objects and Reasons was intended to do, but there is nothing provided in either this Bill, or the amending accompanying Bill, which deals with the private sector, and it suggests to me that the matter had not been carefully thought through. But when one realizes that this, originally, was intended to be debated just before the presentation of the Financial Statement and Budgetary Proposals, and when one realizes that certain arrangements were made, one can only conclude that someone misguidingly assumed that the debate would have gone through without any examination in detail of what was being attempted.

To come to the substance of what the Minister of Finance had to say to us, I really do not understand how the Minister of Finance could take it upon himself, not only to write a public letter, but on the floor of this Honourable House, to suggest that the Press had made a gross error, in presenting the proposed Resolution.

I have in my hand Statutory Instrument 1982, No. 230. It is dated 12 November, 1982, and it sets out in a Schedule attached to the Order, which is the Ministers and Parliamentary Secretaries Remuneration and Allowances Act 1979, the Ministers and Parliamentary Secretaries Remuneration and Allowances Order, 1982. The Schedule that is attached to that Order has categories where salaries, entertainment allowance, travelling allowance and housing allowance are set out very clearly, and the amount listed under Prime Minister for salary is \$63 036.

The Bill which we are considering also has a Schedule. That Schedule shows under salary for the Prime Minister, \$85 200. It is intrinsically and absolutely correct to say, therefore, that the Prime Minister, by whatever exercise this purports to be, is seeking an increase in his salary from \$63 036 to \$85 200. That is clear.

Mr. DEPUTY SPEAKER: It bothers me that, rather than discussing what is before this Honourable House, Members seem to be trying to justify newspaper reports. It bothers me tremendously that everything that is going on in this matter today seem to be bent in justifying the report in the newspaper. If that is what this Honourable Chamber has come to, I regret it very much.

Mr. B. M. TAITT: I regret it too. I regret it very much that the Prime Minister thought it necessary this morning to regale this House with information which, otherwise, we would have considered not only wrong, but mischievous. The impression which has been given abroad, and which was repeated here today, is that somehow to say that he is increasing his salary is a perversion of the truth. I am saying categorically that it is an increase in salary.

If he wishes to talk about the emoluments, he should come and talk about the emoluments and let us examine that. If I am given emoluments which include a salary of \$50 000 and the option to receive \$15 000 in housing allowance or live in a house, then the straight, clear position is that if I elect to live in the house, the salary which is proper for me is \$50 000. If I get \$50 000 and then by virtue of my position I increase my salary to \$50 000 plus \$15 000, and then I live in the house, I have improved my position by the \$15 000. That is elementary arithmetic, that does not require any genius to work out, and it is wrong for a Minister of Finance to seek to give the impression that he is worse off when he improves his position by the amount of the housing allowance if and when he moves to Ilaro Court. Those are the straight facts, and the issue has to be dealt with on the basis of those straight facts.
3.15 p.m.

The people of Barbados will have to ask themselves; is it acceptable that it should take eight years for a Prime Minister or any other official to have a property repaired for his official residence? It is eight years since Ilaro Court was acquired.

Asides.

Mr. B. M. TAITT: They tell me it is more than eight years.

Hon. L. S. CRAIG: On a point of order,.....

Mr. DEPUTY SPEAKER: On what does the honourable Member rise?

Hon. L. S. CRAIG: Ilaro Court was not acquired by this Government. This Government was not in power for eight years. It was the former Government that bought Ilaro Court. It fell into a state of disrepair, rastas lived in it, the grounds fell apart — all sorts of things. All that has happened is that the Prime Minister, in his capacity as Prime Minister of Barbados, chose Ilaro Court to be the Prime Minister's house if it be Taitt, Haynes, Mullins or Giggins to live in, and therefore he is spending the appropriate amount of money on it.

This nonsense about the Prime Minister and money and Ilaro Court really does not work. I am going to talk a lot of things about a lot of people when I get ready, maybe some time today. This lot of money talk and nobody wants money, I am not in that. You all want the money outside the dining hall, and when you come in here you do not want it.

Mr. B. M. TAITT: What the honourable Member had to say, on a point of order,.....

Mr. DEPUTY SPEAKER: That was a point of information, because you gave way.

Mr. B. M. TAITT: He said on a point of order, and that is why I sat down.

Mr. DEPUTY SPEAKER: You never did. I did ask on what did the honourable Member rise, you gave way and he proceeded to speak. I rule that it is a point of information. Do continue.

Mr. B. M. TAITT: Sir, with respect he did say on a point of order. I am not questioning your ruling, I am prepared to hear the Record. Your Honour may not have heard it.

Mr. DEPUTY SPEAKER: Is the honourable Member challenging my hearing? I rule it is a point of information.

Mr. B. M. TAITT: I am not questioning your ruling, Sir. I am saying however, that I heard him say "on a point of order". I am not saying you heard it, I am saying I heard it, but I am proceeding.

There was an official residence for the Prime Minister at the time, that is the point. They took Culloden Farm and put Slims to live in it. You talk about what went into disrepair. You allowed all kinds of things to go on at the official residence of the Prime Minister. If you want to let us debate where the Prime Minister should live, we could debate that too, but the fact is that Culloden Farm was available, and it is a travesty on the public affairs of this country, and the people of this country have got to face that and it has to be dealt with, because a lack of morality in public affairs passes in this country for cleverness; tricksterism passing in this country for cleverness. You had an official residence. If he had been living in that official residence while the other one is being repaired, no one could say a single word. One might disagree with him, but one would not say.....

Hon. L. S. CRAIG rose.

Mr. B. M. TAITT: I am not giving way.

Certain words spoken at this stage by Hon. L. S. CRAIG were ordered struck from the Record by Mr. DEPUTY SPEAKER.

Mr. B. M. TAITT: I know that what I have to say is not going to go down very well, but it has to do with the public administration and the public affairs of this country.

We had an official residence up to September 2, 1976, in which a Prime Minister lived, and no one up to that time found that the residence was unacceptable for a Prime Minister. Suddenly, on September 3, Culloden Farm was not acceptable as a place for a Prime Minister. From September 3 to the present, we have been in the process of preparing a Prime Minister's residence, and then the Prime Minister can be heard to be saying that he is waiting for a bath to be installed. That is a travesty. The people of this country are expected, like Lazarus at the gate, to be smiling and saying the Prime Minister is too clever though, while eight years go by since the acquisition, not since they came into power, because as he said, it was acquired before, but since a decision was made — and in the meantime we are discussing a housing allowance.

I go further, Sir. The impression has been given in this country that the judges have been drawing a salary allowance, and that is not true. Show me the Order, Sir. Where is the Order where the Chief Justice has been drawing this housing allowance. It is not right when impressions are being put forward that the ordinary people of the country should be given wrong impressions and bad information merely to justify ridiculous decisions. The poor judges of this country.....

Asides

Mr. B. M. TAITT: I am not going to praise them. I am not like the members on that side. I do not have to praise the judges. The judges do not need any praise from me. The judges' integrity has never been open to question by any Member on this side or that, not one of them, so the question is not one with which I am going to confuse myself. But when the judges are being brought into the debate to justify foolishness then the question has to be addressed frankly and squarely, and no amount of grandstanding on the part of the Government will prevent me from doing my public duty, to deal with issues as I perceive them. The judges of this country are entitled to be paid properly, but they ought not to be brought into the political arena by lumping them into the same Bill which suggests, for example, that the Deputy Prime Minister is being brought on par with the Chief Justice.

In 1978, this Honourable House created a Committee, and the Committee reported to this House. I am looking at the report of the Select Committee on the proposals for the remuneration and pension scheme of parliamentarians. The Committee of this Honourable House agreed on the question of a Deputy Prime Minister. The Prime Minister is rightly given special consideration, though, well below the deserts of his office, and here we came to the Deputy Prime Minister. On page 2, they went on:

"The Deputy Prime Minister is however slightly under 10 per cent more than other Ministers". That, Sir, formed the basis of the recommendation which a Committee of this House made in 1978 when we were looking into the matter, which formed the basis of the policy which that Government adumbrated, and which that Government swears it has been guided by since then.

This concept of suggesting that they are grossing up the Deputy Prime Minister, who never got a house, so I do not know what it is they are grossing up, to put him on par with the Chief Justice is a departure from the text of the Committee report, unless we can now assume that the Ministers are going to be brought on par with the Deputy Prime Minister. The Ministers now would have to come to within 10 per cent below what the Deputy Prime Minister is getting if we are to be logically consistent. If we bring the Deputy Prime Minister to the level of the Chief Justice, then the Ministers, according to this document which is available as a public document, who do not now appear in the Bill we are considering, except as a statement of fact that they now get \$49 800, which was the only error the newspaper committed — I think most of the Ministers were angry at the newspaper for not being accurate because when the Ministers get the new increase, it would seem as if they went from \$36 000 all the way up to \$70 000 or \$60 000, and I understand that they would feel a little chagrin — if they are to be logi-

cally consistent, then the Ministers will have to move to within 10 per cent of the \$72 000 to which the Deputy Prime Minister has just been grossed up.

It is wrong to give the impression that the Deputy Prime Minister was in fact getting a housing allowance when indeed in the same Committee report, the rationale for the payment of salaries in this Honourable Chamber was set out. It is clearly set out in that paper that the question of housing allowance should disappear. Suddenly the impression is being given again that the Deputy Prime Minister is being dealt with at the level of grossing up. Grossing up to what? Grossing up from what to what? It is a straight increase, and if they have the courage to give him an increase, they should have the courage to face the population.

3.25 p.m.

My friend, the honourable Member for Christ Church East (Hon. Dr. R. L. Cheltenham), is fond of saying that there is no politics in this issue. If there are no politics in the issue, why obfuscate the issue? Put the facts straight up front to the population and fall on your own weight.

That same Committee said under the heading of Pensions at page 4 of that document:

"A Prime Minister is in a unique position in the government of a country. He, subject to the preeminence of the electorate, is the ultimate arbiter of the policies which govern a nation. His decisions should be unchannelled by any suggestion of personal gain. Though he is ultimately a politician, he needs to be guided at all times by the urge to secure the greatest good of the nation."

I heartily endorse those words, and I deplore the concept which emerges from the mouths of some of the honourable Members on that side, who from time to time seek to equate the Prime Minister's office or ministerial office with some other office in the community. They talk about what people are getting in the private sector. That is not an argument that ought to come from the mouths of persons who wish to hold to the high ideals outlined in that paragraph.

The President of the United States of America earns US \$200 000 a year.

Asides.

Mr. B. M. TAITT: The honourable Member is saying "Tax free." Nobody is stopping you from making your salary tax free. Fix a proper amount and come in and say that you think the Prime Minister's salary should be tax free, and if you wish to get the approbation of the community, fix it for the next Prime Minister, whoever he

may be; in other words, for the next Parliament. I have recommended that to you before. Fix the conditions for the next Parliament so they cannot accuse you of seeking personal gain.

The US \$200 000 salary of the President of the United States of America could not in any way equate with the enormity of the job he has to do. There are persons who work in General Motors and others corporations who earn US \$1 million a year. There are persons, as the honourable Member for St. Michael West Central (Hon. V. L. Johnson) could easily tell his colleagues, who leave jobs in which they earn US \$800 000 a year and go to Washington to work for US \$30 000 and US \$60 000 a year. I am not suggesting, by any stretch of the imagination, that the Ministers in the Barbados Government must behave exactly as the public officers in the United States Government, for it is also true that when they demit office, they return to the private sector and their worth has been enhanced by the mere fact that they served in the public sector. But what one is saying is that it is wrong to constantly use the yardstick of what some bank manager is getting as a justification for a position taken by the Ministers, or more particularly by the Prime Minister.

For the Prime Minister to be talking about what he is paying by way of his taxes on his emoluments is, again a farcical argument, except to those who do not understand. What his taxable income is has nothing really to do with his salary. His taxable income last year could have been zero. It could have been, on the other hand, half of his actual earnings. It would have to do with his return. It would have to do with one of the properties and other emoluments, if any, not earned, but which would have accrued from his large holdings. But I am not discussing his large holdings. I am dealing with a principle. He should not be giving the impression that when he grosses up the housing allowance, nothing has changed. The fact is that he would have been improved to the extent of the housing allowance. It is not fair to the little man in the street who, on hearing and seeing the reports, has to be told subsequently that what he heard and saw was not true.

Mr. Deputy Speaker, to my mind, to wrap up this aspect of my input, the mood was captured by that Sub-Committee, a Sub-Committee of distinguished Members of the other side and His Honour, the Speaker, as Chairman. They said at page 5 in relation to the Prime Minister's Office:

"The ultimate accolade of such an office, with its responsibilities, is ample justification for the retention of the present law, and there should, as the White Paper states, be no unnecessary financial incentive for a Prime Minister to hold on to office."

Sir, do you know what one of my constituents drew to my attention? He said that when the Prime Minister gets this new salary — and the 15 per cent plus, 5 per cent which is bound to come, according to the policy which they follow, since the civil servants are alleged to be getting 15 per cent and 5 per cent, although I understand that is minus the two and a half per cent which they got before — the Ministers will get that as well — he said, “Do you know what the gratuity for the Prime Minister with this new move will be — a quarter of a million dollars!” I said: “Gratuity of a quarter of a million dollars!” He said, “Yes, when the Prime Minister leaves office” — as he most certainly will at the next general elections — “he will get a gratuity of a quarter of a million dollars.”

Asides

If it is true that he will get a quarter of a million dollars, it may very well be that is not a lot of money, but I think that if he is going to give information about how badly off he is in the immediate situation, he should give an indication of how better off he is going to be in the immediate future. That is why this particular Bill which comes before the House is unfortunate. If this had come as a straight regrading exercise, in which they were saying that they are regrading all of the salaries because they had regraded the Permanent Secretaries and the others, which I do not know necessarily to be true, then the population would have understood exactly what is happening; we would be in a position to judge them, one way or the other. But to come here to this House and suggest that they are merely tidying up, when, in fact, they are revolutionising the Prime Minister's salary, I think it is unfortunate, if it is not misleading.

Mr. Deputy Speaker, we have had continuously in this House since I have been here, discussion, charge, and counter-charge every time the salaries have come up. We have had on two occasions in the past indication that we were putting the emoluments of the Ministers and Members of Parliament once and for all — each time that phrase is used, “once and for all” — beyond the pale of partisan political football. I believe that a system can be worked out, as has been the case in the United States, Britain, New Zealand, and in a number of other places where the Parliament of the day makes provision for the next Parliament, given all the actuarial projections and all other projections that can be reasonably made, in such a way that a new Parliament coming in would not have to go through what can only be described as *infra dig*, to be arguing and discussing, and defending against the public remunerations and conditions of service for Members of Parliament, Ministers and the Prime Minister.

Thank you very much.

3.35 p.m.

Hon. L. S. CRAIG (St. James North): Sir, it suited the honourable Member very well to talk about new Parliaments coming in, those in America and in England, so as to convey that you are not doing it for yourself. When we make reference to housing in Barbados as being the finest in the Caribbean, they get up and say they are nothing to do with the Caribbean or the United States of America, they are something to do with at home. I am dealing with at home now.

I am not going to sit here and agree to any arrangement by way of remuneration for Members of Parliament for the next Parliament. I am not in that. I am going to agree to something for this Parliament. I am not going to be that hypocritical. I do not know what is going to happen in the next Parliament. I do not know if I am going to be in Parliament. I do not know if we are going to be the Government or if we are going to be governed. I am something to do with it now, like Ptolemy Reid.

We hear all of this nonsense, these criticisms and charges made from the other side about the salary of a Prime Minister of a country, the house he is living in, that “Slims” was living in the house, that from 1976 Culloden Farm was abandoned as the residence of the Prime Minister. That is not true — because the Prime Minister never lived at Culloden Farm, but it was still the official residence of the Prime Minister, and I believe he used it for that purpose; for example, functions were held there. But it is frightening that whenever there is some discussion relating to salaries for members of Parliament, the Prime Minister, the Deputy Prime Minister and these people, there is always this hypocritical approach to it.

I am going to invite my colleagues, with your concurrence Mr. Deputy Speaker, to bring into this Chamber the news media to have this particular debate broadcast. I want it broadcast, because I want the public to see the hypocrites in operation. I would also like to be in a position to be able to bug the dining hall to hear them at one side begging you to make sure you carry them up to so and so, and asking when it is going to come, and that they hope they get a good travelling allowance.

It is hypocritical of them that every time you come to discuss salaries for Parliament you can hear nine out of ten voting against it. The Deputy Leader of the Opposition puts the real case for the Opposition saying what they want and that he in particular agrees with it. And he is a senior member on that side — he has to be the spokesman for the others. Then the hypocrites get to one side and vote against it.

I would like a register brought into Parliament, and in the same way your name is recorded when you vote against a particular measure, when they go to draw the money from Mr. Cumberbatch, when they get up the

stairs before Mr. Cumberbatch could even get into his office asking for the cheque, after having voted against it, they should be made to write down their names, the date on which they receive it and sign for it. The register could then be made available to the country so that the public would be able to see who drew the money after having voted against it. That is what I want to do, and I am going to aim at these things. I am a relentless fighter, I do not surrender easily.

If the Prime Minister has worked out a calculation which shows that he will be \$540 worse off, I think he is a complete joker. I could not be a Prime Minister and work out a salary for me where I would get less. I would work out a salary where I could get more, because I would be the boss of the country at that time.

I cannot support this sort of cheap, pussy footing by the Prime Minister and Minister of Finance where Members of Parliament are concerned. We are intransigent. Today you are in here and tomorrow you are out. Members of Parliament give up their legal practice, their medical practice or their business to come and serve, and then after serving during 12 hours during 6.00 in the morning and 6.00 in the evening, your fate is determined. Politicians are the scum of the earth, and do you know who made them so? They themselves!

I am told that the judges are going to get some \$62 000 a year and a Mercedes Benz. Do you hear what they asked for? The Prime Minister says he is not quite sure if he is going to give them, but do you hear what they asked for? They want \$62 000 a year, and it is not that they want a Mazda, they did not say a motor car, they said a Mercedes Benz, I think 380, the big, long work. Sir, you are the presiding officer, you are the judge right now. You should get a Mercedes Benz.

The Chief Executive, or Chairman, or Managing Director of the country is being quarrelled with by Members on the other side who say that too much money was being spent on Ilaro Court, that Culloden Farm was good enough. I heard him say he wants a cast iron bath tub. I do not know why he does not get arthritis when he gets into it. I would not be in any cast iron bath tub, not me, I would be in marble, because I believe in the best things in life for myself, and if I believe in those things for myself I would believe that the people whom I represent should also get the best things. You should have a cast iron coal pot in your home too, you should not be cooking on a gas stove. Talking about a cast iron bath tub in 1984? You are always going on with these cheap things, and they always curse you about them.

What is their pay? One hundred and eight dollars a month more. You divide that by 30 days in a month and you will get a little more than \$3.00 a day — that for a Government Minister. If you walk down Broad Street and call on a Rasta for a package of nuts which

cost \$1.00, and you give him a ten dollar bill, he will tell you, "Skipper, let me hold the change," and you, like some village idiot, tell him it is okay and go along. That would not happen to me, because he would have to give me back my money, but you want a vote and therefore you are inclined to do this nonsense.

Mr. Deputy Speaker, you would know that it is a fact that if you go to a dance, from the time you get to the bar the man starts to put down all the old whiskey bottles with all the cobwebs on them.
3.45 p.m.

You want a flask of rum and he is putting down whiskey bottles with cobweb, and you are like an idiot paying \$50 or \$60. And yet I am not to be paid properly? That is not my position.

I do not know what proposals there are yet in relation to what the Ministers are going to get, but let me say this before the House. I must get an increase in salary, and a proper increase too. I do not want any increase up to any judge. Judge what? I feel I am more important than a judge. A judge does not face any electorate. His house is not threatened to be burnt. Every week I have to pay a security man at my house \$210 to protect my wife and my property from the vagabonds and rogues that are roaming the streets today. And you are giving me \$108 a month more? That is the sort of ignorance that I cannot understand.

I heard Frank Walcott yesterday talking a lot of nonsense — and that very Government in 1969 that sat down in here and passed the Parliamentarians Pension Act; your Government introduced it — that if you are a Prime Minister for one day, you are entitled to a Prime Minister's pension.

Aside

Hon. L. S. CRAIG: I am telling you what they had. We got no credit for changing it. That is what you introduced and carried through in here. As a matter of fact, when they had eighteen seats, you could have had eighteen Prime Ministers in eighteen days. That is how they had it. They passed legislation for the next Administration. That is how you had it worked out in 1969, and they had an Act come into Parliament that if you became a Prime Minister for one day, you were entitled to \$100 000 pension. We have changed that, but we get no credit for it.

I was in the Opposition, so I know what the Opposition's politics are all about. But I believe that when it comes to salaries for Parliamentarians, there should be no Neville Nicholls Committee. I do not even know who is Neville Nicholls. I understand he works at the CDB or something so.

There was a Neville Nicholls Report. This Nicholls Report brought in some proposal in here that we should get paid by the day. What is this nonsense? You have people at the Caribbean Development Bank who can walk into Bridgetown, go into the stores and buy things duty free, and we here, holding the country's most powerful office, must buy out of the supermarkets exactly what each and every single man must buy. But I am told, they have duty free allowances, and somebody can submit a report that a Member of Parliament must be reduced to getting paid for his attendance in Parliament like the casual labourers!

