

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1986 - 91

HOUSE OF ASSEMBLY

Tuesday, March 3, 1987.

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

PRESENT

His Honour L. A. Weekes, (Speaker)

His Honour J. J. Payne, (Deputy Speaker)

Hon. L. E. Sandiford, B.A., M.A., (Econ.), J.P.,
(Deputy Prime Minister, Minister of Education and
Culture and Leader of the House)

Hon. H. deB. Forde, Q.C., M.A., LL.B., (Leader
of the Opposition)

Hon. B. M. Taitt, B.A., (Hons.), M.A., LL.B.,
(Hons.), (Minister of Tourism and Industry)

Hon. E. E. Greaves, B.A., Ed.M., (Minister of Trade
and Commerce)

Hon. Dr. R. C. Haynes, M.B., Ch.B., F.R.C.P.
(Edin.), (Minister of Finance)

Dr. D. G. Blackman, B.A., M.A.

Hon. M. A. King, Q.C., LL.B., (Attorney General
and Minister of Legal Affairs)

Hon. W. O. Franklin, A.I.C., M.I.A.S., J.P., (Minister
of Agriculture, Food and Fisheries)

Hon. N. K. Simmons, (Minister of Health)

Hon. H. A. Blackman, B.Sc., (Econ.), (Minister of
Housing and Lands)

Mr. D. A. C. Simmons, Q.C., LL.M.

Mr. O. S. Arthur, M.Sc., (Econ.)

Mrs. M. Barker-Welch, (Parliamentary Secretary,
Ministry of Employment, Labour Relations and Com-
munity Development)

Mr. C. V. Walker, (Parliamentary Secretary, Ministry
of Education and Culture)

Mr. E. Bourne

Dr. E. A. Simmons

Hon. W. W. Hall, (Minister of Employment, Labour
Relations and Community Development)

Mr. C. A. Neblett, B.A.

Mr. C. L. Trotman, M.A.

Mr. R. L. Morris, B.A., Cert. Ed.

Mr. P. J. M. Miller

Prayers were led by Rev. Father Ivan Hare-wood.

Mr. SPEAKER: The House is in session. MINUTES

Mr. SPEAKER: The Minutes of Tuesday, February
17, 1987.

Hon. L. E. SANDIFORD: Mr. Speaker, the Minutes
of Tuesday, February 17, 1987, have been circulated. I
beg to move that these be taken as having been read, and
that they be confirmed as a true and accurate record of
the proceedings of this House on that date.

Hon. Dr. R. C. HAYNES: I beg to second that.

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

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. SPEAKER: HIS EXCELLENCY THE
GOVERNOR-GENERAL

TO

THE HONOURABLE THE HOUSE OF ASSEMBLY

His Excellency The Governor-General has the honour
to inform The Honourable The House of Assembly that
he will be absent from duty for medical reasons from the
7th to 14th March, 1987.

In accordance with the provisions of Section 30 of
the Constitution the Chief Justice, The Honourable Mr.
Denys Ambrose Williams, GCM, will be appointed to be
Governor-General's deputy.

H. W. SPRINGER
GOVERNOR-GENERAL.

PAPERS

Hon. L. E. SANDIFORD: Mr. Speaker, on behalf of the Minister of Trade and Commerce, I am commanded to lay the following:

The Annual Report and Financial Statements of the Barbados Export Promotion Corporation for the year ended 31st March, 1986.

On behalf of the Minister of Employment, Labour Relations and Community Development, I am commanded to lay the following:

The Annual Report of the Department of Labour for the year 1983.

On behalf of the Prime Minister, I am commanded to lay the following:

The Barbados Harbours (Amendment) Regulations, 1987.

Hon. N. K. SIMMONS: Mr. Speaker, I am commanded to lay the following:

The 1st Annual Report and Financial Statements of the National Health Service Board for the year ended 31st March, 1986.

GOVERNMENT NOTICES

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to give notice of the following:

A Resolution to approve of the lease of land at the Bridgetown Harbour, St. Michael, to the Barbados Port Authority.

A Resolution to grant the sum of \$188946 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1986-87, Part II - Capital, as shown in the Supplementary Estimates 1986-87, No. 24, which form the Schedule to the Resolution.

Resolution to grant the sum of \$600 130 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. 25, which form the Schedule to the Resolution.

A Bill to amend the Magistrates Jurisdiction and Procedure (Amendment) Act, 1987.

