

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, June 4, 1985

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock on Tuesday, June 4, 1985.

PRESENT

His Honour C. L. Bolden, LL.B., (Speaker)
His Honour R. E. Brathwaite, (Deputy Speaker)
Hon. L. S. Craig, (Minister of Parliamentary Affairs and Leader of the House)
Hon. H. B. St. John, Q.C., LL.B. (Prime Minister, Minister of Finance, Planning and International Transport)
Hon. H. deB. Forde, Q.C., M.A., LL.B.
Mr. L. E. Sandiford, M.A., (Econ.)
Hon. Miss B. A. Miller, (Minister of Education)
Hon. L. B. Brathwaite, (Minister of Housing and Lands and Minister of Trade and Industry)
Mr. J. G. Odle, B.Sc., (Chairman of Committees)
Hon. V. L. Johnson, M.A., (Minister of Transport and Works)
Mr. B. M. Taitt, B.A., (Hons.), M.A., LL.B., (Hons.)
Hon. Dr. R. L. Cheltenham, M.A., M.Sc., (Econ.), (Minister of Agriculture, Food and Consumer Affairs)
Mr. P. M. Greaves, B.A.
Mr. L. A. Weekes
Mr. M. A. King, Q.C., LL.B.
Hon. A. Truss, (Minister of Tourism and the Environment)
Mr. O. S. Arthur, M.Sc., (Econ.), Parliamentary Secretary, Prime Minister's Office)

Prayers were read by Father I. M. Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Tuesday, May 14, 1985.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes of the meeting of May 14, 1985 be taken as read.

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

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

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

ANNOUNCEMENTS BY HIS HONOUR

Mr. SPEAKER: I am to announce that a letter dated the 30th day of May, 1985 from the Cabinet Secretary to the Clerk of Parliament re the election and the taking of the Oath of Allegiance by David Anthony Cathcart Simmons, Esquire, Q.C., the honourable Member for the constituency of St. Thomas, has been received. Also, the declaration of qualification signed by the said honourable Member for the constituency of St. Thomas.

I now invite the honourable Member for St. Thomas to take his seat.

Mr. D. A. C. SIMMONS, escorted by Hon. L. S. CRAIG and Mr. J. G. ODLE, entered the Chamber and took his seat.

Mr. SPEAKER: David Anthony Cathcart Simmons, it is my honourable duty to welcome you to this Chamber. You are not a newcomer to this Chamber. I am sure you will give of your best at all times. I hope you will observe the Standing Orders and do exactly what you know you should do as an honourable Member in this Honourable House.

Mr. D. A. C. SIMMONS: Mr. Speaker, I am grateful and indebted to you for the kind words of welcome. You

can be assured of my continuing adherence to the Standing Orders of this Honourable House.

I am obliged to you, Sir.

PAPERS LAID

Hon. L. S. CRAIG: On behalf of the Minister of Finance and Planning, I am commanded to lay the following:

The Duties, Taxes and Other Payment (Exemption) Order, 1985.

The Duties, Taxes and Other Payment (Exemption) (No. 2) Order, 1985.

The Customs Tariff (Amendment) Order, 1985.

The Customs Tariff (Amendment) (No. 2) Order, 1985.

The Customs Tariff (Amendment) (No. 3) Order, 1985.

The Customs Tariff (Amendment) (No. 5) Order, 1985.

The Service Tax (Amendment) Order, 1985.

The Land Development Duty (Amendment) Regulations, 1985.

The Land Development Duty (Rate of Duty) (No. 2) Order, 1985.

Hon. L. B. BRATHWAITE: Mr. Speaker, I am commanded to lay:

The Land Surveyors' Rules, 1985.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Sir, I beg to give notice of the following Resolutions and Bills:

A Resolution to approve the compulsory acquisition of land at Black Bess, St. Peter, for the provision of recreational facilities.

A Resolution to approve the compulsory acquisition of land at Gibbons, Christ Church, for the provision of recreational facilities.

A Resolution to approve the compulsory acquisition of land at Parkinson and Grazettes Roads, St. Michael for the purpose of Housing Development.

A Resolution to approve the compulsory acquisition of land at Wavell Avenue, St. Michael, for the purpose of Housing Development.

A Resolution to approve the compulsory acquisition of land at Speightstown, St. Peter, for providing a playing field for the Alexandra School.

A Resolution to approve the compulsory acquisition of land at Chancery Lane, St. Michael, for the purpose of Housing Development.

A Bill to amend the International Business Companies (Exemption from Income Tax) Act.

A Bill to amend the Miscellaneous Controls Act.

I would like to inform the Honourable Chamber that I propose to do one of the acquisitions today. It is of paramount importance and I propose to do it today in all its stages. I would just like to alert the Members on the other side. This one relates to Chancery Lane, St. Michael, for the purpose of housing development.

PRIVATE MEMBERS' NOTICES

Mr. SPEAKER: Resolution by the honourable Member for Christ Church West Central expressing a lack of confidence in the honourable Member for the constituency of St. Michael West Central as a Minister of the Crown, and calling for his removal from office as a Minister.

Mr. M. A. KING: Mr. Speaker, I give notice of the following motion:

"WHEREAS the honourable Member for St. Michael West Central holds the office of Minister of Transport and Works, and is responsible to this House for the expenditure of public funds by the Ministry of Transport and Works;

AND WHEREAS in accordance with public policy the honourable Member for St. Michael West Central in his capacity as Minister of Transport and Works is charged with the responsibility, *inter alia*, of providing roads specifically to serve the interest of tenants on plantations;

AND WHEREAS the Ministry of Transport and Works constructed a road out of public funds on private property, namely Trents Plantation, in the parish of St. Lucy, ostensibly to serve the interest of tenants of Trents Plantation;

AND WHEREAS Her Majesty's loyal Opposition warmly approves the provision of roads for the tenants of Trents Plantation and on other tenantry lands in Barbados;

AND WHEREAS the Ministry of Transport and Works has constructed a road on Trents Plantation far beyond the limits necessary and essential for the legitimate use and requirements of the said tenants, and in such a way as to facilitate the development of Trents Plantation for the private use and benefit of the owners of, and other persons interested in, Trents Plantation;

AND WHEREAS the honourable Member for St. Michael West Central has an interest in Trents Plantation and has never declared such interest to Parliament;

AND WHEREAS the extension of such road on Trents Plantation beyond what is necessary for the use of the said tenants was financed from public funds and thereby constitutes unlawful expenditure of public funds for private purposes and an abuse of ministerial office and of public trust;

BE IT RESOLVED that this House expresses its lack of confidence in the honourable Member for St. Michael West Central in his capacity as a Minister of the Crown, and calls for his removal from office as a Minister of the Crown."

Hon. L. S. CRAIG: Sir, in a democracy Government and Opposition must work hand in hand. I wish to assure Members on the other side that we are prepared to debate the Resolution next week. I propose to debate it for one day. I propose probably to come to the House at 9 o'clock in the morning, if possible, so that we will have a whole day to debate this Resolution. I am giving this early warning so that the Opposition can marshal their forces and put their fabrications together. This will be some day next week, Sir.

I can also indirectly give the Chamber this assurance that I am going to do everything in my power to have this debate nationally televised.

Mr. SPEAKER: The honourable Member needs to seek permission.

Hon. L. S. CRAIG: I said, "everything in my power," Sir, and my power includes seeking your permission to have it nationally televised.

That is all I have to say at this point in time. I would not like to hear that you are not ready and we told you too late. We would have done it today if we knew that you, Mr. Speaker, would have allowed the Resolution, but we did not know that. It has been laid now and we are prepared to do it a day next week, coming around 9 o'clock in the morning, and I propose to use the national television.

NOTICES OF QUESTIONS

Mr. SPEAKER: Question No. 30, asked by the honourable Member for St. Michael North West, re the need of water mains in certain areas in St. Michael.

Mr. L. A. WEEKES: Mr. Speaker, to ask the Minister of Transport and Works:

Is the Minister aware that there is an urgent need for water main in areas of Hinkson Gap, Danebury, Black Rock, St. Michael and Small Land, Bridge Gap, St. Michael so as to reduce inconvenience caused by low water supply to some homes, the increased cost of repairing individual broken pipe lines, and water wastage?

Will the Minister state what plans there are to install water mains in such areas?
12.30 p.m.

FIRST READING OF BILLS

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

A Bill to amend the International Business Companies (Exemption from Income Tax) Act.

A Bill to amend the Miscellaneous Controls Act.

CONGRATULATORY SPEECHES

Speeches re entry of D. A. C. Simmons to Chamber as M.P. for St. Thomas:

Hon. L. S. CRAIG (St. James North): Mr. Speaker, I believe that I would be failing in my duty if I did not welcome the new Member for St. Thomas to this august Chamber once again.

