THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, April 15, 1986

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

PRESENT

His Honour C. L. Bolden, LL.B., (Speaker)
Hon. L. S. Craig, (Minister of Information, Telecommunications and Leader of the House)
Hon. H. B. St. John, Q.C., LL.B., (Prime Minister and Minister of Finance and Planning)
Hon. Miss B. A. Miller, (Minister of Education and Culture)
J. G. Odle, Esq., B.Sc., (Chairman of Committees)
Hon. V. L. Johnson, M.A., (Minister of Transport and Works)
Hon. L. R. Tull, Q.C., M.A., (Minister of Commerce, Industry and Consumer Affairs)
Hon. DeL. O. Bradshaw, (Minister of Labour and Community Development)
Hon. D. A. C. Simmons, Q.C., LL.M. (Attorney General and Minister of Legal Affairs)

Prayers were led by Rev. Father Ivan Harewood.

Hon. L. B. BRATHWAITE and Hon. H. deB. FORDE entered the Chamber and took their seats.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of the meeting of Monday, March 17, 1986.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes for March 17, 1986 of this august Chamber be taken as read.

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

The Minutes of the meeting of Wednesday, April 2, 1986.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes for the meeting of April 2, 1986 be taken as read.

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

PAPERS LAID

Hon. H. B. St. JOHN: Mr. Speaker, I beg to lay the following:

The Representation of the People (Registration of Electors) (Amendment) Regulations, 1986.

The Civil Establishment (Part-time Officers) (Amendment) Order, 1986.

The Civil Establishment (General) (Amendment) (No. 4) Order, 1986.

In laying that document, Sir, I think it is fair that I should say what it deals with. It deals with the further establishment of a number of offices to complete Government's exercise of bringing the number of established officers to the approximately 900 that we had promised last year. There are still a few more, and we are working to see whether we can complete them.

Statement showing Net Customs and Excise Receipts for 10 months ended 31st January, 1986.

With regards to the next document, Sir, I ask that I have the opportunity to lay that a little later in the sitting, because I have a prepared statement I want to make when I lay that document.

Mr. SPEAKER: I think if the honourable Member is going to lay the document, he should lay the document now, and when it comes to Statements by Ministers, the honourable Member would have ample opportunity to lay the paper.

Hon. H. B. St. JOHN: Excellent, Sir.

I beg to lay:

The Annual Report and Financial Statements of the Central Bank of Barbados for the year 1985.

Hon. L. R. TULL: Mr. Speaker, I am commanded to lay the following:–

The Annual Report of the Barbados National Standards Institution for the period November, 1983 to October, 1984.

Mr. M. A. KING entered the Chamber and took his seat.

GOVERNMENT NOTICES

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

Resolution to approve the Civil Establishment (Part-time Officers) (Amendment) Order, 1986.

Resolution to approve the Civil Establishment (General) (Amendment) (No. 4) Order, 1986.

Resolution to grant the sum of $253 380 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1986–87 Part I – Current, as shown in the Supplementary Estimates, 1986–87, No. 1, which form the Schedule to the Resolution.

Mr. Speaker, in so doing, I would like to inform the Honourable House that I propose to deal with this Resolution for $253 380 in all of its stages today.

Also, I beg to give notice of the following:–

A Bill to amend the Severance Payments Act.

A Bill to amend the National Insurance and Social Security Act.

A Bill to amend the Banking Act.

A Bill to amend certain enactments.

FIRST READINGS OF BILLS

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

A Bill to amend the Severance Payments Act.

A Bill to amend the National Insurance and Social Security Act.

A Bill to amend the Banking Act.

A Bill to amend certain enactments.

Rt. Hon. E. W. BARROW and Messrs. P. M. GREAVES and W. O. FRANKLIN entered the Chamber and took their seats.

ORDERS OF THE DAY

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

Mr. SPEAKER: Government Business is now the instant order 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 be suspended for the remainder of today's sitting.

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

The question that those several Standing Orders be suspended for the remainder of the day's sitting was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

NATIONAL ASSISTANCE (AMENDMENT) ACT, 1986

Order No. 1 was called – To move the second reading of a Bill to amend the National Assistance Act.

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Speaker, this is a short Bill and it seeks to provide the legal framework for the payment of old aged pensions by cheque, or National Assistance Grants by cheque, and it provides for those situations where the cheque is lost or destroyed. It does set out the procedure that has to be followed to ensure that proper accounting will take place.

I think that all honourable Members are agreed that, in this age of computerization, it is a good thing for us to encourage the utilisation of cheques and other negotiable

instruments rather than hard cash, particularly in a country where we have such an excellent postal service.
12.25 p.m.