FIRST READINGS OF BILLS

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to move that a Bill to amend the Magistrates Jurisdiction

and Procedure (Amendment) Act, 1987 be read a first time.

Asides.

Mr. D. A. C. SIMMONS: Mr. Speaker, listening to the honourable Leader, he said the Magistrates Jurisdiction and Procedure (Amendment) Act, 1987. There has been no such piece of legislation. He means the Magistrates Jurisdiction and Procedure Act, Cap. 116. We are bringing a Bill to amend that, to provide for bail and all of that. I think that is what he means. There is probably an error in the Leader's instructions.

Hon. L. E. SANDIFORD: Mr. Speaker, I am grateful to the Member for St. Thomas for drawing that to my attention. There was an error in the Notice Paper where the word "amendment" occurred.

I now move that a Bill to amend the Magistrates Jurisdiction and Procedure Act, Cap. 116 be read a first time.

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Mr. SPEAKER: Now that we have that correction, could we have someone second that.

Hon. M. A. KING: I beg to second that.

The question was put and resolved in the affirmative without division. 12.30 p.m.

ORAL REPLIES TO PARLIAMENTARY QUESTIONS

Hon. L. E. SANDIFORD: Mr. Speaker, I beg, on behalf of the Honourable Minister of Transport, Works and Telecommunications, to give notice that Oral Replies to Parliamentary Questions Nos. 8, 43 and 47 are now ready.

Hon. H. A. BLACKMAN: Mr. Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 53, asked by the Honourable Member for St. Thomas, is ready.

ORDERS OF THE DAY

Mr. SPEAKER: Government Business is the Instant Order of the day.

SUSPENSION OF STANDING ORDERS

Hon. L. E. SANDIFORD: 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. M. A. KING: I beg to second that.

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

APPOINTMENT OF ACTING CHAIRMAN OF COMMITTEES

Hon. L. E. SANDIFORD: Mr. Speaker, the Chairman of Committees is out of the country on public business — he is attending a parliamentary seminar in the United Kingdom. We have business which will call for a Chairman of Committees to carry out his functions, and during the absence of the substantive Chairman of Committees, this House from time to time will need the services of such an officer.

I beg to move that the honourable Member for St. Andrew (Mr. C. A. Neblett) be appointed as Chairman of Committees of this Honourable Chamber during the absence of the honourable Member for St. George South (Mr. R. P. Byer).

Hon. H. deB. FORDE: I beg to second that.

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

Hon. L. E. SANDIFORD: Mr. Speaker, I think I should take this opportunity to intimate to the House that we do not propose to deal with Orders Nos. 1, 2, 3 and 4 on the Order Paper relating to Government Business today. At the last sitting of the House, I did indicate that we would be dealing with certain Civil Establishment Orders at this sitting. The Orders are in the name of the Prime Minister. The Prime Minister is however indisposed, being under the care of his dentist, and is therefore not in a position today to deal with these items for which he wishes specially to be present in this Chamber. We will not be dealing with those four items today.

We will commence Government Business with Item No. 5.

THE FINANCIAL ADMINISTRATION AND AUDIT (AMENDMENT) ACT, 1987

Order No. 5 was called - To move the second reading of a Bill to amend the Financial Administration and Audit Act, Cap. 5.*

Hon. Dr. R. C. HAYNES (St. Michael South Central): Mr. Speaker, this amendment to Section 9 of the Financial Administration and Audit Act, Cap. 5, is yet another instance where the Government seeks to put in place one of its manifesto promises. It seeks to clarify matters relating to the delegation of authority under this Act, and in doing so, to make it clear that the authorised representative, in the context of that Act, means the most

senior public officer assigned to a Mission to whom the accounting officer has delegated his function arising under or by virtue of this particular Act.

Mr. Speaker, the Government, as you know, is very concerned about the control of public expenditure and feels very strongly that the Act which was amended by the former Administration, should be amended so that it reverts to what obtained prior to that amendment. Indeed, Sir, the objective is not only to provide for better control of the receipt, but also of the expenditure of public funds in overseas Missions, and it is felt very strongly that the responsibility should normally fall on the most senior pensionable officer assigned to each Mission. In order to put that policy into effect, it is clearly necessary to effect this simple amendment to the Financial Administration and Audit Act.