It is said that he who rises and falls and rises again is greater than he who always rises. The Member for St. Thomas entered this Chamber by way of a by-election, came back as a Member of this Chamber for the constituency of St. Philip North by way of a General Election. He was defeated in the 1981 General Election and took his seat in the Other Place. Taking his seat there was enough to convince me, and, I believe, the entire country, that the new Member for St. Thomas was a person of some integrity, a man of ability, who had demonstrated in this Chamber when you, Mr. Speaker, had the opportunity to sit in here with him as a member of the Government benches, his ability to articulate a case of the Government.

I have listened to his debates. He has demonstrated that he is a Member who pulls no punches, asks for no ground and gives none away, and I believe that this Chamber is once again better off with the presence of the Member for St. Thomas.

I would like to say this to the Member, however. He has taken on a constituency which was represented by a person whom we have all loved, and now we all miss, in the person of the late Tom Adams, and he would have to do quite a bit to reach the heights of the late Prime Minister by way of his representation in the constituency of St. Thomas and to even bring to bear his presence in this august Chamber.

I am well aware of the fact that this is the first time that he is going to face the Member for St. Philip North (Mr. W. O. Franklin) eyeball across this Chamber and we are all looking forward to seeing and hearing the difference between the two honourable gentlemen as they articulate case after case.

I believe that we on this side, as we have done repeatedly, have demonstrated our ability to run the Government efficiently, demonstrated our ability not to depressurize or not even to demolish the Opposition, but to crush whatever rocks there might be in our path.

I welcome, on behalf of my colleagues, the Member for St. Thomas in this Chamber. I can only assure him of my unswerving support, as I have given him in the past, and I expect him to give me similar support in my capacity as Leader of the House.

I finish on this note. The battle has been won and lost, but my simple view is this, that if you have a motor car with a good coat of paint, good tyres, a good battery, a good engine hitting off with all six cylinders and good upholstery and there are bad steering rods, the car will be rejected by the authorities who inspect it. That is the position of the Democratic Labour Party itself. Your steering rod is bad and worn out!

Hon. H. deB. FORDE (Christ Church West): Mr. Speaker, it gives me great pleasure to also offer very warm congratulations to the honourable Member for St. Thomas from the back bench. I know that he will not be long with us here on the back bench. I recall when he was first in Parliament, listening with a great sense of appreciation to his contributions to the various measures which came before this Chamber, listening to the constructive criticisms which he offered from time to time on the measures, appreciating, in particular, the vigour and the determination with which he represented the interests of his then constituents of St. Philip North, and recognizing the high integrity which he brought in the discharge of his public office. I have no doubt that all of these qualities and more will be brought to bear on discussions in this Chamber and his performance of his public duty.

I am pleased that, in the tragic circumstances that occurred, he was chosen not only by the constituency group of the Barbados branch of St. Thomas but by the National Executive of our party and, furthermore, that that choice was overwhelmingly endorsed by the majority of the constituents of St. Thomas. I have no doubt that, having regard to the manner and character of the honourable Member, he will consider all of the people of St. Thomas as worthy of his representation, will give sturdy representation to even those who were not persuaded on the first occasion to vote for him and, following in the traditions left by his immediate predecessor, will ensure that the majority continues to grow significantly for the remaining years, and I am sure he has many, many years ahead of him in this Chamber.

For me it is a personal pleasure, having worked with him at a very close professional level, having known him personally and socially, and having known his parents, his family and his other relatives, all of whom have stood beside him. It is certainly a pleasure for me to have him back in this House and I would wish him a long stay as a Member of this Honourable Chamber. In congratulating him on his proposed rise to high office, I am sure he will discharge his duties as a Member of Parliament and as one of Her Majesty's Ministers with fairness, determination, industry, great humility, great vigour and outstanding success.

12.40 p.m.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

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

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

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

GOVERNMENT BUSINESS

COMPULSORY ACQUISITION OF LAND AT CLAPHAM, CHRIST CHURCH

Order No. 3 was called – to move the passing of a Resolution to approve the compulsory acquisition of land at Clapham, Christ Church, for the resiting of houses which will be affected by the construction of the Airport to the West Coast Highway and for housing development.

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Speaker, this parcel of land is another of those areas of lands which the Government has been acquiring for the resiting of people who would come within the path of the

Airport to West Coast Road. The land is 5.48 hectares or 13.57 acres, and we hope from that amount to get 75 lots and a playing area for the people. We will be resiting 27 houses there and a number of people who were originally to be resited at Clapham from Emmerton Lane and who have not been able to get lots there will be going to this area as well.

The process of acquisition in this area is no problem at all since a unit has been set up in the Ministry that takes care of all these matter. There will be no delay in the process, something that has always been asked about in this Chamber. The resiting process has been taking place at Husbands and a number of other areas, and work has been started at all the sites where resiting has to take place.

This Resolution is simple and straightforward. I beg to move that this Resolution do now pass.

Hon. H. deB. FORDE (Christ Church West): Mr. Speaker, I have much pleasure in seconding this Resolution. The area of land being acquired is in a part of the constituency which I have the honour to represent, and the work which will be done there is no doubt a continuation of the work started by the Barbados Labour Party Government in 1976.

I think I should place on record the fact that when I became the representative for this constituency, that part of Christ Church lacked water, roads, light and every possible amenity that you can think of. The honourable Member for St. Michael North (Mr. P. M. Greaves) wishes me to clarify some of the areas. The area is near to the road known as Simmons Land. In actual fact only part of Simmons Land was acquired by Pillersdorf and a Limited road placed there some time after 1972. There was next to it what is known as Balsams Tenantry Land and there were no roads, water or light there, despite the fact that there were some 30 or 40 residents without these facilities.

Part of the improvement that has occurred, occurred during the period 1976-81, when the Honourable Minister of Housing and Lands was in the Ministry of Communication and Works. He went to the site and saw the condition and placed that road as one of the areas for improvement. You, Mr. Speaker, had the pleasure of executing that initial decision, because I think it was in 1981 when you were the then Minister of Communications and Works that work was started under the facilities made available for human needs by the United States Aid Programme, and I believe that when you visited, you confirmed the views of you technocrats and the views of the Honourable Minister of Housing and Lands that this area was in need of improvement.

Only part of the road was ever completed, and the balance of the land running between Rendezvous Hill and going towards Forde Road was therefore never developed and was completely lacking in modern facilities. A few of the houses had their own water installed, and I managed to persuade Barbados Light and Power Company to make electricity available to some others, again using the scheme which has been established under the World Bank facility and negotiated by this Government for the improvement of electricity for the under-privileged sections of our community. So you will find that there is some light and water, but there are existing tenants who still lack some of the basic and necessary human needs which should be a prerogative of every individual household in Barbados. I wish, therefore, to congratulate the Government, the Cabinet and the Minister in recognising the opportunity provided by the construction of the new highway in removing some of the people who have to be removed on to this area and taking the opportunity to improve the existing conditions for those tenants who are already renting lots in this area.

Although the Minister did not say it, I am aware, knowing of the efficient manner in which he carries out his duties, that he will give an undertaking to the existing tenants that they will be able to remain either on the existing lots or transferred to such lots as may be necessary as to make way for the new road that is going in. I am sure, furthermore, having watched his policy in the Ministry of Housing and in relation to the National Housing Corporation, that he will make it known to those who are able that it will be possible to purchase the house lots to which they are either now being transferred or which they now live on, and that he will also make it the policy of his Ministry and of the Government, to make available to them monies for the purchase of house spots and the improvement of housing lots, known.

12.50 p.m.

I know that at the moment, Government has a scheme under which you can borrow up to \$30 000 to own the land, to improve the house and also to construct and repair homes. I understand that, as recently as April, at least \$1 million was disbursed in a month from that account, so there is no doubt that the programme has taken off and is working effectively. I am sure that the Minister will extend similar facilities to the people of Simmons Land, Balsam Land, Farmer's Road and Forde's Road, a very important part of the constituency. At least 88 out of every hundred people who vote in that area, Sir, recognize the representation which they have got from 1971 to date and the improvement in the conditions which have occurred under this Administration.

(Mr. B. M. TAITT: What has that to do with the Resolution?)

Hon. H. deB. FORDE: It has a lot to do with the Resolution because we are improving the lots. I would like to do the same for the persons in Eagle Hall. Perhaps, if I were to run in that constituency, the honourable Member who has just spoken *sotto voce* would find that improvement comes.

We would be welcoming the 27 houses that are being transferred and removed. Some of them are being moved from below the Drive-In cinema since they are in an area of the road, others are being moved from what is referred to as Tappin's Land, at the corner of Rendezvous, as it adjoins Sergeant's Village highway, and others, as the honourable Member has said, are persons from Emmerton who have not been allocated lots. I hope that the remaining lots are made available for sale or for rental, since I find that in that area, there is a large number of persons who are interested in either purchasing or renting house lots and obtaining the security of tenure which has been much improved under the Barbados Labour Party Government.