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

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

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

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1, 2 and 3 were called and passed.

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

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

THE CUSTOMS (AMENDMENT) ACT, 1986

Order No. 2 was called – To move the second reading of a Bill to amend the Customs Act, Cap. 66.

Hon. H. B. St. JOHN (Christ Church East Central): This Bill provides for an increase in the fees payable by people who are given permission by Customs to operate an approved warehouse. As honourable Members will recall, Barbados for a long period of time had a system of bonded warehouses in any part of Barbados whereby goods could be held in bonded warehouses and duty could be postponed until actual removal of the goods for internal consumption.

Prior to January 1975, no fee was payable. By the Fees and Penalties (Miscellaneous Provisions) Act, 1974-49 a fee was first introduced, and the fee was fixed by reference to the calendar year 31st January. This situation went on until the amendments in 1978, and it is proposed that the fee fixed in 1978 be brought up to date, bearing in mind that since 1978 the cost of supervision has greatly increased. An example would just indicate the nature of this increase. In the year 1978, the monthly pay of a clerical officer in Customs was $500 per month; in the year 1985, that same clerical officer's grade of salary was about $1 000 a month.

Warehousing has become exceptionally popular. In 1978 only eight people ranging in rank from Clerical Officer to Customs Officer III were involved. Today there are 13 officers involved, from Clerical Officer to Customs Officer II. So that there has been an increase in the number of warehouses, and an increase in the machinery for supervision. There are 77 in operation, and it is possible, by the flexible arrangement that exists, for customs duties and other taxes to be delayed up to two years.

Opportunity is also being taken in the amendment to make provision for a situation where a person applies subsequent to January 31 in any year for a bonded warehouse licence. They would be granted in future, and instead of having to pay the full fee, they would pay a proportionately rebated amount of the annual fee.

Both of these amendments I submit to the Honourable House as being desirable to ensure that our system of bonded warehouses is brought in line with the cost of operation and the hardship of people having to pay for a full year when they apply subsequent to January 31.

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

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

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

Hon. Dr. R. L. CHELTENHAM and Mr. H. A. BLACKMAN entered the Chamber and took their seats.

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1, 2 and 3 were called and passed.

On the motion of Hon. L. S. CRAIG, seconded by Hon. L. B. BRATHWAITE, Mr. CHAIRMAN reported the passing of one Bill in Committee without amendment, and Mr. SPEAKER resumed the Chair and reported accordingly.

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

EXEMPT INSURANCE (AMENDMENT) ACT, 1986

Order No. 3 was called – To move the Second Reading of a Bill to amend the Exempt Insurance Act, 1983–9.

Hon. H. B. St. JOHN (Christ Church East Central): Sir, this Bill is an amendment to the Exempt Insurance Act of Barbados, and it arises from a stricture by potential users of the exempt insurance legislation in Barbados and their suggestions as to amendments to the law to ensure that any questions with respect to domicile, management, paid up capital, property transfer tax and exchange control be made abundantly clear in the law as opposed to in administrative directions.

It is a habit of some countries to have preliminary rulings given by their departments, particularly their tax departments, on hypothetical activities of companies, prior to those companies going into operation in fact. That is not a tradition that we have in Barbados, and when you are dealing with those countries which have such a practice, it is desirable that the assurances of Governments in other countries where the operation is going to take place be in the law rather than in administrative directions.

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

Barbados, as is well known, has just concluded all the formalities in respect of a Double Taxation Treaty with the United States of America. Provisions in the Double Taxation Treaty are such that the type of companies we are dealing with do have an advantage if certain of their operations are carried out in Barbados, as opposed to carrying out those operations in other low tax jurisdictions. It is necessary, therefore, for us to tidy up and finalize all of the existing queries that we have in relation to our existing legislation. It is for that reason that, after careful consideration by the legal department and by the Insurance Commission in Barbados of the proposals for amendment, we felt that it would be safe to proceed with these amendments, in that it would enhance the attractiveness of Barbados.

I am pleased to say, Sir, that subsequent to the ratification of the Treaty, which took place in January this year, considerable interest was generated both at a conference that was held here in Barbados recently and a conference that is now taking place in Canada. In Barbados, as a jurisdiction, I can say we have now got around 11 companies that have applied, 7 of which have got their licences, and we expect from the enquiries and from the applications that are being screened that we will have an increase in number.

As this Honourable House will be aware, this Government's intention in this area is to go for quality, not quantity. I must say that the ones we have attracted so far are exceptionally large. So we are not interested in numbers, we are interested in quality, and in companies doing business of considerable sums of money rather than a multiplicity of small companies doing small business.

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

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

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

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 – 22 inclusive were called and passed.