As I reviewed the files relating to this matter, it was quite clear that there was no unanimity of opinion by the previous Administration in relation to changing the Act to remove the responsibility from the most senior pensionable public officer. Indeed, in terms of the advice given at that time — I do not wish to be contentious on this matter, because the files are quite clear on this — there were certain hesitations as to whether or not this was the correct thing to do. However, the previous Administration took that position, as a political decision, which it was entitled to do, and amended the Act accordingly. What we are seeking now, Sir, is to revert to the situation that existed prior to that Amendment, because we believe that better control of public funds would be effected in this way. 12.40 p.m.

As I said, those responsible for advising the previous Administration on this particular matter were clearly quite lukewarm about the change. I think that, generally speaking, in accordance with the general principles of public administration and responsibilities for public funds and public expenditure, this is an appropriate change which should be made.

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

Hon. B. M. TAITT: I beg to second that, Sir, and reserve my right to speak.

Hon. H. deB. FORDE (Christ Church West): Mr. Speaker, I understand the case of the Honourable Minister of Finance, that it is a political decision to revert to the legislation as pre-existed in the last two years. I think that the decision should be seen in that light, because not only was there not unanimity among political persons as to whether the legislation should be as it is now or was — as it is intended to be changed - but likewise there was not

even unanimity among the civil servants and among Heads of Mission on this particular point.

Perhaps, I can clarify the two schools of thought on this matter. There are those who argue that the Head of Mission, whether the Head of Mission is a civil servant or a political appointee, is the most senior representative, and that if that Head of Mission is accountable for the wide range of Government policy he should be no less accountable within the terms of the Financial and Audit Act. Indeed, I have heard that point of view very strongly argued by the honourable Member for St. Michael East (Dr. D. G. Blackman) when he was Head of Mission at the U.N. I have heard it argued by some senior civil servants who saw nothing wrong in the change, and the view was that if the Government had confidence in its Heads of Missions to be almost on par with a Minister, and that really is what he is — he is a Minister plenipotentiary for the Government overseas — then it should have equal confidence in him when it comes to the administration of the vote within his particular Embassy or Mission.

The other school of thought is that the civil servant is subject to a larger measure of disciplinary rules under the Public Service Commission, that the person is really only standing in place of the Director of Finance, who, ultimately, is the overall accounting officer for all Government funds, and that, therefore, a senior civil servant should be the person with responsibility.

I would say that Heads of Missions vary, whether they are civil servants or indeed whether they are political appointees, and, ultimately, it seems to me that you must have somebody who is responsible. So I do not want the honourable Member to leave the Committee with the point of view that the lack of unanimity is merely a political lack of unanimity. There are certain Civil Service Heads of Missions who I have heard seeing no objection whatsoever to this procedure, and who felt that they could quite carefully build into the system enough protection, regardless of who has the ultimate responsibility.

Since the change has been made, I know of no instances in which anything has gone wrong. I knew that, before the change, there was the innate danger which you had of clashes between the senior civil servant at the post and the political head. One such instance arose when one Head of Mission — and I am not referring to anybody in this House — had great difficulty when he asked for the cheque book to go and buy some curtains

(*Aside:* Mr. D. A. C. SIMMONS: For his wife!)

Hon. H. deB. FORDE: for the house he said - or his wife — for the Chancery — and the Civil Service Head of Mission refused to hand over the cheque book. That led to great altercation and could very well have led to a breakdown of functions.

That is only one, but there are several instances where this type of problem could occur. So I would hope that whatever change is made, if we are changing to the original position, administrative controls are in place to ensure that the sort of friction which have been known to have arisen would not arise. The Head of Mission sometimes feel that there are enough funds there that a sort of internal virement could occur. However, the Civil Service Head of Chancery feels that within the Financial and Audit Rules virement cannot occur in this way. I have known of Missions having bad feelings between the Heads of Missions and the Civil Service representative. I have to warn the Minister of that danger.

Having been a Minister of External and Foreign Affairs, I tended to the purist attitude as represented by the change now being recommended. That was my pre-deliction. I believe that when the change went to the Senate, the honourable Member for St. Thomas (Mr. D. A. C. Simmons) also went for the purist approach. But I must confess that I do not believe that accountability depends on who is Head of Mission. I can see the logic of that argument. I do not think it depends on whether the Head of Mission is a politician or a civil servant. I think that, in the final report, it depends on the persons who we send there and the integrity which they hold in administering the Government funds at their particular Missions.

Hon. B. M. TAITT (St. Michael West): Mr. Speaker, Sir, I wish to say on this particular Bill that I am probably - I almost said the only one, but there is another honourable Member who has served as a head of something overseas - I was a Head of Consulate with the same responsibility as a Head of Mission in this regard. Fortunately or unfortunately, at the time I was a civil servant, and perhaps the only one who, on having been appointed to one of those posts, got a Civil Service job.