The policy followed by the Government in resiting tenants, when they are being removed, has been to improve not only the infrastructure, in terms of water, lights and roads, but also to improve the very conditions of the houses which are being moved. In the Clapham Park area, the Government should be proud of its record in this respect because the Government has assisted old pensioners and persons who were not pensioners in giving them improved toilet facilities. And you will notice that several of those persons have since converted their homes to wall, although some of them have not yet purchased the house lots from the National Housing Corporation. It is my experience that when this form of development takes place, both urban and rural settlements improve considerably their own living conditions and a great deal of self-help occurs, which brings out the best characteristics of the people of Barbados. I have no doubt that this will occur in the area.

I wish to make a point which may be of interest to the Minister of Transport and Works. The Government has to provide the road, water and light, but there are adjoining lands, contiguous lands which will benefit from that development. I can assure him that the people of Christ Church West will not be bringing any Resolution against him down here. They will be bringing a Resolution, if necessary, to commend him because of the fact that incidental lands next to this may be benefitting. Because you are improving the conditions of people who are at the lower end of the economic ladder should not be cause for any censure in this case.....

Mr. SPEAKER: The honourable Member for Christ Church West is well aware that he is not to anticipate Parliament.

Hon. H. deB. FORDE: In this case, Sir.

Mr. SPEAKER: And we are not debating any Resolution of censure today.

Hon. H. deB. FORDE: No, Sir. I am not on St. Lucy. I am on Christ Church West.

Mr. SPEAKER: No matter where you are, we are not debating any censure motion.

Hon. H. deB. FORDE: Well, Sir, commendation. The honourable Member can be assured that a Resolution of commendation and not of censure will be the Resolution brought for him on the road work that he is doing for improving the conditions.....

(Mr. P. M. GREAVES: For us.)

Hon. H. deB. FORDE: The honourable Member for St. Michael North says that he is bringing a Resolution of commendation. I am very pleased to hear that he will. I know he knows the area well. It would be a Resolution of commendation for his contribution to the improvement of this part of Christ Church in conjunction with the Honourable Minister of Housing and Lands.

It is my understanding, and perhaps the Minister could clarify this for me, that in putting in the facilities, it is intended to connect up Plantain Walk with the Rendezvous Road and to close off, by way of one way, the almost blind corner where this land comes out on to the main Forde's Road area. If this is so, I should like to commend the Minister. I believe that part of the lands being acquired here may be acquired for that purpose and may be included in the acquisition notice.

Let me just take the opportunity of commending the Project Unit and the other Ministries which have been looking after this project, even ahead of this Resolution coming to Parliament. I have seen them working with a good deal of devotion to duty and I am aware of the fact that they have gone out of their way to consult and to talk to the people who are being removed and relocated, as well as to those who are in the area. I have been assured by the persons in those areas that, so far, the assurances given to them and the negotiations have gone very satisfactorily. I can assure them of the total co-operation of the people of that area of Christ Church West and my own co-operation in any way I can help them in order to make sure that this project is executed as soon as possible.

Hon. H. B. St. JOHN (Christ Church East Central): Nothing is coming from the other side?

Mr. Speaker, I will not allow this occasion to pass without setting out clearly the Government's position in respect of improvement of the conditions of life of people whose houses have to be removed in order to

make way for a public project. Our record in this respect is well known.

From the outset, we made it clear that when we were removing people from Emmerton to make way for the sewerage scheme our concept was different from the concept of the people on the other side. The days of the pit toilet are over. The days of moving people and not placing them in a lot which is of a sufficient size to satisfy Town Planning, so that in the future, they can exercise an option to purchase the land, are also over. Irrespective of what the Ministers on the other side say in here or anywhere, sufficient land will be acquired to provide commodious surroundings, sufficient expenditure will take place to provide an improvement in their conditions. And if they happen to benefit by the fact that they have had extra expenditure by Government, we will face all the Resolutions that arise therefrom and deal with them.

1.00 p.m.

The removal of people from one area to another area is but part and parcel of Government's plan for the improvement of the housing conditions in Barbados. It ties in with the rural development plans, it ties in with the urban development plans and it will also tie in with the national plan for the improvement of housing.

For a long period of time, there has been much talk in here about acquisition procedures. I wish that honourable Members would be truthful to themselves and recognize that land acquisition in this country is carried out under the same laws that were in existence since 1961. If honourable Members were truthful to themselves, they would recognize that the principles of compensation are embodied in a bit of legislation which pre-dates Independence in Barbados, which was also vigorously defended at the Constitutional Conference in the United Kingdom and which is still the subject matter of the law in Barbados. All of the problems that we have in relation to quantum of compensation can be attributable to the fact that we have in this community a few people whose object is to mislead the public as to the law of Barbados. We have a number of people who masquerade as experts in this area and who systematically mislead the public as to the law of Barbados. There is no doubt that it is perfectly constitutional to have a law which says that the basis of your compensation is the existing use of the land. That is the principle, the existing use of the land.

We have also had problems in relation to the payment of compensation. The problems arise from the legal system in Barbados which requires proof of ownership of the land, and the lawyers have insisted that the proof of ownership must be of such cogency that they are under no uncertainty as to whom the money should be paid. That holds up a lot of problems in the finalization of compensation.

Thirdly, we have a problem in that we are operating in this area in which there is always genuine disagreement on valuation. I do not care what the honourable Member for St. Philip North (Mr. W. O. Franklin) says. He has no authority to say that any opinion he gives on the valuation of a property is the right opinion. He can say it is his opinion, he can give the basis on which he arrives at it, but valuation is not an exact science — it cannot be proven by mathematical certainty. That is one of the problems we have, that we have people who believe that because they say "A" is "A", it is automatically "A", but they are different opinions on value. As with geologists, economists and consultants, you have a multiplicity of opinions. It is one of those areas of human activity in which a judgement....

Asides

Hon. H. B. St. JOHN: That is a fact of life. But the only thing is that you do not like to accept the opinion of the electorate.

It is one of those areas in which there is no method of determining who is right, except the law court. That is the position, and half of these people who quarrel about the procedures should take the matter to the law courts. Let them go there; they are paid to adjudicate disputes, that is their function. Our society and constitution lays very clearly in the judges and the judiciary of Barbados the final determination of opinions. If you disagree with one opinion there, you have two other chances — you can go to the Court of Appeals and you can go to the Privy Council. So that society has provided a mechanism for the resolution of these difficulties.

The government has looked very carefully into this whole question of compulsory acquisition and, as the Minister of Housing has said, the Government has created elaborate mechanisms to ensure that none of the bureaucracy not related to the Ministry of Housing and Lands can frustrate the carrying into effect of the Compulsory Acquisition Act. We have set up a whole legal unit, complete and absolute, and we have graded it on the same level at the Head of Solicitor General, so there can be no argument.

In addition to that, we are now working very hard on expansion of the Property Services Unit, because we have a Property Services Unit. We are working very hard in bringing qualifications at a higher level in that unit, so that we will have a clear and distinct understanding of the amount, value, and situation of land that comes under Government control. So I reject any suggestion that we do not pay attention to this area, and further analysis will be continued to see whether more resources would need to be given to ensure a speedy resolution of this matter.

The Government cannot make anybody go to court, but I am looking at the law, in conjunction with our new

Attorney General, and if it is necessary, we will make sure that the Government will go to court, too. If you do not want to take what we offer, we will take you to court for a declaration, and that is a good and proper offer. So we will silence you forever, we will silence irresponsible statements from the other side forever. Because today, once you receive a penny more than the Government's offer, the Government has to pay the cost, and they would not tell the people that. All of the agents of mischief would not tell the people that there is very little risk in going to court, because once you receive a penny more than what the Government offers, the Government has to pay the cost. What is more if you receive less, it only shows that the Government was right and you were wrong, so you should have taken the money and go.

It is a very fair law, but in this uncritical society, politicians have all the time to do the research and ferret out the true facts so that public opinion can be properly guided and public opinion can be saved from the propaganda and people who have a self-interest, and who are charging percentage fees for valuations. It is in their interest to puff up the value, thinking that the Government is foolish, and because they puff up the value, the Government will settle for the valuers to walk around and then get a bigger percentage. But the Government is not foolish, the Government has a whole group of professionals in the Land Tax Department, in Land Valuation, and it is working very well, especially as we have taken the decision to undo the wrong that the people on the other side did when they separated Land Tax from Land Valuation. Now we have brought them together logically, a position that was advocated by one of the honourable Members on the other side but was rejected by the Leader of the Opposition at that time. We now have a clear idea of the valuations and we will be issuing the first offer on the basis of the valuation. That is very fair and reasonable. All those agents of mischief who seek to misinform the public of Barbados should take note that there is a basis upon which we are operating. If you pay taxes on the basis of five cents per square foot, when the Government comes for acquisition we offer you five cents per square foot. Strictly speaking, we are not bound to do that either, but we do it.