The Member for St. James South (Mr. N. K. Simmons) is hardly in here, and the Leader of the Opposition sometimes when he is not very well pays us an occasional visit. But we threw that proposal out of the door. It did not suit us, because we had dignity and pride.

We do not want you to vote with us on salaries. We are going to bring down some time, and I hope very soon, Mr. Minister of Finance, an increase for Parliamentarians. It must be retroactive like for any other worker in this country. You can vote against it. We are going to vote for it. We know the old-time pattern – vote against, but draw.

Many of you are going to say on the floor of the House that you are going to give it to some old man. I have tried so hard to find out from the executive officer who comes to collect money for some old lady out there. I hear a different story. I hear that he sends a little note and signs and draws, S.A.D.

The Member for St. Michael West should be the last person talking in here about any salaries. He has a big old rotten out car downstairs that needs changing, and is crying on my back all the time that he cannot even change it. You cry all the time on my back saying that you want money to change it, that your business is not doing well and the directors cannot get any money for you. I know that you like nice clothes and nice things, and nice women. I know you well enough. I have known you for years. So do not try to fool the public that you do not want an increase in salary, and in the dining hall, Sir

Mr. DEPUTY SPEAKER: The honourable Member should address the Chair and not debate the honourable Member.

Hon. L. S. CRAIG: When I say, "Mr. Deputy Speaker", I am saying that once for the whole time and I am finished with that. After I have said, "Mr. Deputy Speaker", I am finished with you and I am going right through.

Mr. DEPUTY SPEAKER: The honourable Member must not debate the Member for St. Michael West. You must deal with the Resolution.

Hon. L. S. CRAIG: Resolution? All of this concerns with the Resolution because it involves Members of Parliament, the Prime Minister and the Deputy Prime Minister, and I am dealing with that aspect of it, Sir. We are going to look after you, Mr. Deputy Speaker. Do not worry. I am in your corner. You do not have to remind me what to do. I know what is your job.

Mr. DEPUTY SPEAKER: I do not want the honourable Member to gain the impression that he is being reminded about anything as far as this is concerned. I want you to debate the Bill before the House.

Hon. L. S. CRAIG: Yoy are a member of Parliament and you are entitled to an increase, and I am going to make sure that you get one and be treated properly for holding the highest office in the land in one of the oldest Parliaments in the Commonwealth. That is what you are entitled to for working among a successful bunch of people, some of the happiest people in the Caribbean, and in the world, for that matter.

You only have to look at the international news at night and see how things are in the Middle East, South and Central America, all over in Britain, the United States of America – there are bullets and problems all over the world, and you are in Barbados crying out. The whole world is going through this economic problem, but you believe that you are not part of the world and I cannot hear one answer to the problems which the entire world is going through.

When the Deputy Prime Minister in 1978, I think it was, held a bumper year in tourism, moving it from some 300 000 to almost 400 000, he was the greatest Minister of Tourism. With the present Minister of Agriculture, as Chairman of the IDC, he was bringing in business establishments, and setting up factories. Now, all of a sudden, you want a Minister of Tourism. You have to get a separate Minister now because there are problems in the entire world.

I had to send my daughter living in Edinburgh passage money to bring her here, and I know as a fact of life that little boys and girls working in the Civil Service here are sending £20 to their brothers and sisters in Great Britain, that great country. Many Barbadians at home who used to depend on the little US\$50 per month from the U.S.A. have had that dwindled down to US\$10, and sometimes nothing at all, because there are the economic problems throughout the entire world.

But we are doing very well. Can you imagine that we are giving civil servants, in a time of recession, an increase of \$38 million, while you have the coal miners and the truckers blocking the roads and telling people they cannot pass because they are protesting for a 4 per cent pay increase? The supermarkets are still full of food.

Sir, I know that on evenings when the Chairman of Committees has taken his seat that you have stood on the balcony of the Senate and I think I did this also with the honourable Member for St. Philip North (Mr. W. O. Franklin), and you have seen the motor cars coming up Broad Street. All of them are new and those that are not new are well painted and well kept.

(Mr. B. M. TAITT: Except mine.)

Hon. L. S. CRAIG: Yours is kept so because you want to fool somebody that you cannot do it, but you are not fooling me. You are an old-time American politician. I know these old tricks well. You took me down in the basement and told me about Sir Grantley Adams and then came up and told me about Barrow. Do you remember that song you told me about — “My way” by Frank Sinatra — and told me that Sir Grantley is the greatest in the whole world, and two days after you were Consul-General? All of these things you have to go through with these American-type politicians.

Sir, you hear about the four judges, the proposals from the Committee and Slims living in Culloden Farm as if Hose never used to live in there. What should we have done? Let Slims and Hose live in there together? There would be murder in there. With Hose and Slims in Culloden Farm, you would have to bring the Irish Guards to separate the two of them, as well as Hinds from Beckles Road. If Hose was in Culloden Farm then, Slims is there now.

As far as the Resolution is concerned, I am giving it my blessing, because I have collective responsibility. But I regret I have to vote for anything where the Minister of Finance is working out something through which his salary is to be less and he would be worse off than he is now. I hope this is not an indication that the Minister of Finance is working out a formula to make me worse off like him, because it will not work. I am not in that formula, so try and work out something to get back your \$540. How can you juggle the figures to get \$540 less? You had better juggle with them and get back what you should get. Do not juggle with anything for me to be under, because I will have an argument with you on the floor of the House. And after eighteen years going to my twentieth year, you know “I en bound for you”. You know the calypso.

Mr. M. A. KING (Christ Church West Central): Mr. Deputy Speaker, the honourable Member for St. James

North (Hon. L. S. Craig) has accused us of hypocrisy in dealing with the question of salaries and salary revision. Certainly nobody can accuse him of hypocrisy in articulating his case for as big a salary increase for himself as possible, because he can do a very effective bit of special pleading in that regard. But perhaps some of the concern which has been expressed over this Bill now before this Honourable House could be eliminated if there was total frankness in explaining and elucidating the position which the measure seeks to achieve.

The statement of the Right Honourable Member for St. Thomas (Rt. Hon. J. M. G. M. Adams) that the salaries of himself and his Ministers will not be increased upwards by the measure before this Honourable House is not, in my opinion, an accurate statement of the position. Certainly if the Right honourable Member for St. Thomas, the Prime Minister, moves into his official residence, the net amount by which his salary is now changed, if he does not like the word “increased”, will represent a substantial increase. Call it by what you like, once the holder of the office of Prime Minister moves into the official residence, there can be no question about it — there is a substantial improvement in the position of this emolument.

The other very vital and important factor which one has to consider in relation to the Deputy Prime Minister, and this matter was touched on by the honourable Member for St. Michael West (Mr. B. M. Taitt), is that if we accept the statement of the Right honourable Member for St. Thomas that this is no more than a consolidating exercise where the housing allowances of certain public officials are being grossed up, the Chief Justice, the Prime Minister, the Deputy Prime Minister; if we accept the position that the Ministers for instance will get no salary increases but the position which is reached now is no more than a grossing up of the housing allowance.....

Aside

Mr. M. A. KING: I am not saying that, I am saying that I understand the position to be that the present Bill before this Honourable House does not in any way increase the salaries of Ministers now. I am dealing with the Deputy Prime Minister.

I do not know if I have overlooked anything, but certainly under the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Act, 1975–5 and the Order which was made thereunder, I refer to Statutory Instruments 82/230, in the Schedule to that Order there is set out the remuneration allowances of Ministers and Parliamentary Secretaries. There are four columns: Salary, entertainment allowance, travelling allowance and housing allowance.

In relation to the Prime Minister, there is a figure appearing under the column "Salary", under "Entertainment Allowance" under "Travelling Allowance" — there is an official car — and under "Housing Allowance". In relation to the Deputy Prime Minister, there is a figure for salary, entertainment allowance and travelling allowance, so clearly no provision exists for a housing allowance for the Deputy Prime Minister.

If the right honourable Member says that nothing more than a grossing up of housing allowance is being done, what is the position in relation to the Deputy Prime Minister? What is being grossed up and how have we arrived at a salary of \$72 000 for the Deputy Prime Minister, which this Bill now reflects, as distinct from \$54 216, which it was under the 1982 Order, bearing in mind that there is no housing allowance to gross up, the entertainment allowance remains the same, and that, in place of the travelling allowance, which was \$21 264, there is now an official car for the Deputy Prime Minister bearing in mind he did not have an official car before. It therefore does seem to me, unless there is some clear explanation given on this matter, that there has been a substantial increase in relation to the emoluments, — salary — call it what you like — of the Deputy Prime Minister.
4.05 p.m.

The honourable Member for St. James North was making the point that he, as a Minister of the Crown, feels that he is more important than the judges. This is not the way, I suggest, that these matters should be looked at. The various offices in a country have to be evaluated and a salary has to be credited to them for what they are worth. One should never look at the matter in terms of "I am more important than you, or my office is more valuable than yours." You have to look at the office of the Prime Minister, evaluate what the office of the Prime Minister is worth, and pay a salary to that office which is fitting to the Office of Prime Minister.

You have evaluated the office of the Deputy Prime Minister, the office of Chief Justice, and the office of Puisne Judge. In your evaluation, you have come to the conclusion that the office of the Deputy Prime Minister is equivalent to the Chief Justice. In my evaluation that might not be so, but I am saying that you have to do that evaluation and structure your scales accordingly.

Which office is the most onerous — the office of the Prime Minister or the office of Governor-General? And yet you are not going to say that you should pay the Prime Minister more than the Governor-General. No one can say that the office of Prime Minister is not a more onerous and burdensome job than the Governor-General

Asides.

Mr. M. A. KING: Well, you feel that way. I am not arguing that point. I only make that point to illustrate what I am saying, that you cannot use the argument that my job is more important than yours, my job is more onerous than yours and, therefore, this, that and the other. I am saying that you have to do a proper evaluation of the jobs and determine what your position is.

Your Governor-General — there is no question about it — is the Head of State. That is what the constitutional arrangements say. So there is nothing amiss in ensuring that the highest office of the land receives the highest remuneration. I have no quarrel that the office of Prime Minister is the next highest office in the land, but certainly the office of Chief Justice must rank, in my view, as very important as well, in fact, as the third office in the land. I certainly do not think that in terms of evaluation of the offices — I am dealing purely with the principle of evaluation — that the offices of Deputy Prime Minister and Chief Justice should be on the same level.

In relation to the point made by the Right honourable Member for St. John as to what he considers to be the best way of dealing with the salaries of judges, I support the position which he has articulated, that perhaps the best way of dealing with the judges is to make their salaries free of tax. This would place them in the position where they are outside of any indirect or subtle influences which they might find themselves under — I am not saying that they are under those influences — when they come to consider cases where the Commissioner of Inland Revenue is party to the proceedings. From that point of view, I think there is a lot of merit in the argument that the judges themselves should not be subject to certainly the purview of the Commissioner of Inland Revenue.

It seems to me that there are not many offices in the country where the incumbent has resident facilities provided. I believe the Governor of the Central Bank is one, and I believe the Brigadier of the Defence Force might be one of the other officers who has a residence provided. I wonder if the same grossing up exercise is in relation to all incumbents of offices where residences have been provided, and if, in fact, options have been given to them to take the accommodation as provided or the increase in emoluments as grossed up.

In the final analysis, the gravamen of my argument is that we have to be frank when we are dealing with these matters. If we are, a lot of these questions and problems would not arise, or can be eliminated. What will be the position for instance, when the increases in salaries are being computed? Are the increases going to be heaped on top of grossing up which have taken place in these various exercises? These are matters which need to be addressed and about which people would need to know.

I conclude by saying this. In relation to the Prime Minister, I suppose you allow some latitude for use of language; semantics can allow you to say that on paper it looks more, but it is less. But certainly in relation to the Deputy Prime Minister I can see no satisfactory explanation which will lead me to accept in any way that the salary which now appears by virtue of this amendment will not be, in fact, a substantial increase on his existing salary.

Thank you.

Rt. Hon. J. M. G. M. ADAMS: All salary debates are invidious. Either the person who introduces them has a financial interest in them, or he leaves it to his colleagues to express interest because he feels that they will carry the ball better and say what a wonderful person he is behind his back when they cannot say it to his face. All of these factors have been present in the debate, which, however, in my view, has been a useful one, conducted without rancour, and which has exposed a number of points to be made.

One characteristic of the speeches from this side, Mr. Deputy Speaker, is that we are not hypocrites. If I have a case, I will make it, and the same goes true for the Leader of the House. We do not pretend. When we were in Opposition, we could be found voting for the salary increases sometimes, even though we had to put up with the buffets of, in some cases, our own colleagues, not to speak of the backbenchers on the other side, from Frank Walcott back down, asking you to help on the one side and then pleading in a contrary direction in the fullness of time.

The honourable Member for St. James North has made his point. I am happy to say that I hardly need to make mine insofar as there has been no personal reflection. My points have been made by the honourable Member for St. John, and he put them very well. I do not have to thank the honourable Member for an absence of hypocrisy. Whatever his opponents can accuse him of, I cannot remember a situation where he can be successfully accused of hypocrisy.

4.15 p.m.

The honourable Member for Christ Church West Central, whose speech needs some response, close to the end said that once the Prime Minister moves into Ilaro Court, his emoluments will improve. It has always been the case that if I cared to move into an official residence my emoluments would improve. That is one of the arguments against the housing allowance, that its benefits are so much more apparent than real. That point has been dealt with by the Right Honourable Member for St. John.

My house cannot be rented for \$1 300 a month tax free. I have rented my house at a rental considerably in excess of \$1 300 a month tax free, and on top of that the

tenants will pay my gardener, who cost me, with National Insurance and vacation, \$885 a month. The Government will also pay an electricity bill for you in full. At the moment it pays the cost of my security lighting and the cost of having a police post at my house. It has never been the case that it was economically worth a Prime Minister's while to take a trivial amount of money given tax free or not as a housing allowance. If you know anywhere where you can rent a house comparable to my house, or comparable to my mother's house, for the \$2 200 or \$2 300, which \$1 300 a month tax free represents, please tell me. I will rent it and sublet it.

Aside.

Rt. Hon. J. M. G. ADAMS: This is not a particularly Johnny-come-lately situation. I am familiar with life in big houses. I do not know if it is any intention of suggesting that, once I move into Ilaro Court, I will be moving into a different grade of life or some such. The honourable Member is reminding me of life as a student, but it was a good flat.

The personal element out of it, Sir, I come now to the matter of the Deputy Prime Minister. I perhaps did not go into his position as fully in my introduction as I might have. Since honourable Members showed such familiarity with the reports in the *Nation* newspaper, I assumed perhaps they had read it.

In the case of the Deputy Prime Minister, he was giving up a travelling allowance which amounts to more than \$1 000 a month tax free. The question arose about some element of regrading of the Ministers and of the position of different things. The travelling allowances, especially in the case of the Deputy Prime Minister, have always been a little mean in this, because the Deputy Prime Minister has access to police transport to and from work and to functions which he may need to attend. When he acts for the Prime Minister, he should have full access to transportation. On top of this, he was getting \$1 000 a month tax free for running his own motor car.

A thousand dollars a month tax free is a generous amount for running a motor car. There is no doubt about that. The Deputy Prime Minister voluntarily at Cabinet said to take away the travelling allowance, let him know exactly where he is with the car, let him be satisfied that I have the car the whole time for my own uses, and grade him on the same level as the Chief Justice, which is what we have done.

For me, \$1 000 a month tax free might be a better thing to have than the use of a police car, than to be able to drive home a police car. If I had a policeman to come for me in a car, to come to the House of Assembly or

what not, and was offered on top of that \$1 000 a month tax free, as an economic matter the \$1 000 a month tax free is more worth having. So the cash emoluments of the Deputy Prime Minister will fall.

I personally think that it was an act of real selflessness on the part of the Deputy Prime Minister to recognise the situation of anomaly where he had access to a car and was still drawing a tax free travelling allowance. Far from being critical, honourable Members should recognise that this is a man who is acting on principle even at the expense of his pocket, and he is still not in the same position as the Chief Justice, because the Chief Justice has a house, servants and so on paid for by the Government. I was surprised when the Deputy Prime Minister made this offer as a solution to Cabinet's problems in dealing with the regradings.

For me, I do not intend to ask for a 15 per cent increase on the \$85 000. I believe that on the top salaries — those of the Governor-General, the Prime Minister, the Chief Justice, the Deputy Prime Minister, since he is at the same level as the Chief Justice — some smaller percentage may be appropriate. The Deputy Prime Minister, I think, will be done some injustice if he gets a smaller increase, but that is a matter for the Cabinet. It has not been decided, it is a matter now for general discussion.

As far as the generosity which the Leader of the Opposition is seeking to extend to the judges, I am glad to see that he has relented in the rigidity of his former attitude towards the judges. He has given the judges of the West Indian Court of Appeal a little blow here today by saying that their judgment in an Income Tax case showed a full understanding of the position of people who have to travel about and earn income in different places. There may be many anomalies in that now that did not even exist then. I can think of judges who sit in Antigua and so on, but be that as it may, the suggestion, however admirable — and I have never heard it before, not even from the judges — has an element of impracticality in it.

We started out with an independent Constitution in which the judges used to be published in the Estimates as being on the same level, broadly speaking, as Permanent Secretaries, the Auditor General and the Director of Public Prosecutions. We have, bit by bit, departed from that situation. First of all, they got a court of appeal allowance, and quite reasonably because that is a different job. If they were doing a second job, they were entitled to certain arrangements. If we had salaries for the Court of Appeal judges, in fact we would have to pay our judges half the Court of Appeal salary for doing the work. But we have assigned those salaries, so they get an allowance which is modest, \$350 a month or something like that.

The next thing, which is very significant, is that their housing allowances were made non-taxable, and it is that which has led to the whole contention.

The Permanent Secretaries have made a calculation as to their relative positions *vis-a-vis* judges, and they have addressed to me a memorandum from the Association of Permanent Secretaries, or whatever it is called, complaining about their salaries and terms of employment. I am not debating the whole matter in here, because not even the Cabinet has had the opportunity to discuss it. Suffice it to say that they made calculations showing that from a level of equality with the judges at one time, they are now getting, I think, 19 per cent less than the judges, and they have asked for some correction to be made, not the whole gap. They have referred to some of the problems caused by tax free salaries, the possibilities that these create and the difficulties to which they give rise. If, now, you are to make the judges' salaries entirely tax free, you would be attacking the entire structure of salaries in the Public Service and, by inference, that of the Ministers. It is a suggestion which has the merit of simplicity, but so does the idea implied in the Bill that comes here today.

4.25 p.m.

Do away with tax free salaries? It can go either way. Either have tax free salaries or have no tax free salaries. We are going the way that everybody who lives in Barbados and resides here and draws a salary from the public Treasury must pay tax. That is our principle and, as far as possible, we are trying to eliminate tax free perks, except those directly related to the employment of an individual — entertainment in the case of Ministers and the Prime Minister, travelling in the case of Members of Parliament, the same in the cases of Permanent Secretaries, and so on.

The general public, I have no doubt, if asked, would always say they are against ministerial increases. They would say the Prime Minister gets paid enough money, but at the risk of causing more confusion in my house, I am going to relate a story that happened yesterday, or at least some of it. I want to ask the general public and those who talk about private individuals and so on, how many bank-holiday afternoons have their entire household been disrupted by the Bomb Squad coming to search the house from stem to stern, taking books out of a book shelf to see if a bomb has been put in the books, searching through a basement and checking for footprints and all kinds of foolishness because of bomb threats. For me, they can make all the bomb threats. If somebody is going to blow me up, I believe they are going to succeed in blowing me up, with or without the assistance of the Police Bomb Squad. But all of that is what I had to go through yesterday afternoon.

Members of the public who are critical of Ministers and their salaries do not understand the strain of public life in this country. It is on members of the Opposition, too. We were in opposition and we know it. We have to go through all of that and still have to have people getting up on public platforms and saying, "I am not telling you to kill Tom Adams but all of us know it would be a good thing if he died tomorrow", and so on and so forth.

Asides.

Rt. Hon. J. M. G. M. ADAMS: The honourable Member for St. John would know. He used to read the same thing from the same people.

I want to know how many members of the public have had to put up with what I had to put up with again one night down in Belleplaine, when, purely by chance, the wife of the honourable Leader of the House sent a message to ask me to come down the road because there was an accident — I think somebody had struck her car — and I went down there and by chance of my going down the road and I think you, Mr. Deputy Speaker, by the chance of your being next to a political platform, the people who had brought the dynamite to throw at the meeting withheld their hands, and when they threw it, the fuse went one way and the dynamite fell into some olive trees by Mr. Smith's shop.

When I got back from the traffic accident, I found the pieces of dynamite carried down there by Ulric Foster from the farm, a political pimp and tout of the Democratic Labour Party, who met his end in the Empire Theatre at the hands of a knife wielded by somebody whom he provoked beyond measure, and who was properly acquitted by the Jury.

The members of the public who have dynamite thrown at them, who have bomb threats at their house, must then consider what salaries have to be paid to people to put up with these things.

We had to take action on Grenada. All of us who were in here supported the action on Grenada. I have to read the security reports that Fidel Castro is a revengeful person who, sooner or later, will attempt to take vengeance on those whom he regarded as humiliating Cuba in Grenada. Let us have a little realism about what is involved in political life and throw the hypocrisy out of the window.