On the motion of Hon. L. S. CRAIG, seconded by Hon. H. B. St. JOHN, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.
12.45 p.m.

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

COMPANIES (AMENDMENT) ACT, 1986

Order No. 4 was called – To move the second reading of a Bill to amend the Companies Act, 1982–54.

Hon. L. R. TULL (St. George South): Mr. Speaker, this Bill seeks to implement measures which form part of the package which is intended to enhance the edge for conducting exempt insurance business in Barbados. In that respect, Sir, it is directly in kinship with the Bill that has just been passed, which is the Exempt Insurance (Amendment) Bill 1986.

At the moment in Barbados, Sir, only companies that are limited by shares are in a position to qualify to apply for a licence to carry on exempt insurance business in Barbados. But mutual companies write a substantial amount of life and casualty insurance, and the object of this particular Bill is to provide for the functioning of mutual companies incorporated exclusively for the purpose of writing exempt insurance in Barbados and for other matters relating to such incorporation.

The Bill provides that the Contributor Reserve Fund of a mutual company shall institute a stated capital, and provision is also made for the number of votes a member is entitled to at meetings of a company if no such provision is made in the articles or by-laws of the company. These matters would be provided for in the new Division "E" to be introduced into the Act, Sir, and this provision will have specific application to mutual insurance companies.

t this Bi oe now read a second

JOHN: I beg to second that, Sir.

ion that the Bill be now read a second time resolved in the affirmative without division.

the motion of Hon. L. R. TULL, seconded by H. B. St. JOHN, Mr. SPEAKER left the Chair and the use went into Committee on the Bill, Mr. J. G. ODLE n the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 – 3 were called and passed.

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

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

Hon. L. S. CRAIG: Mr. Speaker, earlier in the day I gave notice of a Resolution, Sir, and I propose to do it in all of its stages.

Mr. SPEAKER: I think the honourable Member should request leave to do it in all of its stages.

Hon. L. S. CRAIG: Sir, I am about to seek leave, Sir. I am not proposing to do it now.

Earlier today, Mr. Speaker, I gave notice of a Resolution, which I propose to do in all of its stages, and with the leave of the House, Sir, I am so seeking that it be done at this point.

Mr. SPEAKER: As is customary, I will request that there be consultation between the Leader of the House and the Leader of the Opposition, and if there is agreement, then it can be done today.

Hon. L. S. CRAIG: Mr. Speaker, that may have been customary. Apparently, it does not appear to be that way on this occasion. I understand that if the House agrees, it can be done, Sir, with great respect to Your Honour.

Mr. SPEAKER: There are provisions where documents must be laid, and there is a certain time before those documents may be dealt with. If we want to have a short-cut of that, it is the procedure that there must be agreement between both sides, and I would counsel that the Leader of the House and the Leader of the Opposition discuss the matter and see that it is appropriate.

Hon. L. S. CRAIG; Sir, it may be a very difficult thing for Hitler and Goebbels to get together.

Asides.

Laughter.

SUSPENSION OF SITTING

Mr. SPEAKER: I , therefore, suspend the sitting for ten minutes. This House stands suspended until 1.10 p.m. today.

12.55 p.m.

ON RESUMPTION

Mr. SPEAKER: This sitting is resumed.

I understand that there is now general agreement that we may proceed with the Resolution.

On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. R. TULL, Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. J. G. ODLE in the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee of Supply.

SUPPLEMENTARY ESTIMATES 1986–87
No. 1 – $253 380

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Chairman, this is a short Resolution and I do not think it should occasion any debate, because we had the debate for over a week last week, and this is only to provide the money for carrying into effect a budgetary provision.

I beg to move, Sir, that Head 24 stand part.

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

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

On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. B. BRATHWAITE, Mr. CHAIRMAN reported the passing of one Resolution in Committee of Supply, and Mr. SPEAKER resumed the Chair and reported accordingly.

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

STATEMENTS BY MINISTERS

Hon. H. B. St. JOHN: Mr. Speaker, earlier today I laid a document and I said then that I will wish to make a statement accompanying the document. I now propose, Sir, with Your Honour's leave, to make the statement.

Mr. SPEAKER: Any Minister is entitled to make a statement at any time. The honourable Member may now proceed.

STATEMENT BY Hon. H. B. St. JOHN, PRIME MINISTER AND MINISTER OF FINANCE, re LAYING OF ANNUAL REPORT OF THE CENTRAL BANK

Hon. H. B. St. JOHN: Earlier today, in accordance with Section 52(3) of the Central Bank of Barbados Act Cap. 323C, I was commanded to lay the Annual Accounts and Report of the Central Bank of Barbados for the year 1985.