I welcome a debate on this. Come out now, this is the chance, let us debate it today. I have chapter and verse on it. A lot of people have been walking around at constituency groups and otherwise and saying a lot of things about the Government, that they are unfair to people. Let us get ahead. I know exactly how many cases are not compensated, I know exactly the reasons why they are not compensated. Let us have the debate today, not on a general basis, let us get down to specifics and let the public be enlightened.

I have great pleasure, Sir, in supporting this Resolution.

Mr. B. M. TAITT (St. Michael West): I am not quite sure after hearing the Honourable Prime Minister, exactly why he is quarrelling and with whom, if, in fact, he was quarrelling. I tried to follow his debate and to understand the nature of the debate which he is calling for, but I recall that not so long ago in this Honourable House, while on one of these very acquisitions, we had the discussion which he appears to be calling for.

The question is not whether the Government's position is a legal position. I do not know that anybody has ever questioned that, nor do I believe anybody has ever questioned whether it is grounded in the Constitution either as a result of a document which was put together in 1966 or in the pre-existing laws of Barbados. It is a well known concept of constitutional existence and constitutional law that the Government, in the exercise of immanent domain, cannot do so without compensation. Therefore, it is not a point on which there is going to be any quarrel.

What the quarrel is, so far as this side is concerned — and we have agreed to differ, because the honourable Member has taken this position before in here — is the methodology that is used within the context of the law in terms of acquisition. That Government has a style of acquisition which, in our opinion, lacks a certain humaneness. The fact is that when a person is having his or her land acquired by the Government, that person may have the constitutional right to go to court, but they may not have the financial resources that are necessary nor are they prepared to take the risk of financial expenditure which usually accompanies the decision to take somebody to court, especially at that level.

It is therefore very easy for the honourable Member, who is familiar with the courts, to say, quite correctly, that the courts are there to arbitrate opinions and that they are the highest opinion arbitrators in the land. That is a fact, but getting there is sometimes very difficult. It is easy to say that you have your opinion after the first court to the second court and up to the Privy Council, but the honourable Member must know that very few persons living in Barbados today have the financial capacity to take anybody to the Privy Council. What people are concerned with is that the Government will acquire their land, will put the land in use, and for four and five years afterwards those persons have received no compensation. It may be legal, but it is unfair. It is unreasonable, it is inhumane.

The other side of the argument is that if we make you an offer and you do not accept the offer because

you do not think it is enough, then you cannot be heard to be quarrelling because we take a long time to pay you. I do not believe that the honourable Member, in his capacity as a human being accepts that. I believe that ordinary people in Barbados, when they have to fight against the Government, recognise that the Government — and it does not matter which party is in power — is bigger than the individual, and a lot of people in Barbados feel that in any fight with the Government they are bound to lose in one way or another.

(Hon. L. S. CRAIG: Except you).

Mr. B. M. TAITT: This is not an information debate, this is a matter of acquisition.

We in the Democratic Labour Party used to negotiate with the persons for the price of the land, and it is only in the odd case when agreement could not be reached that we resorted to Parliament for acquisition purposes. That Government believes that you should acquire the property using the mechanism and then discuss the price. That is the big difference between us.

The honourable Member says that the lawyers in town are insisting that they must have clear, undisputed title, and that is the reason why his Government uses the methodology he has described. It seems to me that if the lawyers in Bridgetown.....

(Hon. H. B. St. JOHN: They carried away the money, you know.)

Mr. B. M. TAITT: Well, Sir, the honourable Member can talk of that. I have no experience in that matter.

(Hon. H. B. St. JOHN: Ask for Jackman and Clarke, Arden Clarke).

Mr. B. M. TAITT: I know that case very well. The honourable Member is reminding me of a case of *Jackman v. Clarke*. I know Your Honour will not let me discuss that case here, so I am not going to try.

The point I am making is that by the time it gets to the lawyers for discussion of title, the question of agreement of price would already have been arrived at, and so the argument is not valid, in my opinion, when we are discussing the question of how long it takes for people to get paid.

The honourable Member for St. Andrew, the Minister responsible for Housing, himself recently, according to public reports, stated that he and the Government were concerned at the length of time it is taking people to get their money, and as a result of that they were taking steps internally to correct the situation. That must be evidence of some concern brought about

by complaints on the part of a large number of people who suffer the same difficulty and the same problem, and the Prime Minister himself in a debate today said that he is putting that investigative body at the highest level so as to avoid any confusion and any difficulty with the other aspects of the bureaucracy.

If the honourable Member wishes to quarrel with persons in Barbados who, according to him, are misleading people about what the law is, I think that the least he could do is to say so categorically, identify the person or persons and let the people know that such person or persons are not to be listened to or have any attention paid to them in so far as the law is concerned. But I do not think that it falls well from his mouth to be giving the impression that somehow the Opposition has been misleading the population, giving information that is not accurate, because that information does not require either the Opposition or the Government, or anybody else, to inform it, it is informed by the facts, and the facts are facts on which we are all agreed, that too many people have had land acquired from them and have had to wait too long to get their money.

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

1.20 p.m.

I go further. I want to quarrel with a method which the Government has. They have a way of setting out to acquire land, moving on to the land, beginning to use the land, cut roads in the land, all of these things, before they come to Parliament to acquire the land properly. I say that that is an improper method and it is our responsibility, when the Government goes outside of what is understood to be

Asides.

Mr. B. M. TAITT: Are the honourable Members resorting to the legalism? Let me establish that the Act says that can be done. I am speaking about those persons who have not agreed with the Government, who are not happy and who are in contention with the Government, even as the Government moves in and starts to use the land in a manner that is not in keeping with the people's wishes. I am not questioning the legality. If I thought the Government acted illegally, I would get up and say so. That is not the issue.

It is not a question of whether what you are doing is legal. It can always be that. You can do perfectly legal things that are horrible as they affect human beings. We are not contesting your right to take legal action under the Constitution. We are contesting the methods you use while exercising that right. You operate in such a manner as to suggest that you have no interest whatsoever in

ordinary people, and that if you do have such interest, it is mundane and callous. That is our contention.

As to the question of moving persons from one area in Barbados to another, that matter has been debated sufficiently. Our position is known, their position is observed, and I think no genuine purpose would be served by going over it and repeating it.

The people of Barbados, the vast majority, are people who do not have a long purse, people who cannot engage legal resources because they have no financial resources to carry on long and distinguished fights with the Government or, indeed, with anybody else. We are saying that it is the duty of the Government, within the framework of the law, but more in keeping with its moral responsibility, to find the mechanism by which a minimum number of people would suffer at the hands of the Government when the Government acquires land. That is all we have contended, and that is all I am contending now.

I think that the Prime Minister's strictures ought to be said elsewhere because, obviously, they are directed at persons who are not presently here, and I do not propose to attempt to defend anybody who chooses to take on the Government in a matter in which that person claims to have expertise. Let it be said, however, that the honourable Member for St. Philip North (Mr. W. O. Franklin), while what he has may only be an opinion, it is a professional opinion. The honourable Member might not be able to say it on the floor of this House, but let me say that he is the only one of his kind at the moment in this country. He is the only professional recognized professionally outside of this country, and so when he give an opinion, it is not a mere opinion — it is a considered professional opinion and, therefore, has a higher quality than the ordinary opinion in the particular field.

It is tantamount to when the honourable Member, the Prime Minister, in his other capacity, gives an opinion to a plan. The law recognizes that he has every right to expect that that opinion is, shall I say, coloured by a high degree of professionalism, failure of which will land the honourable Member, as you fairly well know, Sir, not only before the courts but paying damages, if not going further. So in the same way that lawyers give professional opinions and doctors give professional opinions, the honourable Member for St. Philip North, when he gives an opinion of an evaluation, it has a higher quality than an opinion or evaluation from the Prime Minister or any other honourable Member in this House. I therefore think that if in a debate an opinion can be left, whether inadvertently or otherwise, that any honourable Member, while acting in his professional capacity might fall short, that position needs to be clarified, and I stand here to represent the professional position of the honourable Member for St. Philip North

in so far as it applies to the valuation of land. It has never been questioned, and I hope that as a result of this debate that no one would consider it desirable or necessary to question it.

Mr. Speaker, I do not know what debate the honourable Member is calling for, but I hope that in so far as the points I have raised relate to the methodology used and envisaged by the Democratic Labour Party as opposed to the apparent callous attitude of the Barbados Labour Party in this matter, it will show the great divide which exists between the two of us. For them, people are means to an end. For us, people are end in themselves. I thank you, Mr. Speaker.