A man, who, having a bill to pay for the Rattan place, sent \$100 000 in cash in no denomination higher than \$20 can get and say that he is not going to support politicians receiving more money. I can give the date and the bill that was paid with it. And they can say that politicians are paid too much in this country!

At one stage, I had to say that the speech of the honourable Member for St. Michael West was right up to the standards of the speeches of the honourable Member for St. Michael South Central, but he pulled himself together and conducted himself in a more seemly manner as he came towards the end of his remarks.

I, perhaps, have addressed the remarks in this closing speech more to the question of ministerial increases than to the Bill now before the House. The fact is that the Bill now before the House is not intended as a general salary increase. If I can go over everything, in the case of the Governor-General, it is embodying his pensionable emoluments in his salary. We have had to fiddle about with the Governor-General's salary. We had the same trouble, the same conceptual difficulties with its being tax free as we would have if we made anybody else's salary tax free.

In the case of the Chief Justice, his housing allowance is being grossed up and he is being established in a particular salary level that is appropriate for Barbados' stage of development and other salaries in the public sector.

In the case of the Prime Minister, his housing allowance is being grossed up to an amount similar to that of the Chief Justice.

In the case of judges, who, for one reason or another, have not had a salary increase for over four years, it is true that the increase is only \$180 a month, or whatever it was the honourable Member for St. John calculated it at. I do not have the amount to hand, but I have no reason to doubt his figures; I have every reason to believe that his figures are accurate. The judges' increase is a small increase, dating back to April 1, 1982, to reflect the fact that they did not get the interim increase. They are also being put at an even salary not wanting odd amounts in dollars and cents at the end.

In the case of the Deputy Prime Minister, a different matter is being taken. The matter of his official car is being regularized rather than his housing allowance. I did not make that clear at the start, but it is the anomaly arising from his travelling allowance which is being regularized. He has been extremely generous with the revenue, extremely unselfish in this matter, because I do not see that he is getting a benefit which can in any way compensate for giving up more than \$1 000 a month tax free.

In the matter of the Governor of the Central Bank, the anomaly in respect of his having to pay Income Tax on his tax free house is being regularized. It had to be done years ago for the then Prime Minister. I see no reason not to do it for the Governor of the Central Bank.

It will only be done as from this tax year. In any event; I will have to make an amendment.
4.35 p.m.

The honourable Member for Christ Church West Central seemed to have had some knowledge of the condition of the Bill in its penultimate stages, because he mentioned the position of the Chief of Staff. Originally, there would have been a reference to the Chief of Staff in the Bill. I do not know if the honourable Member is aware of that. I think he must have been, but he showed the sound instincts and great prescience without seeing a draft of the Bill. He could have known that was one of the outstanding points, but in fact it is understood that the soldiers have to live where they are sent to live, and that you should no more seek to levy Income Tax on the Chief of Staff any more than on an ordinary soldier, and I do not believe it is done.

It is understood there are special circumstances, and there appears to be no legislative need to make it compulsory for the Chief of Staff to live tax and rent free in what is only really glorified barrack accommodation. That is why he and his officers are not mentioned in the Bill, because other officers live in semi-barrack accommodation. The technical reasons are that it is understood that they are not liable to tax for living in premises where they have to be specifically on call as part of their duties.

That, therefore, is the Bill. I am glad that it has received the understanding of honourable Members.

Paragraph (b) in the Objects and Reasons refers to people in private employment. That is to make the private sector collect P.A.Y.E. on housing allowances. I am glad honourable Members have raised that point. If they look at the Bill they will find that Section 85(1) of the Income Tax Act is being amended, and emoluments for purposes of Income Tax will include the benefit of a rent-free residence or any sum paid in lieu thereof. In other words private businesses will not be able to pay somebody tax free housing allowances. That is in the Schedule. You have to look under where income tax is amended. It is on page 4 of the Bill where we amend the Pensions Act, Pensions Regulations and the Income Tax Act. So in future, those firms that pay housing allowances will, in effect, have to treat the housing allowances exactly as salary, and they will have to take out Income Tax. That will come into effect from the day this Bill is passed.

I really see no reason why there should be any attempt at avoidance of P.A.Y.E. on what are taxable and pensionable emoluments. That is what the Act really is all about, the final assimilation of housing allowances to income as far as we are able.

It only remains to say that in Committee I will not be seeking any alteration of Clause 3. I will be deleting

Clause 3 altogether, and I will be making an amendment to the Schedule to provide that as from the 1st day of January, 1984, the Governor of the Central Bank will enjoy his residence without having to pay tax on an imputed value. The Bill will come into force for the Prime Minister and the Deputy Prime Minister on the day that it receives the Governor-General's assent, when it is passed by the Other Place and goes to the Governor-General. It will just come into force as an ordinary Bill. No proclamation will be required for any part of it, and I propose to do that in Committee, and at that time I will also be able to solve the problems raised by the right honourable Leader of the Opposition in respect of the infelicitous way the Schedule is at present drafted. Subject to that, I beg to move that the Bill be read a second time.

The question that the Bill be now read a second time was put and resolved in the affirmative, the House dividing as follows:

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

Noes: Rt. Hon. E. W. BARROW; Mr. B. M. TAITT; Mr. W. O. FRANKLIN; Mr. P. M. GREAVES; Mr. M. A. KING and Mr. L. A. WEEKES — 6.

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

Clauses 1 and 2 were called and passed.

Clause 3 was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that the present Clause 3 be deleted and substituted therefor as Clause 2A the Clause which has been circulated to honourable Members as Clause 3A. We are deleting Clause 3 altogether in respect of Commencement and instead we are putting in as Clause 2A the first option.
4.45 p.m.

Asides.

Rt. Hon. J. M. G. M. ADAMS: The draftsmen must know why they call it 3A and 3B, so I am calling it 2A and 2B.

The circulated amendment begins:

"Option — Any person who was the holder of a judicial office on 1st April, 1982, may

within three months after the publication of the *Miscellaneous Provisions Act, 1984*, in the *Official Gazette*, exercise an option to receive either the salary set out in Part I of the Schedule or the salary set out in Part II of the Schedule, and he shall be paid salary in accordance with his option."

The amendment will now read:

Immediately after Section 3 insert the following sections as sections 2A and 2B.

Asides.

Rt. Hon. J. M. G. M. ADAMS: I have fallen into the very confusion against which the Leader of the Opposition warned. I really do beg the House's pardon. We have not got to this yet. All we have to do is delete Clause 3. We do not have to substitute anything. I really do beg the House's pardon, and express my regrets to the Reporter.

I beg to move that Clause 3 be deleted.

The question was put and agreed to in the affirmative without division.

The Schedule was called.

Rt. Hon. J. M. G. M. ADAMS: I beg to move that the Schedule be the Schedule to the Bill.

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

Mr. B. M. TAITT: Clause 3 has been deleted from the Bill which was first brought down. Now, you have nothing in the Bill, since you have deleted Clause 3, dealing with Commencement at all, or there is no reference to any Schedule.

Asides.

Mr. B. M. TAITT: Where? In Clause 2? That is what you made 2A. Jesus, I give up!

Rt. Hon. E. W. BARROW: Mr. Chairman, I find it difficult to follow. This is how when you have amendments upon amendments that you always get confusion. We have an amending Bill here, which says an enacting Bill but is really an amending Bill, which has three clauses. Clause 1 is the *Miscellaneous Provisions Act*. That is the citation. Clause 2 says that the enactment set out in the first column of the Schedule is amending in respect set out opposite thereto in the second column.

The point I was making in the second reading is that there should be at least two Schedules, because there are two part IIs of the said Schedule. There is only one Schedule of the Bill.

Asides.

Rt. Hon. E. W. BARROW: The point I am making here is that we have a Commencement in the new amending Clause 3. Apparently, we do not want a Commencement. So we are deleting Clause 3 of the old Bill, which refers to the Schedules. But the next reference we get is to pages 4 and 5, which refer to the said Schedules, which are being repealed by Clause 3 that we have just deleted.

This is difficult. The geography of this whole bit of legislation is a bit obscure, to say the least. I think the honourable Member should postpone this for consideration and come back next week to try and simplify it and sort it out.

Asides.

Rt. Hon. E. W. BARROW: I think the Chairman has the same problem that I have. When you say delete Clause 3, that, of course, is not an amendment. Are you saying then that Clause 3 in the new amendment, therefore, let it stand part. Or are you deleting that too?

Asides.

Rt. Hon. E. W. BARROW: Then there will be no Clause 3?

Mr. CHAIRMAN: We have had two clauses in the Schedule, and now what I have in my hand, which I take is the amendment, is what is going to take place.

Rt. Hon. J. M. G. M. ADAMS: If I can help honourable Members....

Mr. CHAIRMAN: Then where would you put your Commencement?

Rt. Hon. J. M. G. M. ADAMS: We are not worrying with the Commencement. It will commence when the Bill is passed. If you do not say anything about a Commencement, it passes. The longer you postpone it, the longer will be the day of the reduction of the salary. But I do not think that for \$144.28 I should keep the House waiting for a week.

The commencement for the judges is in the Schedule; there is no date for the others, so that will happen in the passing.

The present Schedule is defective. If honourable Members look at it, they will see that the amendment to the Judges (Remuneration and Pensions) Act in the printed Bill has no paragraph 2. It has paragraph 1 and it has paragraph 3.

The proposed amendments to the Schedule are to improve the language and to create a paragraph 2. The circulated document is the draftsmen's considered opinion on how the Judges (Remuneration and Pensions) Act should be amended. It contains three paragraphs covering all the provisions, but it does it properly. They are grouped properly and the correct sections are put in the correct order. So what I am proposing is that the Schedule of the Bill be amended; and this is the first amendment, because I have two others which are not circulated.

The first amendment is paragraph 2 of the circulated amendments, saying at pages 4 and 5 of the Bill, delete paragraph 1 and substitute the following. I am proposing that that will make two paragraphs in the Schedule, where there is one at the moment. In the Schedule there is only paragraph 1, paragraph 2 is missing. It comes at the bottom of page 4 and it substitutes for everything on the bottom of page 4 and the whole of page 5, except for the third paragraph which is at the very foot of page 5.
4.55 p.m.

The second amendment is to delete the words "Part II". That will correct paragraph 1 of the amendments to the Judges (Remuneration and Pensions) Act, and it will create a paragraph 2 to those amendments.

In paragraph 3 of those amendments a correction of salary has to be made. The Puisne Judges were not getting \$36 000; apparently, they were getting \$36 756, and that is contained in the circulated amendments. So if the House accepts the circulated amendments, you will make the corrections right down to the bottom of page 6 in the Bill.

On the top of page 7, I beg to move that the words "Part II" be deleted, and on page 9 I beg to move that, in the amendment to the Central Bank of Barbados Act, in Section 59 the proposed Section 59(2) the capital "T" is reduced to a lower case "t", and before that, the words "with effect from 1st January, 1984," be inserted. The Governor of the Central Bank's salary increases do not run from 1st April to March, his salary points are calendar salary points. His salary point is January 1 and he had new terms and conditions from the beginning of this year.

Aside.

Rt. Hon. J. M. G. M. ADAMS: Part I should be deleted also. I am obliged to the honourable Member for St. Michael North (Mr. P. M. Greaves) in whose consti-

tuency I had the pleasure of spending a couple of hours on Sunday afternoon.

Mr. P. M. GREAVES: You have deleted Clause of the Bill, so the word "Schedule" which refers to Clause 3 here, should also be removed.

Rt. Hon. J. M. G. M. ADAMS: I am glad to see that the confusion has extended to both sides. The Leader of the Opposition saw it early, but not all of us had picked it up until we were battling. Yes, Sir, at the top of page 3, the words "Part I" should also be deleted.

Mr. M. A. KING: Mr. Chairman, in relation to the options which are exercisable by the Chief Justice — I am referring to page 2 of the typed set of amendments — where the Chief Justice exercises an option under Section 1 to receive (a) salary set out in Part I of the Schedule, he shall also be entitled to exercise an option in accordance with subsection (1) of 3B. Translating that, it appears to me then that if the Chief Justice exercises that option, he gets a salary of \$51 000 — that is in Part I — plus a fully furnished residence rent free, or alternately a housing allowance of \$14 400.

I wonder if there is any difference in following the other option, "or the salary set out in Part II of the Schedule, he shall not be entitled to exercise an option in accordance with subsection (1) of 3B, but shall be entitled instead to occupy the residence mentioned in that subsection," so that in exercising that option, he gets a salary of \$72 000 plus the right to live in his residence. In 3B(1)(a), where he exercises the option to have a lesser salary, he has the option to occupy a fully furnished residence without payment of rent. The option is what is 3A(2) (b), about being entitled to occupy the residence mentioned in that section. To simplify matters, at the bottom of page 2 of the typescript, where he exercises that option to take the \$72 000 plus the residence, the way how the text is drafted, does that mean that the residence which he occupies there is furnished or unfurnished and does he occupy it rent free? Over the page the trouble is taken to state that he shall occupy a fully furnished residence without payment of rent. In this option at the bottom of page 2, it talks about his being entitled to occupy the residence mentioned in that sub-section.

Rt. Hon. E. W. BARROW: The question of the amendments was mentioned in the Second Reading, and on page 3 of the amending amendment (3)(b) "shall not be entitle" the "d" should be taken off "Scheduled" and put on "entitle".

I would like the Right Honourable Member for St. Thomas to check whether the judges' salaries are not really \$39 003, instead of the \$36 000 that he mentioned. I wonder if consideration has been given to the increases.

(Rt. Hon. J. M. G. M. ADAMS: They never got them).

Rt. Hon. J. M. G. M. ADAMS: They never got it. I do not understand why, but I did my calculations on the basis of the increases that Ministers and Members of Parliament got.

Mr. B. M. TAITT: Mr. Chairman, I am seeking information, because I am genuinely not clear as to what are the options of the Chief Justice. I have read it.

Asides.

Mr. B. M. TAITT: He has no option.
5.05 p.m.

The question that the Schedule be the Schedule to the Bill was put and resolved in the affirmative without division.

On motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. R. TULL, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

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

AGRICULTURAL PRODUCE (PURCHASE AND DISPOSAL) ACT, 1984

Order No. 4 was called – To move the Second Reading of a Bill to regulate the purchase and disposal of agricultural produce in Barbados.

Hon. Dr. R. L. CHELTENHAM (Christ Church East): Mr. Deputy Speaker, praedial larceny has reached such proportions in this country that it now constitutes a major disincentive to production of fruit, vegetables, root crops and, indeed, most forms of agricultural activity.

This problem was addressed in 1977, when the Larceny Act, Cap. 129, was amended by the Larceny (Amendment) Act, and the main attack on the problem then was to increase the fines which the court could impose. That did not, in any way, solve the problem, because you still have to be able to arrest the offenders and secure convictions before you can get them before the court and give the judge or magistrate the opportunity to increase the fines. The fact is that the figures for 1980 from the Barbados Agricultural Society would suggest that the farmers lost more than \$100 000 as a result of praedial larceny.

In the last two years, we have canvassed opinion with respect to how best to address this difficulty. We

have decided that we ought to introduce a measure which used to exist in the old Hawkers Act, which is no longer on the Statute Book. You will recall that under the old Hawkers Act, persons purchasing sugar cane and eschalots had to secure a certificate from the owner of the produce and be able to show that certificate if at any point they were challenged. We have decided to re-introduce that sort of provision.

The Bill before the House has five main elements:

Firstly, it provides for the issue of a certificate of purchase or receipt by anyone who sells or otherwise disposes of any agricultural produce for resale.

Secondly, it provides for the production of the said certificate of purchase if requested to do so by a police officer, parish constable or householder.

Thirdly, it makes provision for the annual registration of agricultural produce cultivated for sale; an important measure, because we need to work in close harmony with the police. We need to be able to tell them at any given time that X number of farmers by name have 100 acres of cabbage, or carrots, or root crops, as the case may be, under cultivation and the points at which they are located across the country, so that their vigilante force, or task force, or whatever it is could give us the appropriate protection.

Fourthly, it makes provision for the power of arrest without a warrant by a police officer or parish constable of anyone who fails to produce the required certificate or receipt for agricultural produce found in his possession.

Fifthly, it makes provision for the imposition of a fine of \$5 000 or imprisonment for six months for failure or refusal by anyone to produce the necessary certificate of purchase or receipt in respect of agricultural produce found in his possession.

Those who try to alter, or amend, or erase or fabricate the information contained in the certificate would be likewise guilty of a serious offence.

The burden of proof for those found in possession would be shifted on the individuals, as is usual in cases of possession, but it would be enough to establish, if found in possession, that you grew the produce which was found on you.

It needs to be emphasized that this legislation will deal with commercial transactions and not situations where two or three pounds of produce have been bought for domestic purposes. The Bill is concerned with

circumstances where the purchase is for the purpose of sale or resale.

The National Agricultural Advisory Committee, the Barbados Hotel Association, the Commissioner of Police, the Chief Magistrate, the Agricultural Society, along with the technical officers at the Ministry, have all had the opportunity to study this Bill. We feel that it will go a far way in helping to provide the sort of evidence without which it would be impossible to lick this problem of praedial larceny, which, as I said earlier, has now become a major disincentive to agricultural production. 5.15 p.m.

We are concerned that this requirement of having to provide a certificate of purchase or a receipt should not constitute a hardship. The receipts will be made available at very low cost, perhaps \$1 for a receipt book. The books will be on sale at post offices and at several other points across the country, and we do not anticipate that this provision is likely to cause any difficulty to the so-called small man. Any inconvenience which will result from this legislation is necessary inconvenience which those who are involved in the production and the distribution of agricultural produce on a commercial basis will have to endure if the country is to make any headway in licking this very difficult problem of praedial larceny.

I would like to think that in this exercise we are going to have the full support of the police and indeed, as we have been having in the last few years, of the vegetable and fruit and ground provision producing community. I also look forward to the Opposition lending this measure its full support.

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

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

Mr. W. O. FRANKLIN (St. Philip North): Mr. Deputy Speaker, first of all let me start by saying that I understand the reasons that prompted the Ministry to try to draft the Bill to deal with praedial larceny.

I found that the figures produced in the Barbados Economic Report said that non-sugar agriculture and fisheries were responsible for \$78.6 million. If you knock off fisheries you will leave non-sugar agriculture with \$45 million. The loss reported last year was \$100 000. If you work out the percentage of loss due to praedial larceny as against the cost, and you take into consideration the provisions in this Bill, I would say that the Bill should never have reached this Chamber in the way it has. In my humble opinion this Bill is placing the type of inconvenience on the hands of people and putting the kind of authority in the hands of the police that we are beginning to wonder if the freedom of the majority in this

country is not more important than the protection of a few privileged people in this country.

We all agree that praedial larceny must be stopped, but simple police work should be carried out to deal with this. Take the percentage again, \$100 000 as against \$45 million. I cannot even work out that percentage. What percentage in losses is that due to praedial larceny? It is not even one per cent; it is less than a half of one per cent, and you have clauses saying that if a person is found in possession and cannot produce a receipt to show that they bought foodstuff for resale that they are liable to a fine of \$5 000 or six months, and in defence they have to prove that the agricultural produce in respect of which the charge arose was cultivated by the person so charged!

The whole drafting of the Bill, in my opinion, is offensive. It seems to any right-thinking person that you are getting to the stage where every single piece of legislation now puts more and more authority of search and arrest without warrant in the hands of the police. Where are we going? Nothing has been said by the Minister of Agriculture to justify this. One hundred thousand dollars as against \$45 million cannot justify giving any authority the right of arrest without a warrant any person found in this country with vegetables of a quantity for resale.

If you look at Section 4 it says: "A police officer or parish constable....." You have gone outside the police officer and put this in the hands of a parish constable, some of whom might have been constables forty years ago, cannot even read or write properly, and who at that time were made constables because of their size. You are giving this type of authority to people to easily abuse it, and I am seriously inviting the Ministry to look again at it.

We are impinging on the rights and privileges of citizens of this country too often on the pretext of trying to solve a problem. This problem is not of the magnitude to give this type of authority to any police or constable. It should not be considered at all, I am taking the liberty of saying that we cannot support this legislation in this form, and I seriously invite the Minister of Agriculture, with the leave of the House, to withdraw it and have a look at it again.

The section says:

"A parish constable may without a warrant arrest and charge with an offence under this Act any person who is in possession of agricultural produce for the purpose of sale or other disposal who fails to produce a certificate of purchase or receipt as required by this Act."

First of all, how are you going to prove that it is for the purpose of resale? If you meet me with 100 pounds of carrots, how are you going to prove that they are for sale and I am not going to give them as gifts to some of my constituents or something like that?

This is a very dangerous clause. And it goes on to say at Clause 5:

"A person who has in his possession any agricultural produce for the purpose of resale and who fails or refuses to produce a certificate of purchase or receipt is guilty of unlawful possession of such produce and is liable on summary conviction to a fine of \$5 000 or imprisonment of six months."

I do not want to say anything more on this. It seems to me that it is not worth this Chamber's time having to look at this legislation at all, because of \$100 000 of \$45 million in produce produced.

Thank you, Mr. Deputy Speaker.
5.25 p.m.