That section stipulates that as soon as practicable after the Minister has received such accounts, certificate from the Auditor and report, he shall lay them before Parliament. Section 52(2) states that within three months of the close of each financial year or longer period as the Minister may allow, the Board shall –

(a) transmit to the Minister a copy of its annual accounts certified by the Auditor;

(b) submit to the Minister a report on its operations during the year.

In view of the fact that there has been an allegation of suppression of these documents, I would like to point out that the report was received at the Ministry of Finance and Planning at about 4.20 p.m. on Thursday, March 27, 1986. Friday March 28, 1986 was Good Friday, and Monday March 31, 1986 was Easter Bank Holiday.

It is customary for the report to be presented to the Cabinet before it is laid in Parliament. The Cabinet Paper summarising the report was not completed in time for the report to be submitted to the Cabinet on April 4, 1986. It was consequently submitted on Thursday April 11, 1986 and today is the earliest date on which it could have been laid.

Today, Sir, is also the earliest date during the last four years on which this Report has been laid. The 1982 Report was laid on March 24, 1983. The 1983 Report was laid on May 22, 1984, the 1984 Report was laid on April 23, 1985, and today, Tuesday, April 15, 1986 the 1985 Report has been laid.

I wish to give this Honourable House the assurance that no instructions were given by me or any officer in the Ministry of Finance and Pla... Report. As honourable Me... course of the budget deba... St. Michael South Central (Mr. ... a document which in accordance with the ... dure of this Honourable House th... been made a document of the House. ... ment was quoted from by the honoured from ... Michael North (Mr. P. M. Greaves). ... made a document of the House. That d... compared by me and others with the doc... today and in fact it appears either to be ... facsimile of the document which was laid toda... the same except that it does not contain the ou...

The Governor of the Central Bank and the Director of Finance and Planning have confirmed that no request was made to them by any of the honourable Members on the other side for a copy of the document. The Governor of the Central Bank has written to me expressing his concern about the matter. In view of these facts I have directed that an enquiry be held at the Central Bank, the Ministry of Finance and Planning and also at the printing company in Barbados Letchworth Press Ltd., where the document was printed. I give this Honourable House the assurance that it will be informed in due course as to what success has been achieved in finding out how it transpired that the document could have been quoted from by the honourable Member for St. Michael South Central which document was not made a document of the House, before it was laid in Parliament in accordance with the provisions of the law above.

Mr. SPEAKER: I would have to intervene and say at this point in time that the enquiry should also include the House of Parliament, and I would therefore have to set up an enquiry to find out what happened to that document. I do recall that the honourable Member for St. Michael North (Mr. P. M. Greaves) quoted from the document. He said it was already a document of the House, and I also enquired from the Clerks at the Table to hand me the document, and I got a story which I am still very worried about.

I suggest that you also have to consider an enquiry being set up in Parliament as to the document. I will in due course, by the next meeting, put my proposals for such an enquiry, because it is absolutely necessary that documents which are used in this House should be available. As I said before, it is not available to me or anyone, but when the historians come around to write the history of this Chamber they obviously must be able to look at the documents which were presented.

It is in my view that, in the interest of all of us, an enquiry be conducted so that we would have in future the methods of preserving documents which are used.

Mr. P. M. GREAVES (St. Michael North): Mr. Speaker, reference has been made to a document – on a

point of privilege – which I made a document of the House.

Hon. L. S. CRAIG (St. James North): May I just rise, Sir, on a point of order. The Minister of Finance and Prime Minister made a statement. To the best of my knowledge, Sir, with great respect to Your Honour's ruling, can you debate a statement made by a Minister? I am simply asking for Your Honour's guidance.

Mr. SPEAKER: The honourable Member has risen on a point of privilege, which any Member can do at any time in the House. He cannot debate the Prime Minister's statement. There would have to be a substantive Resolution arising out of that statement before a debate can be conducted.

I will hear the honourable Member's point of privilege.

Mr. P. M. GREAVES: If the honourable Member, the Leader of the House, knows the rules, anybody else can know the rules. It is as simple as that, Sir.

As I was saying, I had made a certain document a document of the House, to which Your Honour has referred as a document of the House. All I am asking is, is that document still in the proper custody of the House? 1.20 p.m.

Mr. SPEAKER: That is a wonderful point of privilege. It is for the very reason that I have said that we will set up an enquiry in the House in order to determine what has happened.

ADJOURNMENT

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

I beg to move that this House do now stand adjourned until Tuesday, April 22, 1986 at 12 o'clock noon.

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

The question that the House do now stand adjourned until Tuesday, April 22, 1986 at 12 o'clock noon was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

1.25 p.m.

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