Hon. L. B. BRATHWAITE: Mr. Speaker, one thing has emerged from this debate and it is that democracy is somewhat still alive. That people are concerned with the rights of others is, to some extent, heartening to me, but the last honourable Member who spoke should bear in mind that it was his party in 1961 that amended the Land Acquisition Act in this country and made provision for the things that he is complaining about to happen.

I have, on a number of occasions adverted to a number of things, and in this regard I have also said that it is a very useful tool, because there are times when, in the public's interest, it is necessary to acquire property and, therefore, the Government should not be prevented from doing so. The public's interest, in my view, is greater than any individual interest, and on that score the crocodile tears which we hear occasionally cannot be taken too seriously.

When this Government came into office, there were many outstanding cases for compensation and they were not met. That is on the books. I have spoken from time to time about the traumatic situation of people being removed from their place of residence for years. I feel that compensation should be given and the Government feels that way. As a matter of fact, the honourable Member for St. Michael West agreed just now that I said that the Government, being conscious of this position, has taken a decision to set up a unit within the Ministry of Housing, answerable to the Attorney General, however, in order to expedite these matters. We have taken every step that is possible to ensure that people are quickly compensated.

The honourable Member referred to valuers, how competent they are, the fact that the judgment is never questioned and what have you. I recall seeing the file on the famous *Dowell case*, in which the learned trial judge was at pains to point out that he was terribly upset over the type of valuation which was made by the valuer. The Prime Minister was right when he said that a number of valuers inflate prices because they are paid on the basis of the valuation of the property.

1.30 p.m.

Quite recently, in a case before the Chief Justice, a certain valuer gave a valuation without visiting the property, and when he was brought before the court to support his valuation, he admitted that he did not see the property and the judge pronounced harshly upon him. He knows who he is, I am not going to say who he is. If he is in here, he will know, and if he is outside he will read it. It is this type of valuer, these quacks, that create problems in the country and make it extremely difficult for decisions to be made by clients who are willing to settle compensation with the Government.

The Government is never unwilling to arrive at a compromise situation. But I have said repeatedly that whenever the Government is involved, there tends to be a feeling that you can take advantage of the Government, that what you can normally get in the open market should be doubled when the Government is buying, without realising that you are taking from yourself, because you are a taxpayer and you are, consequently, part-owners in the real estate of the country. People do not seem to understand this. These are the situations that we face from time to time.

Bath Plantation is an example of the problems that we face. We have to go in and think it over to save the country to some extent. We had to move in Turners Hall in St. Andrew. But what are you getting from Turners Hall? Virtually nothing. If you sold Turners Hall you could not even pay off the taxes and the National Insurance, because these people down there, unfortunately, and I want to say this in Parliament, cannot even get compensation for the National Insurance which they were paying. There is no record of their National Insurance payment; they are left on my hand and the country's hand because there are no available records of what happened at Turners Hall. It was the same thing with the Belle Plantation that was sold out and allowed to be cut up. The Government has to step in in order to save the day for the valuable agricultural land. Turners Hall, which two years ago bore nothing at all, has recently produced 80 acres of cane, and the whole plantation is now actually prepared for planting and cultivation.

There is, I am told, a company, and I have seen some of the names of the directors, but since I have not given notice to His Honour, I do not think I should call the names of the people who are involved. But we are aware of this situation, and if we did not have the tool of the compulsory Land Acquisition Act to move in and save the people and the country at times, we would be in real serious trouble.

Mr. Speaker, whenever these land acquisition matters come before us, they seem to be always emotive, a lot of things are said. I would suggest to the other side that there are certain areas they should not choose to fight us on. Land acquisition is such an area, housing is

another one, and roads. You are not so good on them. Try us on something else. Transport and Works is not so good; try us on any other thing and you might be able to get a toehold, but we will repulse you nevertheless, because we are not afraid to fight you.

With respect to the land that we are dealing with, the honourable Member for Christ Church West raised the point about a road which he thought would be closed to be made into a one-way street. I have not seen this on the plan and I do not think provision was made for it. I will have to look at it and discuss it with the technical people, and if it is considered that a one-way street in the area is desirable and the Town Planner and the Transport and Works engineers are persuaded that it might be in the best interest of the country that we should have one-way arrangements there, we may very well go ahead.

The honourable Prime Minister as well as the honourable Member for Christ Church West has adverted to the type of conditions which are offered to people when we resite them. We do not have to belabour that anymore. That has become a given. That is something that the people now expect. We are not moving them and putting them like how they were put at some place in Speightstown some years ago, put in places in a hurry without any toilet facilities. We give them all the infrastructural arrangements. We treat them as human beings. We do not treat them as second class citizens. As a matter of fact, I would hope to see a Resolution of congratulations to the Government on that matter, but of course we would have to do it ourselves.

I consider that our record on housing and our record in the treatment of people who are disadvantaged in any way by removal is a good one, and what is very important and what has to be borne in mind is that it is not the owners that are given this special treatment, it is the tenants and the dispossessed, the landless in the country that we have made provision for, the very landless that the Opposition in 1981 sought to prevent from becoming landowners in this country. Our record is a proud record, a record that we can boast about, a record that we can shout about. When one looks at what we are doing throughout the country by way of changing its landscape and bringing it into the jet age in terms of development, we should have no problem in coming here and discussing this matter. As a matter of fact, I detected an annoyance on the part of the Opposition bench when the honourable Member for St. Michael West got up to speak. I suppose they thought that he was ill-advised to do it, but of course he must get into the act, and therefore he got in and got his piece through.

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

THE PENSIONS (MISCELLANEOUS PROVISIONS) ACT, 1985

Order No. 2 was called — To move the second reading of a Bill to amend certain enactments relating to the age of retirement under payment of pensions, gratuities and other allowances..

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Speaker, let me at the outset say that it is not the intention of Government to proceed to the third reading of this Bill today. Our intention is to have a full-scale debate on the principles embodied in this Bill and to allow honourable Members sufficient time to study the amendments which are being circulated today, so that when we go into the Committee stage of this Bill, honourable Members will be aware of the intent of Government to ensure, in particular, that no serving officer is prejudiced in any way by the provisions of this Bill.

The object of this legislation is to carry a step further the implementation of Government's proposals to introduce a National Pension Plan in Barbados

Rt. Hon. E. W. BARROW: If the honourable Member would give way, on a point of order: I should like to draw to the honourable Member's attention Section 49 of the Constitution of Barbados. The Bill which we are now entertaining is one of the entrenched provisions of the Constitution. If the honourable Member is not advised, I think he should be advised before he proceeds, because my understanding is that the organisation which substantially represents the public workers of this island has not been fully consulted, and, in those circumstances, the official Opposition could not support. The necessary two-third majority will not be forthcoming until we are so satisfied.

1.40 p.m.

Hon. H. B. St. JOHN: I thank the honourable Member, but I wish to assure the honourable Member that this Bill has absolutely nothing to do with the Constitution of Barbados. It is also untrue to say that the official trade union was not consulted. Of course, you can consult, but one does not guarantee that the person whom you are consulting understands or that they accept what you say.

I made it absolutely clear from the outset that I was going to give all honourable Members more than sufficient time so that they can satisfy themselves that no existing officer's position will be affected. That was the very point that I raised from the beginning. The scheme of the Bill sets out very clearly that no existing officer's position can be affected unless he consents. If he chooses to opt, that is his business. If he does not choose to opt, his position as is, in the law, will be preserved.

I do not know about what two-thirds the honourable Member is talking about. The position is very

clear that the object of this Bill, in any event, is to implement a proposal of the Government, which we have been advised is perfectly constitutional, with respect to people joining the Service after a given day and who are therefore at liberty to reject the terms and conditions of service which will be offered to them on their appointment. As the honourable former Minister of Finance said, this Bill will come into operation in respect of those people who are entrants to the service after June 1, 1984. I defy any honourable Member on the other side to say that it is impossible for a Government, without a change in the Constitution, to offer a change in terms and conditions of service to anybody who comes into the service after a particular day. That is the position.

We are dealing with three classes of officers. We are dealing with a class of officer whose position is prior to 1975, and I want to deal with this specifically. Their pension rights will be totally preserved. In respect of the Auditor-General, the Director of Public Prosecutions and those offices which are scheduled and in which people will not have an opportunity to opt, certain Heads of Departments, no change of the law will take place. So there cannot be any question of unconstitutionality arising there.

We will also deal with the civil servants who were appointed after 1975. In 1975, the then Government made it plain that it was their intention no longer to allow the situation to continue in operation, in which the Government would continue to pay National Insurance contributions for a pension and, at the same time, pay a pension to the same people out of the public Treasury. In 1975, that was said by the Honourable Leader of the Opposition, as Prime Minister and Minister of Finance, and as the person in charge of the Government. I do not know about the constitutionality in that position. I wonder what was the constitutionality of that position. He was giving notice, very clearly, that for people coming after 1975, he was not, in the future, going to allow the Treasury to have to undertake the burden of the Government having monthly to pay National Insurance contributions, and at the same time, when those officers retired, the Government would have to pay both the pension and the National Insurance.