Mr. M. A. KING (Christ Church West Central): Mr. Deputy Speaker, this is a strange Bill indeed. We have had legislation dealing with the registration of professionals and legislation dealing with the registration of artisans of all kinds. Now, we even have legislation dealing with the registration of agricultural produce!

What is the purpose of this legislation. First of all, how is one going to determine the kind of produce and how are you going to register produce? You have planted your produce. At what stage are you going to register? What are you going to register? How are you going to set about the mechanics of registering agricultural produce?

You are making it a penalty for someone to fail to register agricultural produce. Does that not sound like utter nonsense?

In the rest of the Bill you are talking about giving the police powers to arrest without warrant any person who is found in possession of agricultural produce for the purpose of sale.

Mr. DEPUTY SPEAKER: I do not want to strike the honourable Member with repetition. The honourable Member does not really want to repeat that again.

Mr. M. A. KING: Repeat what, Sir?

Mr. DEPUTY SPEAKER: The clause which he has just read.

Mr. M. A. KING: The clause, Sir? I think it is so ridiculous that one needs to stress that. What is the mischief that that is seeking to prevent? If you are saying

that you have problems with praedial larceny, what is the purpose of this? It seems that the mischief that can result from this can be more than the mischief which it seeks to correct. Already, the police have power, if they wish, to arrest people for unlawful possession of any article. Where does agricultural produce differ from anything else that the police may arrest you for if you are in unlawful possession of it? How much further does this take you other than create problems for all kinds of people and put a mischievous tool in the hands of the police?

Then, when you look at the defence which is available to a person who is charged, it is a defence to a charge to prove that the agricultural produce in respect of which the charge arose was cultivated by the person charged! How are you going to set about establishing your defence? You have to prove that you grew the produce. Are you going to have to produce soil tests? What are you going to do?

Mr. Deputy Speaker, the Bill seems so ridiculous that you really cannot say much more about it, except that it is a very ridiculous Bill.

Rt. Hon. J. M. G. M. ADAMS (St. Thomas): As the Chairman of the Cabinet, I would like to say that this came up several times in Cabinet. It started out merely by suggesting that to deal with praedial larceny that we should amend the Larceny Act by incorporating the former provisions of section 11 of the Hawkers Registration Act, which always existed in order to control the sale of stolen agricultural produce. It then, apparently, got wider. Everybody got into it. One person said that the police should have a general power of arrest of anybody found in possession of vegetables. This was not in Cabinet; these are the officials and these are the different things that came up.

The Attorney General eventually sought to cut the Gordian knot and have an Act on its own dealing with the matter. That Act came up. The Minister was concerned that it was too strict, and the Minister asked that the Bill be amended to deal strictly with commercial transactions. I took that to mean the commercial transactions in the widest sense, that this would control wholesalers who sent out thieves to go in fields, and so on and so forth. Perhaps those who drafted the Bill took, in one sense, a broader and in another sense, a narrower view. The Bill has been going on for so long and so many fingers had been in the pie that perhaps some of the matters which honourable Members point out came to be incorporated in it without everybody who had interested himself at the first instance necessarily fully interesting himself at the last.

I am sure that this is not a partisan matter. All of us want to protect growers of agricultural produce.

Equally, none of us wish to have to be any party with the police in building more cells to accommodate every hawker who fails to have a certificate for every bunch of eschalots or six bananas that she has on her tray. She may be passing and somebody asks her to sell six mangoes and twelve golden apples, and she puts them and carries them and sells them in Tweedside Road — and the next thing she has no certificate. For sure, the young man who works at my house, who sells, I imagine, such of my fruits as he and the police are unable to eat, does not give his lady friend a certificate. Even though he has tacit my approval, he does not come to me for a certificate. If more fruit is produced from an ordinary householder's fruit trees and he allows somebody to sell them, I really do not think that we want to lock up anybody for a bag of hog plums or whatever fruits normally come in such abundance and that a household cannot consume them.

I would move, Sir, that we appoint a Select Committee on this, because there are interests that should be canvassed. There is definitely a problem.

The speech of the honourable Member for St. Philip North (Mr. W. O. Franklin) makes it clear that it cannot be as major a problem as the producers sometimes seek to promote. But when you are dealing with people like Mr. Haynesley Benn and the Barbados Agricultural Society, you are dealing with pressure groups of a massive sort, and although I have every regard for the Barbados Agricultural Society, the wonderful work it has done in transforming the production scene in this island, and the work that it has done on behalf of the producers, I do not think we can swallow their representations wholesale.

I would think that a Select Committee could handle this Bill.

Rt. Hon. E. W. BARROW (St. JOHN): Mr. Deputy Speaker, if the traditional purpose of sending a Bill to a Select Committee is to kill it, I will second that motion when it comes up. But I will still like to make a few observations, since I think most of the praedial larceny in Barbados of agricultural produce probably takes place in the constituency of which I have the honour to represent.

As the honourable Member for St. Philip North has pointed out from the Barbados Economic Report, approximately \$100 000 in produce is known to be stolen out of \$45 million. But at least 30 per cent of that must originate in the constituency of St. John, because we are the most productive parish, and the largest single producer of produce is in St. John. I have witnessed — not to go into court, I want to make my position clear — vans drive up to certain plantations in St. John — and I had to make myself scarce because the people had cutlasses — and reaped a whole field, as it were, in the

presence of the owner and myself — when I say presence, I mean at a respectful distance — and then just drive away.

5.35 p.m.

As the honourable Member for St. Philip North has said, in order to police the provisions of this Bill properly it would mean that every single day you will have to have a team of people, whether they be island constables, parish constables or other common informers, going around the markets in Bridgetown, Speightstown and Oistins inspecting people's certificates on a daily, if not hourly, basis to save \$100 000.

I know it is a grievous loss if Mr. Kinch only loses \$30 000. That may mean the difference between his operation being viable or not viable, because he happens to be the largest producer. We small farmers, in which category I think the honourable Member for St. Philip North and myself fall, with two or three garden beds and three sheep suffer some losses too.

But apart from the \$100 000, I am sure that there is more than \$100 000 in coconuts. The only commodity in Barbados which you do not buy to resell is coconuts. The coconuts that you see on sale in Barbados are taken off your trees, my trees and other people's trees. I even found them picking some of my coconuts on a Sunday morning. I asked them if they would mind leaving half a dozen for me. When I got back home they had not even left the half dozen I had begged them for. They just got the box cart and cleared out with the coconuts, their rope and tackle and everything else, and I could not get six of my own coconuts. You dare not challenge these people. The real problem is that you cannot get anybody else to climb the trees, but I am sure that more than \$100 000 in coconuts is stolen every year — not stolen, they are sent by Jah, liberated as itals — and then sold all over in the open market.

Yet, we do not have any definition of what agricultural produce really is in this Bill. That is one of the reasons I think it should go to a Select Committee. What is the agricultural policy? What about mangoes and pears? It does not say that mangoes and pears are agricultural produce. These are things that are being stolen on a wholesale basis and which are not mentioned or taken care of in the Bill.

I agree with the criticism made by the honourable Member for St. Philip North that we have to be careful that we do not take a sledge hammer to kill an ant. There must be some way in which we can tackle this problem other than introducing legislation which we could not effectively enforce, in any event.

Mr. B. M. TAITT (St. Michael West): Mr. Deputy Speaker, this is really to record my own view, which accords with those views of my colleagues. I was a little

amazed when I saw the Bill, but now I can understand the genesis of the Bill. It is not surprising that it is like a camel. They say that a camel is a horse designed by a committee, and it is clear that this Bill has been designed by a number of persons.

I will not admonish the Attorney General, because he must have issued the certificate for this Bill before it came down, but I will have to assume that this is one which he did not see, and, therefore, the normal criticisms one would level at him, I will not even bother to level at him. If it is going to a Select Committee I will be happy to help it on its way to that Select Committee.

I assure you, Mr. Deputy Speaker, that the vast majority of the people who are employed as hawkers do not sell stolen produce. The vast majority of those women who operate as hawkers do not get involved in stolen property, because they are mortally afraid that stolen agricultural produce may be poisonous. A hawker who sells a pound of lettuce that is subsequently detrimental to health is a hawker who has gone out of business. Since, as you know, Sir, the Eagle Hall market happens to be in my constituency, I have a fair rapport with the mentality and the attitude of the hawkers that function in that area, and they are among the people who assist in trying to stamp out praedial larceny.

I think that the police and the other ancillary agencies are going to have to design a regime for this kind of policing. It cannot be approached on the same basis as other policing. It is a different kind of problem, but it is not one with which we are unfamiliar. Each of us who grew up in rural areas is familiar with the watchman who used to arrest the odd boy for a piece of cane. One never knew how the watchman discovered that we had broken the cane, or that the cane had been broken, but every now and again somebody used to be arrested for breaking canes or stealing plums, or stealing ackees or mangoes, as the case may be. Perhaps that was petty praedial larceny in those days.

The real problem is the operators, those persons who have organised with vans and other equipment, and go and reap whole fields, as the honourable Member has said. That, it seems to me, is not too difficult to police if the will to police it is there. It would seem to me that what is required here is a commitment to stamp that out and it would be stamped out, but, like dope in a society, it can only be stamped out if a decision is made to tackle the people who are really behind it rather than the symptoms of it. The people who are behind it will never need a certificate. The people behind the major praedial larceny in this country do not go on the street hawking it, they have people employed who go out and distribute the produce. From what I understand, they determine which fields are ripe, and they determine which days or which evenings the fields will be reaped.

I would suggest that rather than spending a long time on it, that rather than send it to a Select Committee — because it can only go to a Select Committee on the passage through second reading — that the honourable Member move that further consideration be postponed on this Bill so that.....

(Hon. L. R. TULL: Is there something legally wrong with it?)

Mr. B. M. TAITT: Yes, everything is legally wrong with it. That is why I said that the Attorney General had not seen it. There are a whole lot of matters that are wrong legally. The Attorney General himself has adumbrated on the rights of the individual in this society. I have read and heard him myself, and he could not possibly be party to a Bill like this, which clearly seeks to take away fundamental rights from ordinary people in the society while purporting to protect the rights of others. It is that delicate balance which we have to maintain. I am sure he does not wish me to go any further on that.

I would think that if further consideration of this matter were postponed, a lot of deeper and better thinking could be brought to bear as to (a) whether we need a Bill at all, or (b) if we need a Bill, if we could not have a much better one than that which purports to be a Bill which comes before us.

I do not think it is necessary to say more at this stage.

Hon. L. R. TULL (St. George South): Mr. Deputy Speaker, I just want to make a few short comments, since the honourable Member for St. Michael West (Mr. B. M. Taitt) has drawn the Attorney General into the debate.

I have looked at the Bill very carefully and I see nothing technically wrong as far as the law is concerned. I do not mind the honourable Member throwing out gratuitously that the Attorney General has said that he is dead against taking away fundamental rights of the citizens of this country. I can reiterate that today, but there is nothing in this Bill that would take away any fundamental right of any citizen in this country.
5.45 p.m.

I share the view of the honourable Members on the problem of praedial larceny. The right honourable Member for St. John mentions his constituency, but some time when he is driving down from his constituency, he should pass by Brighton Plantation, Windsor Plantation and Buttals Plantation. He would realize that it is almost impossible to plant any crops other than sugar cane on these plantations that do not attract

large scale praedial larceny. So we are all agreed, on both sides, of the seriousness and the growth of praedial larceny in Barbados over the years.

I would not be drawn into the debate further. I am glad that both sides agree that this is a matter that probably should be referred to a Select Committee so that we can spend a quiet afternoon, some time in a month or two, reminiscing on our political experiences and talking about good campaigns fought and lost and so on. I am sure that the Minister would be prepared at this stage to do just that.

Hon. Dr. R. L. CHELTENHAM: Mr. Deputy Speaker, I am advised that the correct procedure at this point is that I should move that this Bill be read a second time and thereafter that it be referred to a Select Committee.

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

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

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

Hon. Dr. R. L. CHELTENHAM: I beg to move, Sir, that this Bill be now referred to a Select Committee.

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

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

Mr. DEPUTY SPEAKER: The honourable Member will now name Members to the Select Committee.

Hon. Dr. R. L. CHELTENHAM: I propose the honourable Member for St. James North, the honourable Member for Christ Church East, the honourable Member for St. Lucy, the honourable Member for St. Philip North and the honourable Member for St. Philip South.

Mr. DEPUTY SPEAKER: Those five honourable Members will comprise the Select Committee on this Bill.

Hon. L. S. CRAIG: Sir, earlier in the day I gave notice of a Resolution for \$1.4 million under the Ministry of Education. I propose to do that Resolution now in all of its stages.

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

SUPPLEMENTARY ESTIMATES 1984—85

Head 34 — Ministry of Education

Hon. Miss B. A. MILLER (City of Bridgetown): Mr. Chairman, this is a Resolution to grant the sum of \$1 480 000 from the Consolidated Fund to be placed at the disposal of the Government to supplement the Estimates 1984—85, Part I — Current as shown in the Supplementary Estimates, 1984—85 No. 1 which form the Schedule to this Resolution.

Under Section 65 of the 1981 Education Act, teachers who immediately before the commencement of the Act — and I am reading from the Addendum, Sir, which is very explicit — were employed by the governing bodies of the schools specified in the Third Schedule of the Education Act, were, with effect from the commencement of the Act, deemed to have been appointed in accordance with the provisions of the Constitution relating to the appointment of public officers.

This was a matter agreed after several meetings, in excess of twenty, between the teachers' union and the Ministry of Education, but, very recently, this particular section of the Act has been ruled unconstitutional by the High Court.

The Public Service Commission is being requested to offer appointments to the said teachers involved — the Third Schedule teachers, those in what would be regarded as the nine older secondary schools — with effect from the coming into force of those sections of the Education Act, 1981, relating to the management of secondary schools in order to regularize their employment and pensionable status.

What happened was that during the financial year, 1983/84, that is the financial year just past, the salaries of these particular teachers listed in the Third Schedule, those at nine former older secondary schools, were provided for under Head 34, Subhead 7, entitled Secondary Schools, Item 16, entitled Grants to Public Institutions. No specific provision was made at that time for the payment of the teachers' salaries as statutory expenditure since their posts, this would have been in March 1983, were not established at that time when the Estimates were approved by Parliament. Salaries for the financial year in which we currently are, 1984—85 have, however, been provided for under Head 34, subhead 7, as Statutory Expenditure, Item 1.

It has been found that continued payment of the salaries to these teachers from that particular provision, that is under Statutory Expenditure, would be irregular, and it will be necessary, therefore, to take steps to regularize the position in respect of the payment of these particular salaries for April, as well as for the month of May in which we now are, in order to give the teachers

reasonable time for responding to the offers of appointment which are now formally being put to them for the established posts. In order to correct what is clearly an anomaly, it is necessary to supplement the provision under Head 34, Item 1 — Other Expenditure, by an amount equivalent to the salaries payable to these teachers for the months of April and May, 1984, and that sum is estimated at \$1 480 000.

I think that the Addendum is explicit. I have gone to the trouble of reading it, because it is not always clear when we are dealing with subheads exactly what we are dealing with and the label of subheads.
5.55 p.m.

It has got to be understood that "Statutory Expenditure" is really quite different from "Other Expenditure". What we have had now during the month of April, which is the first month in this new financial year, is what we are conceding as an irregular payment of salaries out of Statutory Expenditure, and we are now seeking to supplement "Other Expenditure" from which subhead they can properly, legally and regularly be paid.

I beg to move that this Resolution do now pass.

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

Mr. B. M. TAITT (St. Michael West): Mr. Chairman, the time will come when we will have quite a lot to say on this matter, but we are not going to say a lot on this matter at this stage. We will wait a bit longer until other matters clear themselves and the issue becomes clearer. We will deal with that in due course.

The point I want to make is that I have found myself wondering why the Government could not have met its responsibility out of the contingency vote. The Government has a contingency vote from which the Cabinet, as the lawful authority of Barbados, can make certain decision, and it is not proper for any civil servant to be forced to have coming out of his mouth words which those of us who know something about the administration of Government know not to be valid.

I will say no more at this time because civil servants have to do their duty, and it is not fair when they do their duty for them to be maligned, even if the maligning may be valid itself. But the Government has used the contingency vote to do other legal and lawful things in the past, so it is not proper for it to be said that they did not have the means by which to meet their responsibility.

I am going to leave it at that. This matter, as I said, will come up again and we will have a full discussion. I do not think that now is the time.

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

On motion of Hon. L. S. CRAIG seconded by Hon. DeL. O. BRADSHAW, Mr. CHAIRMAN reported the passing of one Resolution in Committee of Supply, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. Miss B. A. MILLER seconded by Hon. L. S. CRAIG, the Resolution was read a first and second time and agreed to.

THE LAND DEVELOPMENT DUTY (AMENDMENT) ACT, 1984

Order No. 2 was called — To move the Second Reading of a Bill to amend the Land Development Duty Act, 1984.

Rt. Hon. J. M. G. M. ADAMS (St. Thomas): Mr. Deputy Speaker, this Bill, although appearing complicated, is a very simple matter. It is merely transferring responsibility for the collection of Land Development Duty from the Commissioner of Inland Revenue to the Commissioner of Land Tax. There also needs to be special legislation to permit the Commissioner of Land Tax to look at the records which normally would be closed to him, as they were records obtained under the Income Tax Act. This is the substance of the Bill.

We are also carrying out a policy decision which will repair an omission that has existed for many years, namely, that you can get conveyances registered without certificates that the Land Development Duty has been paid. At present, you have to have a certificate for Land Tax purposes, but you do not have to have a certificate for Land Development Duty.

It appears that a number of conveyances of land subject to Land Development Duty have been registered in the last couple of years, although the duty has not been assessed or paid. The number may be as small as eight, and it may be as high as fourteen, from what I recall I saw on the file, and it may very well be that a number of people who have sold land may find themselves in a position of being asked to pay the Development Duty a couple of years after they have sold the land. Naturally, all these cases will be looked at sympathetically, but those vendors should remember that the law was there and they had a duty to apply to the Commissioner of Inland Revenue to assess their liabilities. They will now be assessed and may be called on to pay the Development Duty.

I do not want to delay the House on this matter, but honourable Members will perhaps like to have it pointed out that in the circumstances of Barbados, during the last five years, in which there is a tremendous amount of physical development being carried out by Government, the value of properties all over the country is changing

very radically, and very quickly where new roads and new housing developments have come to be laid down. Bridgetown, in particular, I would advise everybody of this, is almost universally subject to Land Development Duty. The building of the Spring Garden Road, new harbour, the Post Office, Central Bank building, all of these have attracted Land Development Orders, and if you sell property anywhere near to the Careenage, the water front in Bridgetown, it is probable that you are liable for Land Development Duty.

The duty is not automatically payable. It is calculated on the increase in value of the property over a period of time when the development was in prospect, was carried out and some years thereafter. In most cases, the Orders which I have made have been for the standard ten years, and the rate of duty is 50 per cent of the increased value of the land.

Asides.

Rt. Hon. J. M. G. M. ADAMS: The Orders I have made have been for 50 per cent. The honourable Member for St. Philip North (Mr. W. O. Franklin) properly points out that is the maximum. I am sorry, the honourable member for St. Michael North (Mr. P. M. Greaves). He will be in St. Philip North some time in the future, perhaps when the honourable member for St. Philip North has given up St. Michael North.

The principle behind land development is well known, and it would not need any adumbrating at this point. The essence is that, in future, it will be the Commissioner of Land Tax who deals with it, and you will have to get his certificate that no duty is payable at the same time that you get his certificate that no tax is payable either.

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

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

Mr. P. M. GREAVES (St. Michael North): Mr. Deputy Speaker, this is not quite as simple as the Right Honourable Prime Minister made it out to be. But I do agree with the principle that where Government has made considerable expenditure in a particular area, that that area should be designated as a special development area, and because of its designation, well then, clearly, any properties within that area that are effected thereby, if they are transferred by way of sale within that period as set out in the Order, then they will have to attract some kind of duty.

6.05 p.m.

I have some difficulties here and I want to make some suggestions to the Government, because I do not believe that everything that should be taken into account today in ascertainment of capital gains are being taken

into account. The Act itself sets out what should be taken into account in the ascertainment of capital gains. It looks at the improved value of the land at the specified base rate, any capital expenditure plus a bit of interest — I am referring to Section 6 of the Act — will also have to be taken into account, as well as 5 per cent of the value under consideration and any money spent by way of Stamp Duty or attorneys-at law fees.

This Act was passed in 1962, when conditions at that time were indeed much more stable than they are today, and it might not only be for the reasons set out by the right honourable Prime Minister that the value of the land has been enhanced. There could also be other reasons, and one other reason could be that the normal inflation at any given time could cause land to be appreciated in value.

Asides.

Mr. P. M. GREAVES: Yes, but 5 per cent of the value of consideration, as I said, in 1962, was a long time ago when things were stable. Now things are different, and maybe perhaps the percentage should change. Perhaps you can take into account as well any inflationary index from the specified base date.

Since the passing of this Act, there is also another expenditure incurred by the vendor of land in the form of Property Transfer Tax. I wonder if this should not also be taken into account.