All we are saying is that in respect of those officers, their terms and conditions were changed by the honourable Member's Government. But, as usual, they only did half of a job, instead of doing a whole job at the time and amending the law, at that particular period of time to implement the intention that they announced. We have to do it for them. It is not unusual, we have had to do a lot of things for them.

We now come to our position. We have made it positively clear that, as from 1 June, 1984, as from the Budget Speech on April 17, 1984, the Minister of Finance said that it was Government's intention to introduce legislation to provide for the extension of the retiring age of public workers to 65 years. Such arrangement would take effect from June 1, 1984, and from that day no new recruitment to permanent positions would be permitted pending the enactment of the proposed legislation. So what am I to say now? How can I consult with an organization purporting to represent people who are not members of the Service? How can I? They are not members. They are not in there. They are not being recruited. How would I know that they would not join another organization which has given us its fullest co-operation? How do I know?

(Mr. B. M. TAITT: That logic is pretty, in truth!)

Laughter.

Hon. H. B. St. JOHN: I cannot anticipate, in any way, which organization the future members of the Civil Service in Barbados will join. I know that they have a democratic right in the future when the jobs are being advertised either to say that they wish to join the Service, under those terms and conditions, or they do not wish to join the Service under those conditions. This is a free country, and just as they are free to say that they want to join the Service, so, too, they are at liberty to say, "I do not wish to join the Service. I wish to be employed in another occupation and with another employer whose terms and conditions are such that I can retire at 56 or 60 or 65." That is the gist of the provisions of this Bill. That is why we were so careful to say very clearly that we want to just deal with the principle surrounding the Bill and to disabuse the public's mind, once and for all, that we are interfering with anybody's terms and conditions of Service who was appointed up to 1975, in respect of 1975 and after.

We are only implementing the terms and conditions which were set out by the previous Administration, and in respect of the 1985 and on appointments, the people will have a full choice as to whether they wish to serve to sixty-five or not. And in the Bill you will see that we were advised that we could not interfere or even give an option to the terms and conditions of the Director of Public Prosecutions or the Auditor-General, because their offices were offices which were established by the Constitution and we did not want to deal with that. In any event, their terms and conditions is 62 years old and it is different from the rest.

We come to the other Schedule of the other officers, the Heads of Departments. We feel very strongly that you should not, in the future, block off promotion opportunities for people whose offices constitute the top grade in the Civil Service. The existing 60 years and 55 compulsory

should remain, and you will have that class of officer having to leave the Service at 60 in the future. So we have not changed them either.

There is another anomaly, and the fact that it is difficult does not mean that we have to deal with it. At the present moment, because of the large number of people who are not eligible for a Government pension under the Casual Employees Act, but who depend on National Insurance for a pension, we had to allow them to work until the age of 65, so that their leaving the Service will coincide with the date when they will draw their National Insurance pension. That is a thoughtful Government, that is a Government that cares, because when the National Insurance was introduced, that was the time to deal with the anomaly. We have had to deal with the anomalies, and all we are saying is that, irrespective of the casual employees who are now in a position to go to 65 years, as from June 1, 1984, anyone recruited after that day will have an opportunity to go to 65 years.

1.50 p.m.

The other provisions of the Bill deal with implementing matters which were passed by the other side, and a few anomalies that have come up. We have a situation in Barbados in which the Government provides for an improvement in the pensions of retired civil servants every two years, at the same time as the salary revisions. The Auditor General and others are saying that they have been acting on the Resolution of Parliament and they say they would like it made clear that when the Minister of Finance announces that all pensioners will receive a 12 per cent, 10 per cent or 5 per cent increase, the Pensions Act contemplates that, so we are putting in that. That is the origin of the words, "out of monies provided for by Parliament." The Auditor General feels that at the present moment when we say that we are increasing the pensions of people who retire and are entitled to receive their statutory pension, the Act should refer to the cost of living allowance. We are amending that, and there cannot be anything unconstitutional in doing that.

We also have to deal with one or two situations which have arisen particularly in respect of officers who have served in Barbados, in other territories of the Caribbean and other parts of the Commonwealth. We have been in the habit of paying them the same percentage increase although we should not be paying them the same percentage increase, because we should only pay our proportion and part of the percentage increase as bearing the relationship to the pensions we pay. But the Government, being a caring Government, has been repeatedly treating our citizens who have served in a multiple number of countries in the same manner as if they had served totally in Barbados. So again the Auditor General has requested that the Pensions Act advert to that situation and that the phraseology which permits

such a payment to take place should be put in the Act, and say, "Arising out of monies provided by Parliament."

One of the things that the honourable Member will not be able to make stick is that this Government is one that does not obey law. He cannot get that across. This Government has a very excellent reputation as being a Government that pays due regard to law and order. This Government did not get up in here and abuse the whole judiciary, the church, and everybody else. This Government believes in law and order. It is not true to talk about a union not being consulted. The union was fully consulted.

In respect of the other provisions that we have in, we have to deal with storing of a pension. That is a very important point. The honourable Members passed a law which allowed people to come in and go out of the Service and to have the pensions stored. If you have your pension stored.....

Asides.

Hon. H. B. St. JOHN: Of course, it is a proper law. I have no difficulty about that. The only difficulty I have about that is that it is a half job, because you did not continue and we now have to finish it. You should have provided that when you store your pension, when you actually come to receive it you will be able to get the cost of living allowance increases on the pension which were frozen at the time, otherwise you and the other people will be in a different position. We have been allowing that. It is a good thing to have some cross-fertilization in the Civil Service, bring in some from outside and send out some from inside. All Governments in the world recognize that it is necessary for each, the public sector and the private sector, to understand and appreciate the differences in operation and differences in methodology of approach. We have also dealt with that situation.

In short, what I wish to point out in my second reading speech is that every attempt has been made to improve, firstly, the terms and conditions of payment of pensions for people who have retired in the past, in that we are making it clear in the law that Parliament, periodically, can increase the amount of pension to take into account partial indebtedness. Secondly, we are trying to acquaint the position of people who have stored pensions with those people who continue to work in the service. Thirdly, we have given an option to certain officers, who were recruited after 1975, to be able, if, of their own free and voluntary will, they wish to go on to 65 years. If they do not want to, that is a different matter. Fourthly, there will be a class of officer, roughly at the Head of the department level, Permanent Secretary level or the top levels, in which they will not be able, irrespective of when they are recruited, to come under the 65 rule.

That is the gist of all of this paper. Because it is shrouded in a lot of legal language may be responsible for the fact that it is too complex for some people to understand. But I just wish to say that, out of an abundance of caution, we will not be proceeding today to the Committee Stage. We will re-circulate the amendments, again to the same bodies that we have circulated before, and, if necessary, if they want to have an interview and an opinion or help from the draftsmen from the Legal Department, we are willing to provide it. There is an old saying, "You can carry the horse to the water, but you cannot make the horse drink it," but we are more than willing, and we cannot accept the argument that it is within the province of an organization to bargain for people who are not members of the Service. When they come in, they have a choice. They do not have to come in, so therefore we cannot accept that argument.

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

Asides.

Hon. H. B. St. JOHN: I will move that further consideration be postponed after we have had the debate.

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

Mr. SPEAKER: The question is that further consideration of the Bill be postponed.

Rt. Hon. E. W. BARROW: Sir, I am speaking on the Motion.

Mr. SPEAKER: On which motion?

Rt. Hon. E. W. BARROW: That further consideration be postponed.

I should like to suggest to the honourable Member that

Asides.

Rt. Hon. E. W. BARROW: Is he postponing consideration of the Bill. He is not asking for the suspension? I was suggesting that he does it now, but I now understand.

The question that further consideration of this Bill be postponed was put and agreed to in the affirmative without division.

SUSPENSION

Hon. L. S. CRAIG: Sir, it is now 2 o'clock. I beg to move that this sitting be now suspended for lunch

until 3:15 p.m., in the light that we have to go once again to Queen's Park for lunch because of the work that is being done in the dining hall.

I beg to move that this sitting be now suspended until 3:15 p.m. for lunch today.

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

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

2.00 p.m.

ON RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Hon. L. S. CRAIG: Sir, earlier in the day I notified the House that we would be discussing a Resolution dealing with an acquisition in the Chancery Lane area. There seemed to have been no objection on that occasion, so at this point I would like to proceed.

Mr. SPEAKER: The honourable Member is seeking leave.

Hon. L. S. CRAIG: Yes, Sir, to deal with the Resolution of which I gave notice earlier today.

Mr. SPEAKER: There seems to be no objection. The Honourable Leader may now proceed.

COMPULSORY ACQUISITION OF LAND AT CHANCERY LANE, ST. MICHAEL FOR THE PURPOSE OF HOUSING DEVELOPMENT

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Speaker, this Resolution is, to some extent, another landmark in the Government's programme for urban renewal. It started with the development of Kensington Lodge and we have now decided to embark upon another development which will provide something like 75 units for city dwellers.

It is not difficult in looking around to realise that an area like St. Michael, and particularly the City, has abundant wealth, on the one hand, because of the link up of industrial and commercial activity, and you find great wealth and property and on the other hand you find squalor and misery.

The Government commissioned a study of New Orleans and this study has come up with a number of recommendations which the Government is looking at. It will involve the resiting of a number of people because of the heavy density of the population within certain areas like New Orleans, Emmerton and Pickwick Gap.

To arrive at what is regarded as a reasonable density, there are a number of people who will have to be resited, but above all of that is the question of drainage, which is a great problem in that area. So the construction of the unit which will go on the property which this Resolution seeks to have acquired would mean resiting, if not permanently, initially in these areas, along with the people who will be displaced from the present site.

We are also looking at the type of structure which we can probably build in stages whereby people can occupy as they move off from point to point rather than to have the whole site cleared. We might be able to build on part of the area of land at one stage and then move on to the complete stages, so that there will not be any serious dislocation of people.

In that regard the Government is also considering the resiting of the people who are in the Church Village area adjoining the bank. Those people will of course have to look for temporary accommodation as well, and we feel that with the construction of this 75 unit block, in our renewal programme, we would be able to have them within their normal environment and not to be too far away from where they now live. They would still be within the limits of the city.

When this building would have been constructed and entirely populated, we would be able then to look at the question of the density problem which we are faced with in the New Orleans area. That is an area which Government is giving very serious consideration to.

Mr. Speaker, while on this Resolution I want to touch on a matter which impinges upon acquisition in general and the awards of contracts in particular, be they awards for building construction as will spring out of sites such as these, or awards for the building of roads.

Quite recently I have been reading articles in the Press by a constant nuisance — I do not know if this is a genuine name or a *non-de-plume* — one Beverley Walrond, questioning the methodology of the award of contracts. I want to say here and now that neither the Minister of Housing and Lands nor the Ministry of Housing and Lands *per se* is responsible for contracts as such. In other words, except for the approval or disapproval of an award, the Minister does not get into the nitty gritty of contracts.

We have had the unpleasant experience — or I have had, I had better project myself as the person directly responsible — since I was in the Ministry of Housing and Lands to discover that contracts were only going in one direction, and that only a particular person, or two persons for the most, and seldom two, got contracts for building roads. I sought to find out why this is so, if this person is really so good and cheap, or the other persons are so bad and expensive. Recalling my own experience in

the Ministry of Communications and Works, I decided that I would comb the whole methodology of the award of contracts and ask them to give me an update of contracts for the past ten years within the Ministry and how these contracts were awarded. Unfortunately, they were not able to give me ten years of awards, there was a serious gap with respect to the records, but they were able to give me something like five or six years, and on that basis one contractor alone got over 85 per cent of all the awards given.

One must be very concerned as to how one contractor in any given business at all can be always so good in his tender methods as to be able to come to a figure which would always bring him out as the lowest or the most acceptable bidder. But we must also bear in mind that in the tender notice, it is always pointed out that the Government does not bind itself to the lowest or any bid. In other words, it gives you flexibility in order that you can look at the track record of a company and its dealings with you and arrive at a conclusion.

We have had cases where contractors on West Terrace with the best intents in the world were given contracts and then they fell down and caused us to pay out substantial damages to people who purchased the properties. The men who were involved were largely men of straw who set up *ad hoc* companies, fly-by-night companies, and therefore there can be no question that those people would be black listed. In my time I will black list them and not fail to point out to the Government that these people are not the best people to deal with. Similarly so, with professional people who deal with the Government in these acquisition matters and the laying out of the tenancies, professional people, surveyors as well, many of them have kept back the work to cover a period so that the Inland Revenue Department would not be able to come down too heavy on them because they would be in a high tax bracket. That is a fact.

3.25 p.m.

I do not want to call names, because they have not given me a list of the names, but in relation to complaints about surveying work and the failure of Government to do things, I can call a lot of names in the fullness of time and, Mr. Speaker, not only in this place but outside in the public domain where the people can charge me for slandering them and defaming them in some way. They have a right then to bring a case against me. I can call the names of all the people who have been involved with Government in business and who have not played a good game. They have been one-sided. They have only sought to extract and to give nothing in return. Not only one group of professionals, but actually all of them can be accused of being unreasonable at some time or another to the Government of the day and, therefore, when we hear about contracts going to somebody and lists of names being rolled off and questions as to why a parti-

cular contractor might not get work, the information is there, a Commission of Enquiry can be had, a Resolution against the Minister ...

Mr. SPEAKER: Will not be debated today.

Hon. L. B. BRATHWAITE: I said, "against the Minister."

Mr. SPEAKER: It is not yet filed.

Hon. L. B. BRATHWAITE: I want to invite that if there should be any charge of wrong-doing, rather than making silly statements out there, people who have nothing to do — and I gather from the names I just called that this would probably be a lady — if she was busy with her children and doing her domestic duties, she would not have time constantly to be writing nonsensical things to the Press. There is absolutely no wrong-doing with respect to what is happening through the tendering system of the National Housing Corporation, at least not as far as I am aware.

It is all well and good when a group of greedy men, who feel that they should have everything they want given to them and they find it difficult to have everything, walk about charging everybody with malpractice. They behave like bad boys who want all the sweets, and if they cannot get all, they decide to destroy all. That is not the system that we tolerate.

There is another thing that we have to bear in mind. It is not that Mr. A alone pays taxes in this country. If the contractors go from A — Z, and they are all companies in Barbados, to me, a fair system should be devised to give opportunity to all Barbadians to take part in the national wealth and to share in the national cake. It would seem very unreasonable to me, and especially to Barbadian workers who might be working with Mr. A as a contractor to see Mr. B is getting all of the work and A, C and D cannot get any. There must be a system of sharing.

In the past, only certain contractors and builders, before 1976 and between 1961 and 1976, got all the work. That is not so with this Government. We have a system whereby work is distributed equally between the engineering firms, the architectural firms, the building contractors and the road contractors. It is my view that we should continue to do it that way because all Barbadians must share in this.

The Government, in its building programme to bring houses to all people, will also shortly be looking at additional areas in Rosemount in St. Michael and land at Bonnett's in Christ Church. It has already started at Maynards and will very shortly start at Lammings in St. Joseph. Government considers that all projects started

by us, and this is strongly the view of the Prime Minister, should be completed and, to this end, all efforts will be made to put Lammings and Rosemount in St. Michael out to tender very shortly.

I am happy to announce, as well, that work at Maynards, in St. Peter has been restarted and, with the passage of this Resolution, we will be well on the way of putting this project out to tender. I hope that before the end of this financial year this project will be well on its way, if not completed, as I would hope for all the projects that we will be embarking upon.

I beg to move that this Resolution do now pass.

Hon. B. A. MILLER (City of Bridgetown): Mr. Speaker, I beg to second it. This Resolution has particular and peculiar significance for a particular part of the constituency which I represent, that is the City of Bridgetown. The part of the City of Bridgetown which is described in the several Schedules to this Resolution has been called by many names. Some people know it as the Nelson Street area. Other people know it as Relic's Land and there are divers of other names, some savoury and some not so savoury. In the City, it is known as the uptown area, the area to the southern side of the river.

We have very little surface water in Barbados, but we do have this one river, the Constitution River, and in Bridgetown, for the people who live there, the river is a landmark and a boundary line. You either live south of the river or north of the river. You are either living downtown or uptown, and the area where this land is to be found is in the heart of what we call the uptown area. It is an area which, for many, many generations now, has been severely depressed, an area which has not enjoyed the best reputation, but an area, nevertheless, which I represent and which has residing in it many very respectable, hard-working residents and citizens of Barbados. 3.35 p.m.

This is not the part of Bridgetown that people see, this is not where the shops are, this is not where the supermarkets are, this is not where commerce is carried on, this is not even what is described as "the red light area," this is not where the clubs are. This is the residential Bridgetown which in many years past had perhaps some of the nicest town houses. A few of them are left, a few of them are in great need of preservation. Certainly along River Road, along Wellington Street and along Spruce Street are still to be found many examples of what is now popularly known as the indigenous architecture. At the same time, this is an area which many people are not probably aware of; it is an area where there are many urban tenancies, and over passage of time several, if not all, of these tenancies in the uptown area have become more depressed, very run down and exceedingly dilapidated. People live in awful conditions.