There are other matters that worry me a bit. First, this Act will transfer responsibility for the administration of the Act from the Commissioner of Inland Revenue to the Commissioner of Land Tax. There is nothing inherently wrong with this, because they are both responsible officers. But I am a bit worried about the maintenance of the secrecy that is required to be maintained by the Commissioner of Inland Revenue and his officers. He and his officers have to take an oath of Secrecy prior to carrying out their functions and discharging their responsibilities. The same is not true, as I am aware, of the Commissioner for Valuations and the respective officers who work there. The Commissioner of Valuations, by this Act, can require the Commissioner of Inland Revenue to transfer persons' land tax returns and other information to him.

If the information is going from one Commissioner to the other, that would not cause any concern. But what causes me some concern is that there will be other officers involved, and, as far as I am aware, those officers have not taken the Oath of Secrecy which is required to be taken by Inland Revenue officers. So information can leak out that should not be leaked out. It may not have occurred in fact, but these are problems we should address our minds to while we are dealing with this particular Act.

We are transferring responsibility to the Commissioner of Land Tax, but at the same time the Act itself requires that any appeal must go to the Income Appeals Board.

Asides

Mr. P. M. GREAVES: There is an Administrative Appeal Tribunal. I am not sure how that is constituted. I cannot say very much more at this stage, because I am not aware of this. My laws have not been brought as up-to-date as this one, so I am not aware of this.

Another thing that worries me is the implication for conveyancing. From time to time, we are passing legislation here that makes it more difficult for a land transaction to be closed. What we are doing is that we are making it more difficult for the Registrar, for the owner of the land who is selling it, for the Commissioner of Land Tax and for the attorney-at-law, and we are in fact slowing up the work of the owner of the land.

Last year, it was stated that before a land transaction can be closed, one has got to send to the Commissioner of Inland Revenue to get a certificate as regards payment of commission. This year, we are requiring a certificate from the Commissioner of Land Tax. So we are making it more burdensome and much more difficult. But I want the honourable Member to remember that there is already a responsibility placed on the attorney-at-law for him to pass a title free of encumbrances. This Development Land Duty is an encumbrance on the land, and it would be negligent on the attorney-at-law if he does not comply.

Asides.

Mr. P. M. GREAVES: Deal with the Attorney-at-Law. It is negligence. He has to pay, and I do not think that we should be making it more difficult not so much for the lawyer, but for the owner of the land. This is the person for whom it is being made more difficult. I think these are things to which we must address our minds to when we are passing this kind of legislation.

Mr. W. O. FRANKLIN (St. Philip North): Mr. Deputy Speaker, I am in full agreement with my colleague who sat down, but it occurred to me that it might not prove the problem I thought it would have, since the Commissioner of Land Tax now has to stamp the Property Transfer Tax before it is conveyed. So I would like somewhere in this that instead of it going to him twice, machinery can be set up that it is stamped on that one occasion to comply with both requirements, and you do not have two movements. The honourable Prime Minister was the Minister in charge of that department and he could make the administrative arrangements.
6.15 p.m.

I must confess that not being in the field is one of the biggest problems, and I would like somebody now to make a study of the cost of businesses in this country, particularly housing, due to legal delays which involve payment from the overrun of bridging finance, extra interest, because the legal people are claiming it is too cumbersome to close the deal. We must do anything we can, because it is a tremendous financial obligation and wastage of funds by developers in the present legal transaction. They also want at some time to get back the Land Registry Act that is on the Statute Book, because we must do something to speed up that and cut down on the wastage and the frustration in that sector of the economy which is the cause of the problem.

Rt. Hon. J. M. G. M. ADAMS: Sir, I must say we had two short and very important speeches, and I have already, as the honourable Member was speaking, written a note to the Commissioner of Land Tax asking him to examine the points which have been made and to report by the end of the month.

I think that the honourable Member for St. Michael North (Mr. P. M. Greaves) put his finger right on a major fact which had been overlooked in the Land Development Duty Act, which is the changes in taxation on land and the liability of taxation on land since the Act was first passed. We repealed the Betterment Levy, but it did not occur to us then that we should look at the inflation provisions, which are quite inadequate.

I do not know how many honourable Members have had occasion to sell property recently that was bought within the last ten years, ten years being the Land Development Duty period, but honourable Members would have been aware that within ten years, without the Government building one thing, a property can double in value.

Even without anything being done by the Government, without a stroke being taken by the public, a district becomes fashionable, it becomes commercial, the Town Planner gives a few commercial permissions — when he gives one man a permission he does not automatically give all those around it — and immediately he does not automatically give all those around it — and immediately those around it, the properties, become more valuable. If they have the misfortune to be in a development area, you cannot separate the increase in value because of the commercialisation of the district from the increase in value because of whatever the Government built.

If you take the area of Fontabelle, the Deep Water Harbour was built twenty years ago, the addition was built ten years ago, but there are properties in Fontabelle which are increasing enormously in value, and I do not

believe that the increase in value is attributable only to the construction works that have been carried out.

I see the honourable Member's point and will deal with it. In relation to the point made by the honourable Member for St. Philip North, it is fully intended that the certification procedure for the Land Tax will be one procedure, as long as the lawyer remembers to apply for both certificates. I believe at one stage we were even thinking of having one certificate, but I think that there may be other reasons why that was not dealt with.

On the question of delays, some of the delays are due to the lawyers. The Government is in the process of accepting a surrender of land for arrears of land taxes, a quite simple matter, so it seemed to us. The lawyers were told to draw up a contract by which Government would agree to buy the land, and by a subletter the purchase price of the land would be paid by the Ministry of Housing, so much to the Commissioner of Land Tax and so much to the Director of National Insurance. In fact, there was no balance, but there could have been a balance.

It seemed a perfectly simple transaction, one conveyance and a subletter, and the owner of the land who wants nothing whatsoever except to get the Commissioner of Land Tax off his back. He accepts that the property is probably less in value now than the tax arrears. We have taken some of his property for all of his tax arrears — I think there is a property at Cave Hill and a property in town — but all the money he owes the Government for everything. Correct balances have been found. There is no argument about the money, there is no argument about which properties are to go. The Government has a use for the property in Cave Hill, it is an urban district already surrounded by developed land, and suddenly the lawyers discover that they do not like a release drawn in 1958 on a debt, or something like that, and they are saying go through the procedures of the Land Acquisition Act.

For the man to get a release for other property that he wants to sell, you see the Government is going to release all his property in return for some, so to get a release for his hotel or whatever it is that he has a buyer for waiting, ready to move in to give employment to people to reopen the hotel and everything, he now has to go through, according to the Government's lawyers, the procedure of the Land Acquisition Act because the Government's lawyers are saying that they do not like the title. I had to say, is the law of limitation destroyed in Barbados? To my knowledge, the man enjoyed the property concerned for twenty years.

Just take the conveyance. The Government can cure the conveyance by a statutory title if it wishes at a

later stage, but economic development is being held up, a hotel is not being reopened as a result of the Government's lawyers taking this objection. The lawyer on the other side, to my mind, is one of the most efficient of all, and he would do anything he could to clear the matter. There is no shark practice of any sort at all involved, but there it is.

Therefore, I do not think you must blame the officials. I think you have to blame the lawyers for pnickety-ness and not always acting speedily. These are the real difficulties. I do not think the Commissioner of Land Tax is a man who is unaware of the necessity for quick commercial action.

On the point of secrecy, the matter, of course, will be looked at, because it is not intended that officers of the Land Valuation Department has general access to the vendor's or the purchaser's Income Tax files. It is only intended for them to have access to his land tax records, not his general record, but I will make investigations to ensure that separate records are kept at Inland Revenue and that it is only those records which will be exposed under the proposed Clause 2 or 3, whichever it is.

Thank you.

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

On the motion of Rt. Hon. J. M. G. M. ADAMS, seconded by Hon. L. S. CRAIG, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill. Mr. J. G. ODLE in the Chair. 6.25 p.m.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1–5 inclusive were called and passed.

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

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

ADJOURNMENT

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this House do now stand adjourned until Tuesday, May 15, 1984 at 12 o'clock noon.

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

The question that the House do now stand adjourned until Tuesday, May 15, 1984 at 12 o'clock noon was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER adjourned the House accordingly.
6.30 p.m.

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BARROW, Rt. Hon. E. W. (St. John)

BOLDEN, His Honour C. L. (St. Joseph)

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)

JOHNSON, Hon. V. L. (St. Michael West Central)

KING, M. A. (Christ Church West Central)

MILLER, Hon. Miss B. A. (City of Bridgetown)

TAITT, B. M. (St. Michael West)

TULL, Hon. L. R. (St. George South)

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, May 15, 1984.

Pursuant to the adjournment, the House of Assembly met at 12.10 p.m. on Tuesday, May 15, 1984.

PRESENT

His Honour C. L. Bolden, LL.B. (Deputy Speaker)
Hon. L. S. Craig, (Minister of Parliamentary Affairs and Leader of the House)
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)
Hon. DeL. O. Bradshaw, (Minister of Labour, Social Security, Sport and Community Services)
Mr. R. E. Brathwaite
Mr. L. A. Weekes
Hon. A. Truss.

Prayers were read by Rev. Fr. Stapleton.

MINUTES

Mr. DEPUTY SPEAKER: The Minutes of Tuesday, May 8, 1984.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that the Minutes for the meeting of May 8, 1984, be taken as read.

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

Dr. R. C. HAYNES and Mr. W. O. FRANKLIN entered the Chamber and took their seats.

PAPERS

Hon. L. S. CRAIG: Sir, on behalf of the acting Minister of Trade, Tourism and Industry, I am commanded to lay the following:—

The Annual Report of the Barbados Industrial Development Corporation for the year 1982/83.

GOVERNMENT NOTICES

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

Resolution to approve the guarantee by the Minister of Finance of the payment by the Barbados Development Bank of a principal sum not exceeding \$10 million and of interest thereon for the fifth issue of National Development Bonds to finance certain of its functions.

A Bill to amend the National Petroleum Corporation Act.

FIRST READING OF BILLS

On the motion of Hon. L. S. CRAIG, seconded by Hon. DeL. O. BRADSHAW, a Bill to amend the National Petroleum Corporation Act was read a first time.

ORAL REPLIES TO PARLIAMENTARY QUESTIONS

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to give notice that the reply to Parliamentary Question, No. 1, asked by the honourable Member for St. Michael North, is now ready.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

PROVISIONAL COLLECTION OF TAXES
(AMENDMENT) ACT, 1984

Order No. 1 was called – To move the Second Reading of a Bill to amend the Provisional Collection of Taxes Act.

Hon. L. S. CRAIG (St. James North): Sir, the amendment to this Act should not pose a problem, because this Act was first put on the Statute Books in June, 1967. At the time, there were a number of legislative amendments consequent upon the presentation of the Financial Statement and Budgetary Proposals in the House. They were relatively small, and the period of four months was perhaps quite a long time in which to get such legislative amendments approved.

Over the years, however, there has been a substantial increase in the number of legislative amendments, resulting from either changes in the levels of taxation or the introduction of new tax measures, and it has not always been possible to bring down legislation in the four month period. A problem was highlighted during the course of the last financial year, when there was a legislative amendment dealing with some taxation measures proposed in the 1984 Budget. This was brought to Parliament several months after the ending of the four months' deadline – one always thought that there should be a four months' deadline – and as a result of that situation, Cabinet decided to amend the Provisional Collection of Taxes Act.

It must be pointed out, however, that the need to maintain secrecy at the time of the preparation of the Budgetary Proposals precludes discussions with interested parties. Surely, before a Minister of Finance brings down his Budgetary Proposals, he must be advised by his technicians. He must be told where taxes have not been raised for a number of years in certain areas, and he has to be in a position to determine what money he has to raise for the country without imposing any undue hardships on the society.

I think we can all appreciate that there have been harsh economic times throughout the entire world, not only here in Barbados, though the economists are the ones, to my mind, who seem to have the whole world confused with their approach to the problems throughout the entire world. The technocrats, the people whom, I believe, have seen harsh times and good times, are the ones in the best position to advise the Minister of Finance as how to arrive at his Budgetary Proposals, because, unlike the popular belief that the Minister of Finance gets up one morning and decides to write down

something on paper, brings it before Parliament, introduces it and then there is debate on what is then considered as the Financial Statement and Budgetary Proposals, a Budget is prepared over a period of months and examined by the Chief Economic Advisor, with whom I would rather err than with some of the economic experts, who only lecture in economics. Many of them only teach a subject every day, but those who advise Government are the ones who are involved in the harsh realities of life.

I consider the technocrats the economic watch-dogs of the country. But those who get up every morning and read text books on how to become economists and then come and advise people about how to go about a problem based on a certain background and the knowledge which the practising economist would have at his disposal – they are jokers. That is why I would rather err with those who advise the Government than to err with those who are text book lecturers and who advise people as to what they should say and what they should not do. Those they advise are nailed in here or in any other Parliament as an Opposition, because they are not really dealing with the hard facts of life.

I have been on both sides. I know that side and I know this side, so I believe that I am in a position to have an idea as to what is going on, contrary to the belief held by some persons.

The Financial Statement and Budgetary Proposals of 1983 necessitated amendments to the following Acts and Statutory Instruments, the Income Tax Act, the Consumption Tax Act, the Stamp Duty Act, the Airport Service Duty Act – a whole list of them.
12.30 p.m.

I am a practising economist in my own way. I am as much economist as a lot of them, because they come up with ideas, but they never have the real answer. However you read anything relating to economic strategy, you always hear that one economist has a different idea from the other one. For the past three years some of the economists in the United States of America have been saying that they are coming out of the recession, and then, two months or two weeks after, you hear other economists saying that there is no way this could happen before 1990 or 1998.

There is no doubt that Barbados and the Caribbean territories, the world for that matter, depend on the economy of the United States of America. If that economy is booming, simple common sense will tell all of us that money is going to be available in the United States of America, and as long as that, the Canadian and the European economies start to pick up, Barbados and Barbadians, and the Caribbean, can look forward to some more golden years. But we have to depend on the

strength of those economies, and these are simple, hard facts of life.

I heard about an advertisement about how they will get Barbados moving again. I had really planned to go to the meetings, because I like to hear what they have to say. But I have it on tape, I am always searching about to see if I can get a piece of change out of one of them. You know, bits of money are always knocking about. When they run out of steam, they start cursing you and say things they should not say. However, I want to know if they are going to lift up the American, Canadian, English and German tourists and bring them here, tell them to remain long, and spend money in Barbados so that some money will come into the coffers of the country and we can take that money to expand the economy, put people to work and get Barbados going again — if they say that it has stopped going.

I would rather err with Dr. Courtney Blackman, Governor of the Central Bank — he may be conservative in his approach; he may not be as aggressive in his approach — but in recent times I have heard how the Central Bank's statistics are wrong. All of a sudden, from 1977 until 1984, the Central Bank's statistics have been wrong. Only when things are going good the statistics are wrong, but when things are going bad for Barbados, the Central Bank's statistics are right. All the statistics from the Statistical Department have been wrong, the employment surveys have been wrong. All these people are wrong — and they have been in office before 1976. Dr. Blackman and the Statistical Department were not set up by this Government; they were there long before we came into office, but they are wrong when things look good, and when things look bad, they are right.

That is opposition politics, and I do not blame them for that, but my fervent wish, prayer and hope for the whole of Barbados and the entire Caribbean is that the economies in the major industrial countries pick up. As long as those countries have economic growth, I will rest assured that we are going to get a spin-off and we are going to be in a better position.

It is at this time in the history of this country that one can determine what is good management. It is when money is limited, that you should know your priorities and work on them. That is important in any budgeting. When you have a limited budget to operate on and do not know where money is coming from again, when there is no windfall, then you are in a position to know good management, and we can boast, and I am proud to know it, that this country can still bring in new buses, build roads, build houses, give the old age pensioners an increase in salary, build schools, and that the supermarkets are full of goods still. You see all of these things as you look around the country, yet you hear that things are bad.

I am one who is going to admit that there is a falling off in employment. I am not fooling myself about that, and I can only go along with the statistical people, the civil servants who go out and get the figures and report back to the Minister of Finance as to what is the position. That is what I happen to know. When a Government, like all the Caribbean Governments now, finds that times are hard for the North American countries, they know that things have to be difficult down here. I do not care who is the Prime Minister, the Minister of Finance, or who is the adviser that is going to advise any Minister of Finance — unless there is economic growth in the countries that we depend on for economic support, there is going to be no answer to the problems in Barbados and the Caribbean.

If you examine the countries in Central and South America, you will see that they have debts of US \$360 billion, with riots taking place because of austerity measures which must be taken to bring back the country's economy in the interest of the people. We have not been in that position. Now, pray tell me, Mr. Deputy Speaker, if Trinidad is finding it difficult, with their foreign reserves falling daily, and there are austerity measures in Trinidad where the manufacturers in Barbados cannot get their goods sold in Trinidad because of the Central Bank's control in Trinidad and the measures taken by the Government of Trinidad, tell me which Prime Minister or which Shadow Prime Minister can tell the Trinidad businessmen or Trinidad Government to buy our goods if they have not got the money to pay for them. It is as simple as A, B, C. If you do not have the money to buy them, then what are you going to do? Are you going to make the people here work, and let the businessmen go to the banks and run up their overdrafts to pay people to work to put their goods in a storeroom? Let us take, for example, the honourable Member for St. Michael North West (Mr. L. A. Weekes). He is a businessman. If he cannot get his toffees, extra strong, cod liver oil, and maybe some thermogene and iodox sold in his drug store, is he going to buy them and put them in there all the time? I do not understand it.

At this time, I welcome my friend, the Deputy Leader of the Opposition. He was not here last Tuesday when there was money talk, because he could not vote — he ducked out last Tuesday, but he is here today. He was a notable absentee last Tuesday.

I know it would not be good business sense for any businessman to be going to a bank all the time, and buy goods and put them in his storeroom when he cannot get them sold. He knows the markets, it is not to say that he has not looked for the markets. He has explored all the areas, the people are willing to buy, but they simply say they have not got the money to buy. Therefore, tell me which Minister of Finance, which economist can make the Barbados Government sell their goods in other areas? 12.40 p.m.

We have been fortunate, this year. I think that we barely reached 100 000 tonnes of sugar. If we had 150 000 tonnes of sugar, but we only had a contract to sell 100 000 tonnes and we had to sell the other 50 000 tonnes on the open market, but the open market did not have money to buy, we would have to keep our sugar in Barbados. This is what I believe. I do not have to get an economist to tell me that if on the open market you cannot get your goods sold because the people have not got the money, because their economies are in trouble, you cannot bring in money. What can we do?

It is at this point, as they say, that you see good seamanship. You can tell a good captain when the waters are rough and troubled, he trims his sail to suit the wind. He does not create impressions, he presents the facts as they are. He does not decide to sail his ship at high speeds in troubled waters. He goes cautiously along, waiting for the sea to be calm again, praying and hoping with his passengers abroad that he will get them home safely.

I have no doubt in my mind that the captain and crew are manning the ship "Barbados" in whatever economic troubles there are, will gingerly go along through those waters, and that when the calm is all over, the captain will look around and count his passengers and see them safely in port.

Mr. Deputy Speaker, I beg to move that this Bill be now read a second time.

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Deputy Speaker, the honourable Leader of the House has so adequately presented this amendment to the Bill that I do not think it overly important that anybody actually speak in support of it. But this amendment is absolutely necessary since, consequential on any Budgetary Proposals, the Government will of necessity have to make amendments to the Bill that bring into operation the necessary legislative proposals with respect to taxes, be they new taxes or concessions.

We have to bear in mind that there are a number of imponderables when it comes to Budgets and the preparation of Budgetary Proposals. In Barbados, the Minister of Finance is, for good or evil, the Prime Minister of the country as well. In Great Britain, the system is slightly different; you have a Chancellor of the Exchequer. But the Prime Minister does not at all lack financial control, because the Prime Minister is always first Lord of the Treasury. The Prime Minister is at all times kept fully seized of the facts as far as the financial matters of the country are concerned.

But one has to be very careful that, in dealing with budgetary matters, we do not have leaks, and for that reason, even though you are introducing proposals which might effect businesses and companies, you may not be in

a position to discuss those matters too openly with those companies or businesses. The simple reason is that you may very well discover that they will get ideas that tax proposals are afoot which might tend to create problems for the businesses, or the products they manufacture or represent. Therefore, when you have had, as we have had in recent times, such a plethora of legislation coming before Parliament, it is extremely difficult to get through with the necessary amendments, bearing in mind the overall burden that falls upon the Attorney General's office with respect to other pressing legislative matters.

We discovered that neither the four months that was operative before, nor the amendment which brought in the six month period, can adequately deal with the situation, and we have had a number of embarrassing experiences when it was discovered that we exceeded the time limit which was imposed. We thought it would be better to regularise the situation, to come in and set a limit which would be a sensible limit in which to deal with matters of a budgetary nature. We do not feel that we can do any better.

Sometimes there are problems with respect to the inefficiencies of the various Ministries and the people who have to do with the bringing forward of these matters. Politicians are in control of the political directorate, but they do not undertake the day-to-day administration of the Ministry, and there are certain problems which come up from time to time over which they might not have any control, even though they have responsibility of their Ministry. While we cannot ignore the fact and cannot say that we are not responsible — you are responsible — there are problems which, normally, will escape us, so it is always best to be frank about these situations when they arise, and set out in a positive and direct way to remedy them.