Many of the people who live in this area are people who have come to settle in Barbados over many, many years and many generations from the other smaller Islands of the Caribbean, not physically small but the Islands that we describe as "the small islands," and people have lived there because it was close to the port at the time, close to the carenage where vessels came in. They plied an inter-island trade in fruit and vegetables and other commodities which made it essential for them to be living close to the source of their business, and these people have been exploited by local and foreign landlords for many, many years, and for several generations.

I think that in that part of Bridgetown is the only place in Barbados where you will still find today people living in what can only be described as barracks. Barracks are well known in the other islands, particularly the islands which were once French, where people are living around a communal court yard. So in places like Trinidad and Jamaica it is still very common parlance when you are inviting somebody to your home to say "Well, come and see me in my yard," but "yard" in Barbados does not have that connotation. "Yard" in Barbados has a far more run-down and disreputable connection, and so what I am attempting to bring home to this Honourable House is the fact that this part of Bridgetown is in desperate and urgent need of urban renewal.

Under the Barbados Labour Party Government since 1976, urban renewal has started. All of the roads in that part of Bridgetown have already been sewerred. Some of the derelict properties have been cleaned and most particularly, bearing in mind that the land described in this Resolution abuts and bounds on Wellington Street, it is necessary to point out that the corner of Beckwith and Wellington Streets has been cleared of a derelict property, the tree has been trimmed, it has been made safe for pedestrians and motorists passing both on Beckwith and Wellington Streets and that corner has now become a recreational area. There was a dirty old house with crumbling masonry where men hid in the late evening to play dominoes and, I believe, other games of chance. Now it is a pleasant corner with benches and potted plants where the same men can relax and play the same dominoes, but in a much improved environment. The quality of the housing in this part of Bridgetown is the aspect of life, physical living in that part of Bridgetown, which is in most urgent need of renewal.

Bridgetown, which is our capital city, has now been sewerred. We are aware that just across the way the carenage is now being repaired and extended, we are aware that there is a massive carenage redevelopment and Carlisle Bay redevelopment plan, we are aware that the Central Bank is building a new modern building just to the east of this Chamber and that many other works are about to be undertaken, not the least of which is going

to be a much extended and new fishing complex at Cheapside, ...

Mr. SPEAKER: I think we are going outside the terms of our Resolution at this point.

Hon. B. A. MILLER: A lot of the people who live in this part of Bridgetown are in fact fishermen who will work in that fishing complex, but the fact is that the housing is perhaps the most dilapidated housing in the whole of Barbados, and it does not bespeak the kind of capital which we want to portray not only to those of us who live here in Barbados, but to those who visit us, and it gives me nothing but pleasure and great comfort to support this Resolution, because it will bring to the uptown area of Bridgetown a housing development which I believe will have high profile, high visibility and will show the people who live in this area that they, too, can live as comfortably and in as modern surroundings as anybody else.

I believe that it is going to have what is called a domino effect in that as soon as the Government or anyone, any private individual or any private firm, begins to engage in any sort of urban or even rural renewal scheme, almost automatically the neighbours start to upgrade their premises and their properties and the whole prospect changes. I believe that when the new housing facility is built at the corner of Wellington and Nelson Streets, the whole of the uptown area is going to enter upon an era of renewal and that all of the few private land owners who live there, the few owner/occupiers, will instinctively start to upgrade their premises as well. I think it will give an impetus to all the businesses which operate in and around the Nelson Street and Wellington Street areas to upgrade their businesses, and I think it will give encouragement to some of the businesses which used to operate many years ago to return.

There is no drug store in the immediate environs of Nelson Street anymore. I remember when I was a child there were at least three drug stores in that

immediate area, and I think that when this urban renewal gets underway many other small businesses will begin to return to the area as well, and that we are going to see a revitalisation of southern Bridgetown in a way that the younger generations today do not know. They do not know Bridgetown of thirty or forty years ago, and I am grateful to the Minister of Housing, in particular, and grateful to this Government that it should consider that Bridgetown is worthy of the kind of urban renewal which this project is going to trigger off uptown.

Mr. Speaker, it is with much pleasure, and I know that I speak not only on my own behalf but on behalf of the people who live in Bridgetown, that I offer my support to this Resolution.
3.45 p.m.

Applause.

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

ADJOURNMENT

Hon. L. S. CRAIG: Mr. Speaker, this brings us to the end of Government Business and apparently, to the end of business for the remainder of today.

I beg to move, Sir, that this House do now stand adjourned until 10.00 a.m. on Tuesday, 11 June, 1985.

Earlier today, I did indicate that we are going to do the Resolution which is before the Chamber, the Private Member's Resolution.

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

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

CONTENTS

MINUTES

Confirmation of the Minutes of the meeting of
Tuesday, May 14, 1985 2600

ANNOUNCEMENTS

Mr. SPEAKER: 2600

Re election of D. A. C. Simmons as MP for St.
Thomas. (Mr. Simmons took his seat)

PAPERS LAID

Hon. L. S. CRAIG 2601

The Duties, Taxes and Other Payment (Ex-
emption) Order, 1985.

The Duties, Taxes and Other Payment (Ex-
emption) (No. 2) Order, 1985.

The Customs Tariff (Amendment) Order, 1985.

The Customs Tariff (Amendment) (No. 2)
Order, 1985.

The Customs Tariff (Amendment) (No. 3)
Order, 1985.

The Customs Tariff (Amendment) (No. 5)
Order, 1985.

The Service Tax (Amendment) Order, 1985.

The Land Development Duty (Amendment)
Regulations, 1985.

The Land Development Duty (Rate of Duty)
(No. 2) Order, 1985.

Hon. L. B. BRATHWAITE 2601

The Land Surveyors' Rules, 1985.

GOVERNMENT NOTICES

Hon. L. S. CRAIG 2601

Resolution to approve the compulsory ac-
quisition of land at Black Bess, St. Peter, for
the provision of recreational facilities.

Resolution to approve the compulsory ac-
quisition of land at Gibbons, Christ Church, for
the provision of recreational facilities.

Resolution to approve the compulsory ac-
quisition of land at Parkinson and Grazettes
Roads, St. Michael for the purpose of Housing
Development.

Resolution to approve the compulsory ac-
quisition of land at Wavell Avenue, St. Michael,
for the purpose of Housing Development.

Resolution to approve the compulsory ac-
quisition of land at Speightstown, St. Peter, for
providing a playing field for the Alexandra
School.

Resolution to approve the compulsory ac-
quisition of land at Chancery Lane, St. Michael,
for the purpose of Housing Development.

A Bill to amend the International Business
Companies (Exemption from Income Tax)
Act.

A Bill to amend the Miscellaneous Controls
Act.

PRIVATE MEMBERS' NOTICES

Mr. M. A. King (Christ Church West Central) 2601

Notice of censure motion against Hon. V. L.
Johnson (St. Michael West Central), Minister
of Transport and Works re Trents Tenantry
Road.

NOTICES OF QUESTION

QUESTION BY MR. L. A. WEEKES (ST. MICHAEL
NORTH WEST) OF THE MINISTER OF
TRANSPORT AND WORKS (HON. V. L.
JOHNSON) RE WATER MAINS IN CERTAIN
AREAS IN ST. MICHAEL 2602

FIRST READINGS

Hon. L. S. CRAIG 2602

A Bill to amend the International Business
Companies (Exemption from Income Tax) Act.

A Bill to amend the Miscellaneous Controls
Act.

CONGRATULATORY SPEECHES

SPEECHES RE ELECTION OF MR. D. A. C.
SIMMONS AS M.P. FOR ST. THOMAS. 2602

Mr. Craig, 2602; Mr. Forde, 2603.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS. 2603

GOVERNMENT BUSINESS

COMPULSORY ACQUISITION OF LAND AT
CLAPHAM, CHRIST CHURCH 2603Mr. L. B. Brathwaite, 2603, 2609; Mr. Forde,
2604; Mr. St. John, 2605; Mr. Taitt, 2607.PENSIONS (MISCELLANEOUS PROVISIONS)
ACT, 1985. 2611

Mr. St. John, 2611; Mr. Barrow, 2611.

COMPULSORY ACQUISITION OF LAND AT
CHANCERY LANE, ST. MICHAEL 2614

Mr. L. B. Brathwaite, 2614; Miss Miller, 2616.

SUSPENSION. 2613.

ADJOURNMENT 2617

SPEAKERS IN THIS ISSUE

BARROW, Rt. Hon. E. W. (St. John)
BOLDEN, His Honour C. L. (Speaker) (St. Joseph)
BRATHWAITE, Hon. L. B. (St. Andrew)
CRAIG, Hon. L. S. (St. James North)
FORDE, Hon. H. deB. (Christ Church West)
KING, M. A. (Christ Church West Central)
MILLER, Hon. B. A. (City of Bridgetown)
ST. JOHN, Hon. H. B. (Christ Church East Central)
SIMMONS, D. A. C. (St. Thomas)
TAITT, B. M. (St. Michael West)