This legislation seeks to bring about a better approach in terms of the time factor, which is vital and necessary at times. It does not necessarily mean that because we say at the end of the financial year, we will go to that limit. I would prefer to see an arrangement made where legislation can be brought down in four months, maybe even two months. It does not necessarily mean that because you have the long time, until the end of the financial year, that you should insist that you go to the end of the time limit which you have. But I think that we should look very carefully at all of these matters at all times and try to regularise them as best as we can.

The amendment to this Act is very important. The Opposition, I am sure, would agree that, based on the four months' limit which they had, it was impossible for them to comply; they could not do it, in some cases, in seven months. In fact, they have not at any stage during their fifteen years of rule brought into being 50 per cent of the amount of legislation which this Government has brought

about since it came into office, so they have to understand that we would need to have more time in order to conform with the law as set out.

I commend this amendment to all Members of the House, bearing in mind that even though the Opposition will have many, many more years before they sit on this side again, if the day should ever come, that they will still have to work the system. I wholeheartedly support this amendment.

Dr. R. C. HAYNES (St. Michael South Central): Mr. Deputy Speaker, in listening to the honourable Leader of the House as he introduced this Bill to Parliament, I do not think that one could have listened to a more startling and clearly articulated confession of the impotence of the Government in dealing with the economic affairs of this country.

12.50 p.m.

His fundamental thesis was that Barbados is not able to make any progress unless there is progress in the other developed countries of the world. He then proceeded to make certain remarks on the discipline of economics. One recognises that economics is not a science, and perhaps is the only discipline where there is a cleavage of opinion not only on the periphery of the body of the science, but deep within the fundamentals, within the core, of discipline of economics. Nevertheless, there is a more important factor which should inform those who have to take decisions, namely the exercise of common sense, in dealing with the opinions presented to them, which is the main function of a political directorate.

This particular Bill has been stated as one which would extend the period during which any new tax, or any increase in an existing tax, shall be payable without the making or passing of the appropriate enactment. The Bill then proceeds to delete the words "within four months" and then subsequently to replace them by the words "by the end of the financial year therein".

In my view, this Bill has arisen because the Government, as a result of its own frustration, as a result of its own incompetence, has been unable to meet the statutory requirements as set out in the Provisional Collection of Taxes Act, which had set a reasonable period, of four months, within which enabling legislation should be brought before this Parliament. Instead of strengthening the institutional framework in order to ensure that such enabling legislation is brought before Parliament within what one would consider to be a reasonable period, the Government accepts and remains supine in the face of these institutional and administrative deficiencies, and proceeds to extend the time to a limit which can in fact be a full year, because from time to time we have had Budgets introduced on 31st March, which means that the Government will now be empowered to collect tax from

the people of Barbados for an entire year without any enabling legislation.

We on this side have repeatedly called on the Government to respect and observe the provisions of the Provisional Collection of Taxes Act. We have had several occasions on which that Act was breached, when in fact it was the duty of the Government to refund, according to that Act, all monies collected under the Act. It did not do so, but instead brought in legislation which applied retroactively in those particular issues. One can cite the problems that arose in respect of the Health Levy that was introduced, I think, on September 8, 1981, and the Transport Levy, when the statutory period of 120 days had expired before the enabling legislation was brought before this Chamber.

We feel that this is not the answer. We feel that it is the duty of the Government to conform with the law, rather than seek to alter the law in order to deal with their own incompetence, and that is what is happening here. The Government is saying that they cannot get the legislation through within four months, when the ideal situation would be one whereby as soon as the Minister of Finance introduces his budgetary measures, then appropriate legislation is introduced into the House.

The origins of the Provisional Collection of Taxes Act reside in fact that the preparation of a Budget involves a considerable element of secrecy, and, secondly, it takes a reasonable amount of time to prepare the legislation. The reason why the Act is on the Statute Book at all is because it was recognised that the legislation could not be introduced on the day on which the Budget is introduced. But it is specifically designed in order to place limits on any Administration as to the period during which they can collect taxes without seeking the appropriate legislative instrument so to do.

This particular amendment removes in its entirety the purpose and intent of the Provisional Collection of Taxes Act. It means now that you can go a whole financial year without bringing any legislation before the House, whilst you go on collecting taxes from the people of Barbados. This is important, because from time to time, when enabling legislation, which would give legislative sanction to Budgetary Proposals, is brought into this House, this gives the House an opportunity to examine the proposals in greater detail, particularly the legal framework of the proposals, than it would have had at the time of the Budget debate. It means now that Parliament could be deprived of an opportunity for further examining the particular framework in which a given imposition has been placed on the people of Barbados.

We feel that it is a matter of great regret that the Government has taken this step. We feel that, in order to strengthen the financial management of the country, the emphasis should have been towards bringing the legislation before Parliament well before the four month period, and if there are problems in the various Ministries, then seek to strengthen their institutional framework within the relevant Ministries in order that the appropriate instruments can be brought before Parliament.

This particular amendment does not in any way strengthen the financial management of this country. It weakens the capacity of the Administration itself and of Parliament to assist in the financial management and control of the operations of this country. In other words, what you are doing here is sending a signal to those persons who are responsible for drafting the legislation, or making the necessary inputs into the instruments that should be brought before Parliament, that if they cannot do it in four months, then leave it for an entire year. Surely, this is not desirable.

1.00 p.m.

We on this side have again and again been critical of the Government when the time had expired for the legislation to be brought. We felt that the proper response to such criticism would have been to get a situation going where the Government would seek to comply with the provisions of the Provisional Collection of Taxes Act, but we see the complete reverse here.

It would appear to me that the political directorate have just about given up. They are virtually saying that they cannot get it done within four months so they will go on for a year. Why not make it five years? Why not make it ten years? Why limit it to a year? I would like to know why it is being limited to a year.

I can understand why it was limited to four months. The fundamental reason for that, as I said earlier, is that there is a natural presumption in terms of justice that these enactments should be brought before Parliament at the earliest possible day. I would like to know, apart from the arguments that I have heard in terms of administrative difficulties and inefficiencies, why you are limiting it to a year, and not, say, two years, three years or four years?

I do not believe that this particular amendment is going to assist the Government, or anybody in this country, with the better management of the financial affairs of this country, or, indeed, give greater confidence. It is important to the public that when they pay taxes, that those taxes have been authorized by an appropriate instrument of Parliament, approved by their representatives, within a reasonable time framework.

I believe that the thinking behind this extension is fundamentally wrong. I think that the thinking behind it

endorses indolence and ineptitude at various levels, including the level of the political directorate. It is my belief that the Government should be seeking an alternative route in dealing with this problem, rather than weakening the structure of the financial administration of the country.

I do not think it is really necessary for me to respond to the sort of economics I heard put forward by the honourable Leader of the House. I think that one has to distinguish very carefully between economics, econometric arguments and buffoonery.

The problems with Trinidad largely relate to appropriate diplomatic initiatives, a proper recognition of the problems of that country, and trying to seek a niche for our exporters within the context of meaningful trading arrangements. I have repeatedly brought proposals to this House, at least on two occasions, one about a year ago around this time, pointing out the need to use soft words in dealing with Trinidad and Tobago, and I also brought before this House, the opportunity of using a capital good as an element of trade in order to underpin our trading linkages with that country.

On the question of anyone challenging the Central Bank's statements, very often these statements arise out of ignorance; and one understands that when a statement is made out of ignorance, perhaps the most charitable thing you can do is try to correct it.

The Central Bank issues various statistical documents, but the Central Bank is always very careful to indicate the source of its information. So if one were to take up the monthly or annual statistical index of the Central Bank, you can distinguish clearly what is a Central Bank source and what is not a Central Bank source. The fact that something comes within a publication of the Central Bank does not mean that the Central Bank was necessarily the source of information, and the Central Bank is very cautious, even when it expresses an opinion that is based on information which it has not derived from its own investigation — sources are always indicated, as with any good authority. Our problems with the Central Bank of Barbados have never related to the quality of individuals there, their research potential or anything like that. Our problems and our disputes have been legitimate disputes in relation to policy as advocated by the Central Bank.

As I said earlier, there is a fundamental cleavage not only at the periphery, but right within the core of the discipline of economics and economic management, and anyone is entitled to his view. And just as anyone is entitled to his view, it is equally important that one should recognize that criticism emanating from one side does not necessarily mean that it is a personal attack or denigration, or necessarily an attack on the professional competence of the person whose position differs from yours. At the end of the day, the proof of the pudding is in the eating, and when you have looked at the various

measures taken over the past four or five years in Barbados, and you look at the state of the economy of Barbados today, then people have a simple question to put to themselves: "Were those who criticize the policies right or wrong?" All they have to do is to look at the lack of cash in the economy, the indebtedness to the sugar industry, the tourist industry, the level of our unemployment, the whole lot and they will discover that there is something fundamentally wrong.

I can accept that our suggestions might not be the answer, but our criticisms were right, even if our suggestions are not the answer, because our criticisms have certainly been borne out by the fall-out throughout the economy of Barbados, and that is a fact that we have to face. That is why I was pleased today – I was as pleased as punch – to hear the honourable Member for St. James North drop his guard and come in and confess that there is nothing that we can do, that paralysis has set in, and the only way we can move is if the Governments in the industrialized countries move forward.

1.10 p.m.

I wonder what would happen.....

Hon. L. S. CRAIG: If the honourable Member would give way.....

Mr. DEPUTY SPEAKER: On a point of order or on a point of information?

Hon. L. S. CRAIG: On a point of information, Sir. I would be very grateful if the honourable Member for St. Michael South Central would tell us what the answer should be in Barbados. If the industrial countries do not pick up, tell us what the answer is.

Dr. R. C. HAYNES: It would take too long. I am referring the honourable Member to my Budget replies of 1981, 1982, 1983 and 1984. If you read the four of them, you will find the answers there, and my contention all along is that if you have your domestic situation in order, this economy is capable of performing. I cannot go through the whole question of interest rates, diversification of the end product of the cane industry, restructuring the debt structure of the tourist industry and all this. I cannot get into that now. Look at my four Budget replies and you will see a composite answer that would have prevented this situation and allowed us to have continued on a growth path. I have told you where to look for the information, and if you put the four of them together, you will find a classic recipe for holding strain and for development in a small economy such as ours.

Mr. DEPUTY SPEAKER: I think honourable Members have had a lot of discussion between themselves, and I would now like the honourable Member to address the Chair.

Dr. R. C. HAYNES: Mr. Deputy Speaker, I think I have covered most of the points. I have covered the essential elements relating to the particular Bill before the House. I have diverted a little, with your tolerance and silent permission, and I will again express the view that we do not think that the lengthening of the time to the end of the financial year is the answer to the problem. You have to strengthen your institutional framework and bring the legislation down before Parliament as soon as possible.

I would just draw honourable Members' attention to the various publications of the Central Bank. If we take the Economic and Financial Statistics for February, 1984, page 60, Central Administration, Capital Account, you will see the Central Bank is very careful to put in their source as Accountant General. Again, if you look at page 58, Central Administration, Current Expenditure, you will see that their source is Accountant General, and if you go right through you will see that they always quote their sources.

Where they are dealing with Central Administration, operations and financing, you will see that the source is the Central Bank of Barbados, and the reason for that is that you will find that the Current Account and the Capital Account as done by the Central Bank would be somewhat different from what is done by the Accountant General. The method of accounting is somewhat different in that the Central Bank may well include all levies and so on as revenue, whereas the Accountant General would only, of course, give you those things that are paid into the Consolidated Fund. That is why you will see minor differences.

Mr. DEPUTY SPEAKER: We are not discussing that now.

Dr. R. C. HAYNES: I am just establishing the point. That is all I am doing.

Mr. DEPUTY SPEAKER: Let us get on with the Bill before the House and leave the economic theories and discussions for elsewhere, or for another time.

Dr. R. C. HAYNES: I am not dealing with economic theories. I just wanted to reinforce the point that if one criticises a figure in a Central Bank publication, one is not necessarily criticising the Central Bank, because the Central Bank always indicates its sources. I just wanted to bring it to the attention of the House to reinforce my point.

Hon. L. S. CRAIG: I take it that if the honourable Member is not criticising the Central Bank, he is therefore criticising the Accountant General, because this is where the information is coming from; so you are critical of the civil servants, not the Central Bank.

Mr. L. E. SANDIFORD and Hon. I. R. TULL rose.

Mr. DEPUTY SPEAKER rose and both honourable Members sat.

Hon. L. R. TULL (St. George South): Mr. Deputy Speaker, we have just been treated to the usual display of egotism by the honourable Member who has just sat down. I am going to deal with some of the things he raised, but before I do that, I just want to make a few small comments on the amendment before the House.

The Provisional Collection of Taxes Act was introduced in 1967, by the then Government, when it realised that it was not possible to have legislation ready and before Parliament immediately after the words dropped from the lips of the Minister of Finance. The one thing in all his dissertation that is true is that a great deal of secrecy and confidentiality surrounds the preparation of the Budget. It is important to maintain this integrity in relation to public and private life in this country, because if a Minister of Finance does not keep his Budgetary Proposals among a very small group of people, it would allow persons involved in the business community, knowing that a particular taxation will come in a special date, to so adjust their business as to avoid the impact of any budgetary imposition. Therefore, a number of Government Departments and private professions do not know of the contents of a Budget Speech until it is delivered.

It is important after that that there should be the widest possible consultation among Government Departments and interested groups to make sure that the enabling legislation, which is subsequently passed to give effect to any budgetary proposal, is well considered and meets the needs as disclosed by the Minister of Finance. The Minister of Finance may very well impose, for example, a new tax on dividends, on the profits of companies, and that is all he is concerned about. He makes his imposition, and states that he will collect additional revenue from a particular date, but one finds that after he has done this, then the Legal Department, the Ministry of Finance, the Registration Office in Bridgetown that is the registry for companies, the legal profession, the accountants – everybody – begins to take a look at the words of the Minister of Finance to see how his pronouncements will impact on any particular aspect of the companies law and companies regulations.

I use that example particularly because I have heard reference to the Attorney General's Chambers. We take the blame for everything these days. More often than not, when the Budgetary Proposals are made, in the period of time before the enabling legislation comes before Parliament, all the files dealing with it are in the Ministry of Finance, not in the Attorney General's Chambers.

The Attorney General does not make policy for the Ministry of Finance. It is only after the policy is spelt out

with utmost clarity and clear directions given to the lawyers, that the lawyers can draft legislation in accordance with the wishes of the executive Ministry. I need to put that on record, because there is this foolish view that any time the legislation is laid after the Budgetary Proposals, somehow the draughtsmen in the Attorney General's chambers are sitting on it and not producing the legislation. Usually, it is straightforward legislation, after you have the clear instructions from the Ministry of Finance, and, on many occasions, the legislation is done within twenty-four hours to forty-eight hours.

The Democratic Labour Party, when it was the Government, introduced the Provisional Collection of Taxes Act, because they realised that it was not possible to have the legislation immediately on the announcement of the Budgetary Proposals. There is a different system in the United Kingdom. The Chancellor of the Exchequer in the United Kingdom has Treasury counsel, lawyers who were in the Treasury, who are consulted at every stage on the proposals that will be made by the Chancellor of the Exchequer and, therefore, the legislation is prepared the same time that they are developing the Budgetary Proposals; so by the time they go to Parliament with a Budget Speech, the enabling legislation is all ready to be laid and given first reading in the House of Commons.
1.20 p.m.

We do not have a Treasury counsel. When I was able to take a close look at how the system operates, from the point of view of the Attorney General's Chambers, I made a proposal to the Minister of Finance that he should involve the Chief Parliamentary Counsel in this tight group of people who sit down over a period of months to prepare these Budgetary Proposals, so that the Chief Parliamentary Counsel will be getting the thinking of the Ministry of Finance at each stage of the development of the proposals, and, indeed, by the time the Minister of Finance is ready to come before Parliament with the Budget, the Chief Parliamentary Counsel will have had at least a proper draft of the necessary enabling legislation. I do not believe that that proposal has been refined, and I will be pushing even more in the future that this procedure should be taken, so as to minimise the difficulties we have in what is considered late legislation to collect taxes.

The honourable Member who just spoke went through his usual period of grandstanding, and he said that what this amendment does is to remove with finality the provisions of the Provisional Collection of Taxes Act. The Democratic Labour Party in 1967, when there was a very limited flow of legislation in Parliament, felt that they needed four months. Any research on the passage of legislation between 1967 and 1984 will reveal that the legislation coming to Parliament in 1984 is perhaps 500 per cent more than in 1967. This throws an additional burden on the draftsmen. They felt it was necessary to

make it four months, and this Government, after seeing it in operation for eight years from the point of view of its own administration, felt that the twelve months is an appropriate period in which to do so.

But we must not misunderstand the policy. To hear the honourable Member's speech, those who are not listening carefully would believe that every single bit of enabling legislation arising out of Budgetary Proposals will come twelve months' late. I know that the enabling legislation arising out of Budgetary Proposals has, invariably, been brought before Parliament long before even four months have elapsed, and I am sure that, even with the passing of this legislation, that will continue to be the case. But there are cases when, occasionally, a particular budgetary position touches on Statute Law, maybe more than one piece of Statute Law, a great deal of consultation would be required and it will go beyond the four month period, and maybe even twelve months. But this will be the exceptional case; this will be very far away from the rule.

The honourable Member says that economics is not a science. He said that with a great profound expression as if it were something new. I think it is trite among people who know about these things, that economics, though science, is not an exact science. But when you hear the honourable Member, having said that, go on to make his pontifications on aspects of the Barbados economy and his universal panacea for everything in Barbados, you will understand that he speaks with a great deal of dogmatism on what is an exact science.

You cannot be dogmatic, about anything relating to economics. One learns this from the first exposure to the discipline, whether it is at college or at university. We have to be very careful, that we do not come up with easy answers to what sometimes are very intractable problems, and I will give you one example.

The honourable Member says that our problem with Trinidad and Tobago can be solved with soft words. You could not even tell my teenage daughter that. All you need to do is to whisper softly in the ears of people of Port-of-Spain and all your problems will be solved. It has nothing to do with the fact that when the other countries of the CARICOM region are now moving out of recession, Trinidad and Tobago is moving into recession. It has nothing to do with the fact that Trinidad and Tobago is having a problem in selling its goods to Jamaica in particular, and therefore is under extreme pressure from its manufacturers not to turn the other cheek, but to strike back. It has nothing to do with the fact that there has been a severe restriction in the production of oil in Trinidad. None of this. All that is needed is to speak soft words to the people in Port-of-Spain, and all the trading problems between Barbados and Trinidad and Tobago will be solved. That is the type of inane contribu-

tion to serious debate that we are accustomed to from the honourable Member.

In talking about the legislation before us to ask the question:— What is reasonable in the circumstances? The honourable Member says that just because the existing legislation that was passed seventeen years ago says four months, that is like the laws of God — immutable. If it was four months seventeen years ago, that is reasonable — and nothing else can be reasonable.

It is important to stress this, because, quite often, we do not grasp these things. When the Democratic Labour Party was the Government, and operated under the same provisions of Collection of Taxes Act that was passed by them, there were a number of occasions when they came before Parliament with legislation arising out of Budgetary Proposals way beyond the four month period. Sometimes a year would pass before they would bring in the legislation, despite the fact that the substantive Act was their creation.

I think we tend to get over-political and partisan about very straightforward and simple matters. I believe that if you came in here and discussed the integrity of the family, that the Opposition would attack it for political reasons. Something as straightforward as this, which seeks to prevent either Government, and any Government, through the exigencies of the moment, quite often because of circumstances beyond the control of the Government, from having to act *ultra vires* of the law, and to regularise the normal situation that will come year after year before Parliament after the Budget debate, is a matter for criticism.

I do not know what is left in Parliament anymore. There used to be a time when a good Opposition would look at measures coming before Parliament, go through them, say that 50 per cent or whatever it is is not controversial, so we support that, but this 30 per cent is controversial, and we will zero in on that and we will pummel the Government on it. Nowadays, that does not work anymore. Every single piece of legislation, however non-controversial, however straightforward, must attract the vitriolic and ill-advised criticism of people in the Opposition. I do not understand it, but perhaps that is the nature of the times.
1.30 p.m.

I do not propose, Mr. Deputy Speaker, to go into it any more, I think the Act is sufficiently straightforward, but I want to close with one comment arising out of the contribution of the person who sat down before me. The honourable Member says we advised this, we did this, speaking in relation to the problems of the economy. I can only suggest that the honourable Member in using the pronoun "we" in the editorial sense, because his colleagues have not departed to the excesses

of language that have characterised so much of his contributions in debate, both in this Chamber and outside in the country at large.

The honourable Member still, despite his fear of comeuppance in a radio interview sometime ago, insists that things are very wrong in Barbados. He said in the debate today that something is fundamentally wrong in this country, but he did not define it. I do not know why the honourable Member finds it necessary repeatedly to sell his own country short.

I heard a debate in the House of Commons in London recently over the shooting incident in St. James Square at the Libyan People's Bureau, and the Shadow Foreign Secretary in the House of Commons, Mr. Dennis Healey, was criticising the Foreign Minister, Mr. Geoffrey Howe, and he was saying that all the signs pointed to the difficulty that would have arisen in respect of the Libyans, that there was enough information, and that if the Foreign Secretary was a capable man, he would have avoided what subsequently happened. He said that in more robust times the Foreign Secretary would have been impeached.

I believe that in more robust times the honourable member for St. Michael South Central would have been impeached for what so often smacks of a lack of patriotism. Repeatedly, simple measures such as these evoke from the honourable Member the type of comment that is perfectly worthy of him, but certainly is unworthy of this Honourable Chamber.

I am happy to support what I consider not only a useful piece of legislation, but one that will avoid many of the difficulties that we have been experiencing in the past in having legislation ready within the four month period after Budgetary Proposals.

Mr. L. E. SANDIFORD: Mr. Deputy Speaker, the Bill that we are considering is a Bill to amend the Provisional Collection of Taxes Act, Cap. 85. I am taking a very serious view of this particular Bill, because I think it strikes at some fundamentals concerning the position of Parliament and the whole procedures for the imposition of taxation measures in this country.

It is quite normal that when points are made from this side of the House, the Government tends to dismiss the points that are made with short shrift. They do not pay close attention to the arguments that are being advanced, and they tend to rely upon numbers rather than the quality of the arguments that are being advanced. I hope this particular position does not prevail on this occasion, and that it is not claimed that, because we oppose this particular measure, we are grand standing.

I am a dedicated Member of Parliament, as all honourable Members are, or should be, and anything

that appears to me to strike at the fundamental position of Parliament as an institution will get opposition from me, and indeed from the Democratic Labour Party.

I believe that this is a very insidious piece of legislation that the Government has brought here today, perhaps more insidious than any other piece of legislation introduced into the House. Why do I make this very strong statement? I do so in spite of the fact that it is a very short measure, and that what it appears to be doing is to be saying that, instead of four months, the period is extended to the end of the financial year.

As it appears to me, what this Assembly is being asked to do is to say that the Minister of Finance in this country can impose taxation simply by his words, and that Parliament, which has the authority and the legitimacy in this country to approve and to grant supplies and to approve taxation measures, should remain silent on these matters for an entire year. I think that is contrary to the whole approach to the matter of Budgetary Proposals, taxation, appropriation, and expenditure procedures, and I think we have got to look at this very seriously.

What does it mean, if we examine it carefully? Assume that on 3rd April in any year the Minister of Finance comes in and makes a proposal. Then it means that in an entire year from that particular point, what he has said will be law in this country — simply the words of the Minister of Finance for an entire year. I think if we sit down in here as supine Members of Parliament and accept this kind of what I can term no less than prime ministerial rule, then we would be surrendering all of the inherited privileges that this particular Parliament has built up over the years from the very time it was established. What we would be doing is saying that, as representatives of the people, we will be surrendering that particular power to one man, rather than allowing it to reside in the collective decision of this Parliament, and I think this is a very dangerous thing.

No one has adverted to this particular point. But you are saying that we are trusting the word of one man, for an entire year, to tell the people that they can be taxed at any level, that any time an imposition can be placed upon them and that the representatives of the people can have no say in that particular matter. I cannot support that. I think it is very dangerous.

Certain remarks made at this stage by the honourable Member for St. Michael South (Mr. L. E. SANDIFORD) were ordered to be expunged from the Record by the DEPUTY SPEAKER.

1.40 p.m.

Mr. DEPUTY SPEAKER: I have said before that honourable Members on their feet should pay little or no attention to asides.

Mr. L. E. SANDIFORD: Mr. Deputy Speaker, at this particular time, as far as the laws of this country is concerned, the Minister of Finance, in delivering the Financial Statement and Budgetary Proposals, has a period of four months within which to bring down the necessary legislation to give final effect to any proposals which he may have in his Budget, and that is under the provisions of the Provisional Collection of Taxes Act, 1967.

I researched the debate; it was a very short debate in 1967. I do not think, as far as I can recall, that the Opposition voted against it, because the four month period is a reasonable period within which the Minister of Finance, having considered what revenue measures he wishes to introduce, could get the Legal Department to draft the legislation to give permanent effect to the proposals in the Budget.

Within the framework of the procedures in the House of Commons, the whole measures are approved, not provisionally, but in their final form, sometime by the end of July or early August — I do not remember which one it is, but some time by the end of July and certainly by the first week in August — which, in effect, is a four month period. What kind of circumstances could they be that one of the oldest Parliaments in the Commonwealth, which will in a few years be celebrating a milestone in its existence as the body representing the interest of the people of this country, could now surrender all of those ancient rights and privileges, which you, Mr. Deputy Speaker, are supposed to safeguard, for an entire year to one man, the Minister of Finance?

That will be a very sad day, and I am asking the Government to withdraw this particular measure. Instead of trying to find ways and means of extending this period of time, they should find the administrative machinery for ensuring that the administrative executive, the civil servants and, in particular, the Legal Department, can do their work in such a way that the Bills could be brought down here within the four month period now given by the existing Act.

If they need to get more attorneys in that particular Chamber.....

(Hon. L. R. TULL: It has nothing to do with the attorneys).

Mr. L. E. SANDIFORD: I thought it was the attorneys who are holding up matters. It is the Ministry of Finance? Sorry, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: I wonder why the honourable Member keeps having a private discussion instead of addressing the Chair.

Mr. L. E. SANDIFORD: We are getting some information here. The Attorney General says it is not the Attorney General's Chambers — it is the Ministry of Finance that is inefficient.

Hon. L. R. TULL: On a point of order.

Mr. DEPUTY SPEAKER: Is that a point of order or explanation?

Hon. L. R. TULL: It is a point of order, not explanation, Sir. The honourable Member for St. Michael South is too decent a person to lie on me. I never said that the Ministry of Finance is inefficient. What I did say is that these Bills coming out of the Budgetary Proposals are tied up most of the time in the Ministry of Finance, not the Attorney General's Chambers, and that we draft them as soon as we get instructions. If the honourable Member was listening to me, he would have heard that we produce the legislation within twenty-four or forty-eight hours most of the time.

Mr. L. E. SANDIFORD: The trouble is, Mr. Deputy Speaker, that I listen very carefully to the Member for St. George South.

Mr. DEPUTY SPEAKER: You are listening to too many asides.

Mr. L. E. SANDIFORD: What this House now knows is that the Ministry of Finance is not inefficient — they just hold up and tie up matters! They just tie them up for a long period of time and will not get them down within a specific period of time!

In all of this, I hear all kinds of blame being allocated. I have never heard one of the Ministers over there get up and say that they take responsibility. They are always blaming some kind of civil servant somewhere, as though we are not operating under a Government of ministerial responsibility. The civil servants have to carry much of the blame in this country. They do not take any blame on their shoulders, somebody else always has to be blamed.

I do not wish to get away from the central point that I am making, that we cannot support any measure in which this Parliament, which is supposed to ensure that there is no taxation without representation and, now in this case, as we may very well be getting, taxation without legislation for an entire year. The only place I know of that these things take place is in Rome — when they are going into a period of crisis Government, they surrender these kinds of powers into the hands of one man — and I want to know if those decent Members over there on the Government side, are going to sit down.....

Mr. DEPUTY SPEAKER: Are you saying some are decent and some are not?

Mr. L. E. SANDIFORD: I am saying those decent, honourable Members over there on the Government side.....

Mr. DEPUTY SPEAKER: Are going to sit down.....

Mr. L. E. SANDIFORD: Are going to sit down and allow this particular measure to pass here today. Are they going to sit down, those decent Members over there, and surrender these hard-won rights and privileges into the hands of one man, whom I heard today being referred to....

Mr. DEPUTY SPEAKER: Are you then saying that all of these are and one is not? I take it that all Members in this Chamber are decent, every one.

Mr. L. E. SANDIFORD: They are all honourable, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: They are all decent, as far as I am concerned. I will not allow the honourable Member to separate any one of them.
1.50 p.m.

Mr. L. E. SANDIFORD: I do not have any quarrel with what you are saying. In fact, we agree there are honourable Members over there. Are we going to sit here as honourable Members of this Chamber and allow these kinds of powers for that extended period of time to be placed in the hands of one man? What is really happening in this country that such a measure could be actually contemplated? The obvious approach to this, and we are not being negative, is that Government must look at its machinery and improve that machinery to the point where, when the Minister of Finance lays his proposals, the Ministry of Finance and all other Government agencies which are involved in the matter can be so co-ordinated that the necessary legislation can be brought in to give effect to the proposals. I am not going to support this measure.

Rt. Hon. E. W. BARROW (St. John): Mr. Deputy Speaker, I think it is fit and proper that I should get on the record in this particular discussion, because I was the person responsible for introducing the 1967 legislation and making it part of the Statute Law of Barbados. It is found at Cap. 85 of the laws of this country.

I just want to go back and, without appearing to be blowing my own trumpet, give a little historical background to this matter and my experience. Prior to 1962, we did not have a Minister of Finance in this island. We never had any Financial Statement or Budgetary Proposals. The first time we ever had such a procedure in Barbados was when, as the first Minister of Finance, I delivered Budgetary Proposals and made a Financial Statement in 1962. From the foundation of this Parliament in 1639 – the 350th anniversary to which the

honourable Member for St. Michael South has recently alluded will be here soon, and I hope some of us on this side and maybe Your Honour will be playing a significant role in that – until 1962 there was no need for a Provisional Collection of Taxes Act, because from time to time imposts and increases in taxation used to be made at any time during the financial year and not necessarily at the time of the Estimates.

If I may go back now to the mother of Parliaments, whose antiquity predates ours by another 350 years, in the United Kingdom the budgetary exercise, introduced by the Chancellor of the Exchequer of that country, comprise two different components, the Finance Bill and the Budgetary Proposals themselves. In the Finance Bill is adumbrated all the imposts and increases in taxation which the Chancellor of the Exchequer wished to amend or extract from the generality of the tax-paying public of the United Kingdom in the ensuing financial year.

In introducing Budgetary Proposals which largely deal with taxation as early as possible in the financial year – I did not adhere to the United Kingdom practice that this had necessarily to be done in the first week in April, because due to the inadequacy of our statistical and accounting services in Barbados – I discovered that it would be unfair to make imposition of taxation within three or four days after the end of the financial year when the outturn figures for the previous year could not possibly be forthcoming in another four to six weeks after the end of the financial year.

We have departed from that, because we do not get any outturn figures, but I am not here to deal with inadequacies or defects of the present Ministry of Finance in that respect in imposing taxation before they know the final result of the outturn figures for the previous financial year. What I am saying is that I think that in the first three or four, or maybe five, Budgetary Proposals and Financial Statements. I attempted as soon as possible – as a matter of fact within a week – to get some of the legislation before the House, and, as a matter of fact, I frequently gave notice of Bills before the Bills were actually ready. In other words, if I said that gasoline was going to go up 50 cents a gallon, I would give notice of a Bill to amend the relevant legislation, because within the time that the Order Papers and the Official Gazette were ready, within that short time span, I would hope to have the Bills printed and circulated amongst Members. So I resorted to the device of giving notice of the Bills even although the Bills had not been printed or circulated, and right now – maybe even today, although I was not here at the beginning of the session – Bills are given notice of which Bills have not yet been printed or circulated. That is a common, ordinary practice.

We found out that in some of this, with the growth of Government and the complexity of government finance and government business, the Crown Law officers used to take a little time to get legislation ready, and sometimes by the next sitting of the House, when we would be seeking to move the second reading of the Bills, the Bills could not be ready. This meant that, for a considerable period of time, sometimes there was a loss of revenue, and if you have a budget deficit, or you anticipate a budget deficit for the financial year, it is necessary to collect the revenue as soon as possible. It was at that stage that I went to the United Kingdom Parliament, borrowed a precedent and introduced the Provisional Collection of Taxes Act, which made it possible to collect Government revenue immediately after the Financial Statement and Budgetary Proposals were delivered on the floor of the Assembly, not only that the revenue would not suffer any loss, but also to prevent the mischief of people knowing about the proposals, particularly the mercantile community, and taking advantage of the fact that we had telegraphed our intention before legislation could be put on the Statute Book. It is as simple as that.

The very nature and need of Budgetary Proposals means that there is an element of secrecy which has to be maintained not only from even members of the Cabinet until the same day, but from members of the Public Service, so a Minister of Finance cannot ask Crown Law officers to prepare legislation when typists, clerks, printers and everybody were going to see it before he delivers his Budgetary Proposals. Therefore, it was all the more necessary, even for the reasons which I have just extended, the need to gather revenue early, the need for secrecy, the need not to telegraph your intentions to the business community too long in advance before there was legislative sanction for those measures, to have the legislation in place as soon as possible.

As far as I am concerned, the period which we are given here is more than adequate.

Mr. DEPUTY SPEAKER: It is now 2 p.m. and the Standing Orders have not been suspended. Would the honourable Member be able to conclude his speech within the next ten minutes?

Rt. Hon. E. W. BARROW: I will, Sir, because I do not intend to repeat myself.
2.00 p.m.

Mr. DEPUTY SPEAKER: You may proceed.

Rt. Hon. E. W. BARROW: I have to repeat what I last said before Your Honour questioned me. I am saying that the period that had been provided, of 120 days or four months, in the Provisions of Collection of Duties Act, Cap.

85, is not only more than adequate, but, according to the honourable Attorney General, and I share his view, it is too long. He says that the Crown law officers under his dispensation can get the necessary legislation ready within forty-eight hours. But I think forty-eight hours is too short, and I would like to say two weeks. If there is any amendment being made here today, I would like to see the time shortened from four months maybe to four weeks, not lengthened to twelve months.

This is taxation without legislation. It is very, very dangerous. Why should this be? After all, the Minister of Finance has introduced the measure and, therefore, the Ministry of Finance has no reason for holding it up unless they are acting as scrutineers of the legal draftsmanship of the Attorney General's office. Because the Ministry of Finance tells the legal officers what they want done, cannot tell them how to do it, and if they can do it in forty-eight hours, we should be back here in Parliament within a week with the legislation. That is what I am saying.

Let us look at the possible results which can flow from the passage of the amendments which have been proposed here today. The honourable Member for St. Michael South has already described some of the dangers inherent in such an amendment. But I wish to go further, and say that, in this way, we can have perpetual taxation without legislation. If we are saying that legislation has to be introduced by the end of the financial year, there is nothing in the Laws of Barbados — I want you to listen very carefully to me, Mr. Deputy Speaker, even though I know some of my colleagues on this side are not listening at all. They already know all about it, because we have discussed it, so they feel that they do not have to give even the semblance of propriety by pretending they are listening — there is nothing in the Laws of Barbados to prevent the Minister of Finance from coming in March, as soon as the Estimates are finished, and delivering his Budgetary Proposals. The end of the financial year is March 31, so the taxation which he has imposed in a financial year will be overtaken by more increases in taxation, by his merely bringing his Budget up either on the April 1, or before the end of March. There is nothing in the law to prevent him from presenting the Budget in March — and he has done it in March — so it is perpetual taxation without any kind of legislation.

(Aside).

Rt. Hon. E. W. BARROW: Do not tell me that you are that dumb that you do not understand. You do not have to bring in any legislation, because it has been overtaken.

We had a provision in the law that if the legislation was not introduced before the expiration period — this is Cap. 85 — within four months from the date on which the Budgetary Proposals were made in the House of Assembly, as stated under Section 5, "any sums paid by any person

by way of such tax or increase in the rate shall be refunded to that person."

We introduced legislation here after the expiration of four months last year, and the taxi-drivers and the people who had overpaid those taxes, although we tried to inform them that they could claim a refund, did not get refunds. Instead the Legislature passed an Act ratifying the miscarriage, the nonfeasance, the malpractice, although people were entitled to refund of taxes which they had paid, and which were not legitimately paid because the legislation had not been introduced within the four month period. They came in here and said: "Oh, it happened in the D.L.P. time." We never had to pass any such legislation ratifying the miscarriage which had been perpetrated at that time.

The United Kingdom lost their colonies on the outcry that "there shall be no taxation without representation." We are saying that there should be no taxation without legislation. For every imposition of tax, for the general public to understand the true import of the imposts which has been inflicted on them, there should be a discussion, *coram populo*, on the floor of this House to be picked up by the media so that people can understand. But if you are subverting the whole Parliamentary process we cannot discuss something which is law for the time being until we have the Bills introduced and discussed in this Chamber.

The learned Attorney General, as I said before, has said that he does not need all that time. So what do we need a year for? This is another step in the whittling away of the democratic rights and privileges of Parliament. It is another step in the subversion in the law and practice of Parliament, and all of those rights and privileges which His Honour, the Speaker, claims at the beginning of every session of Parliament for the Members of this place.

I do not think that, as the author of the legislation which we are now seeking to amend, I could in any conscience advise my colleagues to support any further attempt to whittle away the powers of Parliament. There is no point in saying that we are not going to vote for it, because they will pass it if they have the numbers. But I want to go on record as saying, as I have said before in respect of other bits of legislation, that not only will we restore the previous provisions that legislation must be passed within four months of the date on which the proposals were made, but, acting on the advice of the honourable Member for St. George South, I will even seek to shorten that period, because the only reason why four months was given was out of deference to the load of work which the Crown law officers had to bear.

SUSPENSION

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

ON RESUMPTION

Mr. DEPUTY SPEAKER: This sitting is resumed.

QUESTION TIME

It is now Question Time. Notice has been given that the Reply to Question No. 1 is ready. I do not now see the honourable Member who has asked this Question in his place. Therefore, that Reply may now be laid.

Hon. L. S. CRAIG: I beg to lay the Reply to Question No. 1.

PRIVATE MEMBERS' BUSINESS

Mr. DEPUTY SPEAKER: It is now Private Members' Business. There are no items of Private Members' Business on the Order Paper. Therefore, we revert to the business of the day.

When the suspension was taken, the House was debating the second reading of a Bill to amend the Provisional Collection of Taxes Act. To that it now reverts.

GOVERNMENT BUSINESS

RESUMPTION OF DEBATE ON THE PROVISIONAL COLLECTION OF TAXES (AMEND- MENT) ACT, 1984

Hon. L. S. CRAIG: Sir, briefly in winding up, if no other Member wishes to address the Chamber, I can only add that I have taken note of the views expressed by members of the Opposition, but I must also say that this whole idea which was mooted by the Member for St. Michael South, (Mr. L. E. Sandiford) about the erosion of parliamentary democracy, is something about which he has been shouting for a long time.

I would like to make it abundantly clear that I would not be any part of any organisation or Government which seeks to erode the parliamentary rights of Members of this august Chamber. I give them that bold assurance. But this is a pet subject of his. Every time he opens his mouth to address the Chamber, the Member for St. Michael South has been shouting about the ancient rights, which you, Mr. Deputy Speaker, are entrusted to guard, and the constitutional privileges of this august Chamber.

I think that we as Members are justly proud of this Chamber. It is one which is highly respected throughout the entire Caribbean, and it is a model Parliament for many of the Caribbean territories and throughout the world.

My colleague drew my attention to the debate when they introduced the measure, but it is needless for me to go into any detail. I would only mention that one of the spokesmen on that side — and I refer to the Member for St. Michael West (Mr. B. M. Taitt) — had even suggested on one occasion that if we found it difficult to have such legislation come down outside of the four months, the best thing for us to do would be to amend the law. We have done this today, we have made certain amendments. But they now have a different approach, that they are not satisfied with it because we would be eroding the rights of Parliament.

I can say there has been one revelation. It would appear that even before the General Election, whenever it is called, the Leader of the Opposition has this day conceded defeat to you. You are a very fortunate Member, because he said that sometime in 1989, he is quite sure that you are going to be around to take part in the proceedings. God help the person who runs against you. She will be written off in one shot. It is Mrs. Maisie Welch, and you can advise her at this point in time that she will lose her deposit. Not even the Leader of the Opposition is supporting her. You are very fortunate.

Of course, I would never have backed you for St. Joseph anyhow, if I had the opportunity. You are a very lucky person. I had my colleague here against you, but they say fortune favours the brave. He was ducking out because of Lloyd Smith, and you came in in your long dashiki from Africa at the same time, and you landed in here.

You now have a seat which looks impregnable. You are cooling out now. You are unlike the Member for St. Michael South. The people in St. Michael South sees him as such a sneaky operator that they have always given him a majority of ten or twelve votes. He tells them something today, and they cannot depend on it. He gets up and supports salaries, but when he hears there is going to be money talk on any particular day, he ducks out. That is typical of him anyhow, and that is why they have not got that confidence in him to give him that big majority, like Mr. Speaker, the Leader of the Opposition, the former Attorney General, the present Attorney General, your humble servant and the Prime Minister. You are in good company, Sir. Unfortunately he is not, he has always got what you call a Z van full of votes all the time.

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

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

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

Ayes: Hon. L. S. CRAIG, Hon. L. R. TULL, Hon. L. B. BRATHWAITE, Hon. Miss B. A. MILLER, Hon. V. L. JOHNSON, Mr. A. TRUSS, Mr. R. E. BRATHWAITE, Hon. L. L. SISNETT, Mr. J. G. ODLE and Hon. DeL. O. BRADSHAW — 10.

Noes: Mr. L. E. SANDIFORD, Dr. R. C. HAYNES, Mr. W. O. FRANKLIN, Mr. L. A. WEEKES, Mr. M. A. KING — 5.

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

Clause 3 was called.

Hon. L. S. CRAIG: Sir, before I move that Clause 3 stand part, I must say that many of us seem to forget as years go along. I think the Leader of the Opposition on one occasion referred to it as amnesia. I take it to mean that you cannot remember, or that you cannot remember conveniently.

Sir, in 1967, the Leader of the Opposition, who dealt with this matter today — and that side voted against the very principle of the amendment to the Bill — had this to say in 1967:

“Mr. Speaker, in 1963 the Legislature passed an Act entitled the Provisional Collection of Duties and Tax Act for that year, and under the provisions of that Act which we are now seeking to repeal, any import duties or increase in import duties levied as a result of the Financial Statement and Budgetary Proposals which are laid by the Minister of Finance became operative either immediately or at some time as might have been specified by the Minister in his speech.”

“The purpose of this Bill is similar to the purpose of the Provisional Collection of Duties and Tax Act, 1963, except that the Bill now makes it possible for import duties and other taxation proposals to come into effect either at the time of making the statement, or at such date as might be specified by the Minister.”

We are now specifying the time. That is the point. We are now specifying the time as to when we think it should come in. You said in your own introduction that the Bill you introduced at that time was for the Minister to specify a time. We have now specified the time as you suggested then, so how can you come and vote against what you introduced, or what you thought was right on that occasion? No doubt the Member for St. Michael West had got up on the floor of the House and stated categorically that if we found it difficult to come to Parliament within the four months, we should amend the Act, and specify a time.

This is exactly what we have done today. But we now have a vote against the very Bill and the very views expressed by the Leader of the Opposition.
3.00 p.m.

I beg to move that Clause 3 stand part.

Hon. DeL. O. BRADSHAW (St. Michael South East): Mr. Chairman, as I understand this, Clause 3 says "Section 4(2)..... is amended by deleting the words "within four months of the date on" and substituting the words "by the end of the financial year in".

Honourable Members from the other side attempted to convey to this Chamber the impression that Government, by introducing this amendment, is seeking twelve months during which they could bring the legislation before this Chamber. I want to make it clear that this particular clause does not say so, neither could it be interpreted to mean that. By saying "by the end of the financial year", it means that, whenever the Budgetary Proposals are presented, notwithstanding the time that it is presented, the legislation should be brought before this Chamber by March 31 of the following year.

In other words — I am going to point this out, because it is rather misleading to say otherwise, and the Opposition should not seek to mislead people on this particular point — if the Budgetary Proposals are presented in the month of December, because there is no law which says that the Budgetary Proposals have got to be presented in any particular month, then, the time limit for the legislation to be brought before this Chamber would be March 31. In that case, three months would apply.

This really depends on the efficiency and the competence of the Minister of Finance. All that has happened is that the Minister of Finance has been so competent that he is able to bring the Budgetary Proposals in the month of April, and hence you have twelve months to bring in the legislation. But when the Leader of the Opposition was Minister of Finance, he brought the Budget in the months of July or August, and hence you did not have the twelve month period as stipulated, as the honourable Members on that side would wish us here to believe.

Dr. R. C. HAYNES: Mr. Chairman, I do not know which Member to deal with first. I think I will deal with the one who just sat down first of all.

Mr. CHAIRMAN: Deal with the clause, not the honourable Member.

Dr. R. C. HAYNES: I will deal with what he said about the clause. Firstly, I really think he was stretching the imagination a bit far. The whole burden of our argument and opposition to this matter, and to Clause 3, is that there is a distinct possibility that a period amounting to twelve months, or even more than twelve months, can elapse between the imposition of a tax.

Asides

Dr. R. C. HAYNES: It can be more than twelve months if the Budget comes on March 1, and then at the end of the financial year.

Asides

Mr. CHAIRMAN: Order, please.

Dr. R. C. HAYNES: The burden of our argument is that a period up to twelve months can pass between the verbal imposition of a tax and the actual legislation being brought before this House.

The honourable Member who just sat down is really stretching his imagination a bit to imagine that a Budget could be brought in at the end of December in this type of situation. As a matter of fact, the whole reason why Budgets were brought in in June rather than early April in the past, was in order to get better information on which to base the Budget. That is why, if you were to compare the Economic Reports laid in this Parliament, you will see that substantial amendments are made every year in terms of the projections that come before this House when the Budget is presented and when the final outturn figures come out in June/July. It still takes about two to three months for those outturn figures to come out, and this is one of the reasons why you have so many errors in projections in relation to the economy of Barbados.

Hon. L. S. CRAIG: On a point of order, Sir.

Dr. R. C. HAYNES: On a point of what?

Mr. CHAIRMAN: An honourable Member is on a point of order.

Hon. L. S. CRAIG: I would just like to assist the honourable Member in this respect. There was a Budget brought into this House in the month of September during the tenure of office of the Members of the other side, lest you forget.

Dr. R. C. HAYNES: That was a second Budget, not the main Budget.

Hon. L. S. CRAIG: It was the only Budget. There was no Budget at all until September.

Dr. R. C. HAYNES: I replied to the Budget before the elections in that year. Have you forgotten that? Are you saying that there was no Budget in 1981?

Mr. CHAIRMAN: Order. Please address the Chair. Order please on the Government side.

Dr. R. C. HAYNES: There was a Budget in 1981, and there was a mini-Budget in September, 1981. There was no Budget in 1976; the Budget came in 1977, and it is incorrect to say that there was a Budget in 1976.

Mr. CHAIRMAN: Order. Two honourable Members are on their feet. Order, on the Government benches.

Dr. R. C. HAYNES: The second point relates to the honourable Member for St. James North. I have always been under the impression that he had difficulty in understanding the spoken word, but it is quite clear today that he also has difficulty in understanding the written word, because what he got up and read out is exactly what the honourable Leader of the Opposition said on the floor of the House today, and gave as the reasons why he introduced the Provisional Collection of Taxes Act.

Our argument is simple. We are prepared to allow a reasonable length of time, which is about four months; certainly not twelve months, because you have broken the law on several occasions and you have collected taxes illegally from the people of Barbados.

Mr. CHAIRMAN: I must draw to the attention of honourable Members the provisions whereby second reading speeches are not permitted in Committee. We have had it before, and I think we have had enough of it. Let us stick to Clause 3. Let us deal with it in detail.

Dr. R. C. HAYNES: Dealing specifically with Clause 3, I would say that the principal Act should not be amended by deleting the words "within four months", but that "four months" should remain there. The Act should not be amended, and we are going to vote against this clause in support of the arguments which were made in the second reading.
3.10 p.m.

Hon. A. TRUSS: Mr. Chairman, Clause 3 says that Section 4(2) of the principal Act is amended by deleting the words "within four months of date on" appearing in paragraph (b) thereof and substituting the words "by the end of the financial year in".

The salient point is that, in 1967, when the Democratic Labour Party introduced the Act, they stated that the period should be four months for the Budgetary Proposals. Seventeen years later, we are saying that it should be by the end of the financial year, in order to give sufficient time for the volume of legislation to pass through the Attorney General and come to this Honourable Chamber. The principle is there.

Mr. CHAIRMAN: But we are not discussing the principle at this stage.

Hon. A. TRUSS: Sir, I am dealing with the relationship between four months and the end of the financial year. The point is that both the Democratic Labour Party and the Barbados Labour Party have been in violation of this particular piece of legislation. They have exceeded the four months. When the Democratic Labour Party was in power, they brought legislation after the four month period. Now that the Barbados Labour Party is in power, we have done it. The point is that what we are now seeking to do is to have the whole matter regularised to ensure that in future, Parliament, be it BLP, DLP or PIP, fall within the confines of the law. It is as simple as that.

Mr. M. A. KING: Mr. Chairman, what we are seeking to do now is not to regularise an irregularity, but to legalise an illegality. The whole point is.....

Hon. L. R. TULL: On a point of order: The honourable Member knows better than certain other persons on that side. There is absolutely nothing illegal about the Provisional Collection of Taxes Act, so we cannot be amending it to correct any illegality.

Mr. M. A. KING: Mr. Chairman, there is and there has certainly been illegality in bringing legislation imposing taxes beyond the four months' period which the Provisional Collection of Taxes Act stipulates should be the period within which legislation should be brought; so if you are now bringing legislation.....

Hon. L. R. TULL: On a point of order: The honourable Member well knows that it is within the law to bring validating legislation, and that validating legislation is effective legislation, so the honourable Member is wrong to make that contention.

Mr. M. A. KING: Mr. Chairman, the honourable Member for St. George South has just underscored the point I am making. If he is admitting that you have to bring validating legislation, you can only validate an illegality. You cannot validate something which is already valid.

Mr. CHAIRMAN: The honourable Member did not say he is bringing validating legislation.

Hon. L. R. TULL: On a point of order: I know the honourable Member, and he knows better than the three statements he has made so far. I would expect other people to make that kind of statement. Again it is absolutely untrue to say that validating legislation can only validate an illegal act. The honourable Member knows that what he has just said is not true.

Mr. M. A. KING: Mr. Chairman, now my learned friend is putting words in my mouth. He is saying that I have said that validating legislation can only validate the illegal acts.

Asides

Mr. M. A. KING: Listen, do not get in this. You do not understand what is happening. You had better stand out of this.

Mr. CHAIRMAN: The honourable Member obviously is not addressing the Chair.

Mr. M. A. KING: I apologise to you, Mr. Chairman.

Mr. CHAIRMAN: The honourable Member must understand that he must address the Chair. However, I wish that honourable Members would confine themselves to the details of Clause 3 and not let us proceed on matters of principle, which, obviously, is the bone of contention right now. Please deal with Clause 3 as a matter of detail.

Mr. M. A. KING: Mr. Chairman, the honourable Member for St. Michael South East has accused this side of misrepresenting the position in classic debating technique, and then we heard a classic statement in misrepresentation. He is saying that this Bill does not provide for the extension, that is how I understand him, of the period beyond four months, and then goes on to make the ridiculous analogy that if the Budget is brought in December, you are going to have only a period of three months before the end of the financial year.

That is one possibility, but that is avoiding the issue. What happens if the Budget is brought in March? How many months do you have? Are you saying you do not have twelve months? If the Budget is brought on 1st April, how much time do you have? Do you not have twelve months, and is that not the point which we are making? Is not that the gravamen of our complaint, that you are giving yourselves twelve months when we say that that time is too long? So do not accuse us of saying that we are saying that the time is too long when the time is only four months or less. That is twisting the argument. It could be four months, it could also be twelve months, and if you want to be fair, you have to make the point that it can also be twelve months.

Mr. Chairman, the points have been made in relation to the section. I need not say anymore.

Mr. L. E. SANDIFORD: Mr. Chairman, I just want to make another brief intervention, because it appears that the whole gravamen of this particular amendment is being lost. The purpose of this is not to fix any specific date on which the Minister of Finance will introduce the measure.

I am surprised at the Leader of the House. He has left the Government side and come over here after he allowed the honourable Member for St. Michael Central (Mr. A. Truss) to push something before him which he got up and read out without fully understanding what he was reading. He has come over here to get some enlightenment, and we are going to enlighten him right away, we are going to educate you from out here. But I am surprised that the Leader is going to allow a backbencher, who is now holding on temporarily to two Ministries to mislead him.

Aside.

Mr. L. E. SANDIFORD: He is proper; he is holding on to two Ministries. There is no other backbencher that I know of in the history of this country who, in one fell swoop, has been put to act in two Ministries at the same time, plus being Chairman of a statutory corporation. This is really a great combination though!

Mr. CHAIRMAN: That has no relevance whatsoever to Clause 3. Please get back to Clause 3.

Mr. L. E. SANDIFORD: I am surprised that an experienced legislator like the Leader of the House could get up and allow a debate to be placed before him, and he simply reads it out without understanding what was given to him.

Mr. CHAIRMAN: That is not only irrelevant, but repetitious.

Mr. L. E. SANDIFORD: Let me tell you what is happening here.

Mr. CHAIRMAN: Let us get back to Clause 3.

Mr. L. E. SANDIFORD: What we are saying in Clause 3 is that this particular clause will give the power to the Minister of Finance.

Asides

Mr. L. E. SANDIFORD: I am not following you in anything in education. I am not listening to you.

Mr. CHAIRMAN: The honourable Member is now not addressing the Chair.

Aside.

Mr. L. E. SANDIFORD: I am saying "Finance". Do you want to correct me on how to speak English now? I bet you that "I" is a long "i". Do you understand what I am talking about. Finance is a word. I said I am not listening to you on anything about education. You cannot correct me on education.

Mr. CHAIRMAN: The honourable Member is out of order. Order on both sides of the House. 3.20 p.m.

Mr. L. E. SANDIFORD: This particular clause will give to the Minister of Finance the right to come into this Chamber and get up and say that the highest bracket of Income Tax will be 80 per cent.

Mr. CHAIRMAN: Please, the honourable Member must certainly know that he is now making a second reading Speech. Please deal with the details of Clause 3 and let us proceed.

Mr. L. E. SANDIFORD: If you want to proceed in an illegality, Mr. Chairman.....

Mr. CHAIRMAN: Now the honourable Member knows.....

Mr. L. E. SANDIFORD: If you want to stop me from speaking.....

Asides

Mr. L. E. SANDIFORD: You allowed the Leader of the House to make what you call a second reading speech. We are responding to what has been said.

Mr. CHAIRMAN: The honourable Member must take his seat.

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

Mr. CHAIRMAN: Please, you will have to sit down unless you address yourself to the details of Clause 3 in Committee. You will not be allowed a second reading Speech. I think that is fair.

Mr. L. E. SANDIFORD: On a point of order.....

Mr. CHAIRMAN: The honourable Member cannot question the Chair. The honourable Member is out of order. Please take your seat.

Hon. L. R. TULL: Mr. Chairman, all this sound and fury comes down to one thing. If we look at Clause 3, the Opposition is making the case that four months is a reasonable time in which legislation should be brought to give effect to Budgetary Proposals. The Government, on the other hand, is saying that anything from one day to twelve months is reasonable. I do not believe there is any difference in principle. Both sides accept that it is impossible to have enabling legislation brought before Parliament.....

Mr. L. E. SANDIFORD: On a point of order, Mr. Chairman.

Mr. CHAIRMAN: The honourable Member will please take his seat. You have not caught my eyes.

Mr. L. E. SANDIFORD: Why can you not recognise this side?

Mr. CHAIRMAN: Please take your seat!

Asides

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

Mr. CHAIRMAN: You are out of order. Be seated, please. Take your seat!

The honourable Attorney General, what you have said has been said in second reading, and I am only asking now that all honourable Members address themselves to the details of Clause 3. I will entertain no argument on a principle.

Hon. L. R. TULL: I am prepared to be guided by your ruling, Sir.

Mr. L. E. SANDIFORD: On a point of order: If you are stopping Members from making this kind of speech, I am suggesting that, in all fairness, you should ask that the speech made by the Leader of the House, be struck from the Record. That was a general second reading speech in terms of your ruling.

Mr. CHAIRMAN: That is not a point of order at this stage.

Hon. L. S. CRAIG: Mr. Chairman, Sir.....

Mr. CHAIRMAN: On what does the honourable Member rise?

Hon. L. S. CRAIG: I rise, Sir, to address the Chamber and you, Sir.....

Mr. CHAIRMAN: You cannot. Please. The Attorney General please continue.

Hon. L. S. CRAIG: On a point of order, Sir.

Mr. CHAIRMAN: I cannot entertain a point of order at this time. The honourable Attorney General continue.

Hon. L. S. CRAIG: Sir, I rise on a point of order.

Mr. CHAIRMAN: The point of order from the honourable Member for St. James North.

Hon. L. S. CRAIG: Sir, I consider it very rude of the Member for St. Michael South to state that you, Mr. Chairman, was dishonest in allowing me to make a second reading speech. You are the person to determine whether it is a second reading speech, first reading speech, or if it is a speech you consider to be of interest to this Chamber.

I beg to move. Sir, that you ask the member to withdraw the statement, since it is a reflection on you as Mr. Chairman, and to have the matter expunged from the Record. That is what I have risen on, Sir, in the interest of the Chair and the dignity of the Chair. It is unfair for the Member to state that you have allowed another Member to make a particular speech and deny him the right to do the same. He has demonstrated that you are dishonest, and I do not want such a reflection on you, Mr. Chairman, Sir.

Mr. CHAIRMAN: No comments of that sort coming from any honourable Member could reflect on this Chairman. The honourable Attorney General, continue your speech on Clause 3.

Hon. L. R. TULL: Mr. Chairman, for the umpteenth time, I am not making any second reading speech, with great respect, contrary to the others I have heard so far. Section 3 of this Bill says:

"Section 4(2) of the principal Act is amended by deleting the words, "within four months of the date on", appearing in paragraph (b) thereof and stating the words, "by the end of the financial year end in".

If this is not within the four corners of a Committee contribution, Sir, I would be quite happy to sit down, but I am dealing with the exact provisions of this section, and I am saying that the substitution of the words, "by the end of the financial year end", means that legislation pursuant to Budgetary Proposals must be brought within one day to twelve months.

The Opposition is taking the argument that they consider it reasonable that four months is enough time to bring legislation after Budgetary Proposals. What is reasonable is an objective test, not subjectivity. What they personally feel about what is reasonable has nothing to

do with me. By the application of any objective criteria, accepting the points made by both sides, by this side and, more importantly, by the point made by the Right Honourable Leader of the Opposition, the whole question of secrecy that precludes any discussion on preparation of legislation prior to the Budgetary Proposals and the increasing complexity of legislation required in many areas such as condominiums, real estate, and companies, four months is not a reasonable time in every case. Sometimes, wide-ranging consultations are necessary to make sure that legislation is not put together too hurriedly and without due consideration, so that, when the legislation comes before the Chamber, you do not hear the same Opposition get up and say that we have brought legislation without any proper thought being given to it.

But I go back to the point that I made first, that this legislation does not say that you have to do it, in twelve months. It says that you are required, under this amendment, to bring it by the end of the existing financial year, and, by that definition, it means anything from one day to 365 days.

3.10 p.m.

The question that Clause 3 stand part was put and resolved in the affirmative, the House dividing as follows:

Ayes: Hon. L. S. CRAIG, Hon. L. R. TULL, Hon. Miss B. A. MILLER, Hon. V. L. JOHNSON, Mr. A. TRUSS, Hon. DeL. O. BRADSHAW, Hon. L. L. SISNETT, Mr. R. E. BRATHWAITE and Hon. L. B. BRATHWAITE – 9.

Noes: Mr. L. E. SANDIFORD, Dr. R. C. HAYNES, Mr. W. O. FRANKLIN, Mr. M. A. KING and Mr. L. A. WEEKES – 5.

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

The question that the Bill be read a third time was resolved in the affirmative, the House dividing as follows:

Ayes: Hon. L. S. CRAIG, Hon. L. R. TULL, Hon. L. B. BRATHWAITE, Hon. Miss B. A. MILLER, Hon. V. L. JOHNSON, Mr. A. TRUSS, Hon. DeL. O. BRADSHAW, Mr. J. G. ODLE, Hon. L. L. SISNETT and Mr. R. E. BRATHWAITE – 10.

Noes: Mr. L. E. SANDIFORD, Dr. R. C. HAYNES, Mr. W. O. FRANKLIN, Mr. L. A. WEEKES and Mr. M. A. KING – 5.

On the motion of Hon. L. S. CRAIG, seconded by Hon. L. R. TULL, the Bill was passed and cited as the Provisional Collection of Taxes (Amendment) Act, 1984.

THE INTELLECTUAL PROPERTY ACTS
(AMENDMENT) ACT, 1984

Order No. 3 was called – To move the Second Reading of a Bill to amend the Statute Law in respect of technical deficiencies in certain intellectual Property Acts of Barbados.

Hon. L. S. CRAIG: Sir, this is in the name of the Attorney General, but it should really be in the name of the Minister of Trade.

Hon. L. L. SISNETT: Mr. Deputy Speaker, the Objects and Reasons of this Bill are quite straightforward. I do not expect any controversy. The Bill is seeking to amend two of the Industrial Property Acts, namely the Patents Act, 1981, and the Trade Marks Act, 1981, to cure certain technical deficiencies that came to light when preparing regulations under those Acts. The Copyright Act, 1981, also disclosed a few technical deficiencies.

We are seeking to amend a number of minor clauses. It is a question of correcting the syntax and putting in place proper sections under various patents. Under the Patents Act, there are five subsections which we are seeking to amend, which are quite straightforward, and in Committee, if any Member needs any further clarification, I will be willing to explain these.

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

Mr. J. G. ODLE: I beg to second that.

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

On the motion of Hon. L. L. SISNETT, seconded by Mr. J. G. ODLE, Mr. DEPUTY SPEAKER left the

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

COMMITTEE

Mr. CHAIRMAN: The House is, in Committee.

Clauses 1 to 4 inclusive were called and passed.

The question that the Explanatory Notes be the Explanatory Notes to the Bill was put and resolved in the affirmative without division.

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

On the separate motions of Hon. L. L. SISNETT, seconded by Hon. L. R. TULL, the Bill was read a third time and passed.
3.40 p.m.

ADJOURNMENT

Hon. L. S. CRAIG: Sir, this brings us to the end of Government Business for today.

I beg to move that this House do now stand adjourned until Tuesday, May 22, 1984 at 12 o'clock noon.

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

The question that the House do now stand adjourned until Tuesday, 22 May, 1984 at 12 o'clock noon, was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER adjourned the House accordingly.
3.43 p.m.

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