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Aside.

Hon. B. M. TAITT: The former Attorney-General, the Member for St. Thomas (Mr. D. A. C. Simmons) is saying, "A political civil servant!" I think he is trying to be facetious, because if it is one reputation I had, it is that I did not know the colour of anybody's politics when I served in that post.

Aside.

Hon. B. M. TAITT: I did not know the BLP existed at that time.

Laughter.

12.50 p.m.

Hon. B. M. TAITT: There is a former St. James representative, who is now out of the House, who used to engage in the same calumny, and you see what happened

-A -*

to him! He is gone, and if the honourable Member for St. Thomas wishes us to assist him on his way out

Aside.

Hon. B. M. TAITT: We thought that he was settled.

Aside.

Hon. B. M. TAITT: Yes, I am going to make the point, but I am being informed, Mr. Speaker, that the honourable Member for St. Thomas started out as a Dem.

(Laughter).

Hon. B. M. TAITT: The shoe is on the other foot now.

(Laughter)

Mr. D. A. C. SIMMONS: On a point of order, Sir: Let the record and this House show that I was never, and will never be, a Dem, so much so that the Honourable Minister of Finance once said that if the Barbados Labour Party Ship was going down, I would be the last to get off. Do you know he is right, Sir?

Hon. B. M. TAITT: Sir, he had on a flotation colour the last time.

Hon. Dr. R. C. HAYNES: On a point of order: Is the honourable Member suggesting that he is more loyal to the Barbados Labour Party than the Leader of the Opposition?

Mr. SPEAKER: No point of order!

(Laughter).

Hon. B. M. TAITT: Mr. Speaker, I am always glad to see a little levity in this House on these matters.

I go with the school of thought which suggest that in the same way a Minister does not wish to have the responsibility for expenditure — and the relationship between the Head of Mission and the Head of Chancery is, to a large extent, like that between a Permanent Secretary and a Minister — a Head of Mission does not. A Minister does not have the responsibility for the actual expenditure in a Ministry, and that in itself gives the Minister protection. A Minister in this system of Government we have cannot, and does not, and certainly ought not to, sign cheques on behalf of the Government, and, therefore, the system protects. A Minister simply cannot spend Government's money, and I think that that kind of system gives both the citizen and the Minister the feeling of protection against an accusation of wrongdoing of a certain kind, and, if for no other reason than that, it is sometimes desirable that you have this kind of system.

I think the other reason why the civil servant is deemed to be desirable under the Financial Administration and Audit Act is that when a civil servant joins the Civil Service, he falls under the Public Service Regulations and General Orders. As a result, his accountability is a little more specific in dealing with money, and he can be disciplined in a manner that a Head of Mission, who may, in fact, be a contract officer, appointed in his political capacity, cannot be so dealt with by the Public Service Commission.

It is as long as it is broad in the final analysis, in that it is a question of which you prefer. Some of us prefer that kind of system for our own protection. But in the context of the psychological development of the society — a thief is a thief is a thief, and if somebody intends to defraud the country, that person, more than likely, will find a way to defraud the country, whether he is a civil servant or a political appointee.

The question of expenditure at a Mission overseas is determined, to a large extent, by the Head of Mission, whether he is a political appointee or a Public Service Officer, and I think that we should be aware that all diplomatic appointments are political appointments. All diplomatic appointments overseas are political appointments in that the appointer is the Prime Minister. The Prime Minister, under the Constitution of Barbados, is the sole individual responsible for the appointment of all officers overseas.

Asides.

Hon. B. M. TAITT. No. The Prime Minister has the sole responsibility for the appointment of overseas' representatives. Even those appointed by the Boards have to be approved by the Prime Minister. That is how it should be, because the representative of a country overseas is a representative of the Government. The Head of Mission, except in the case of the United Nations, is really a representative of the Head of Government to the seat of Government of the other country, whichever it is. The Ambassador to Washington is the Head of State's personal representative to the Head of State of the United States, and, in that respect, represents the sovereign. At the same time he or she has an overview on behalf of the Government, representing the highest officer in the Government, which in our system is the Prime Minister. So what happens in a Mission is determined, to a large extent, by the Head of Mission, and one can understand where you have a civil servant functioning in an office overseas, who does not understand the broad parameters within which he should function, who may fetter the action or activity of a particular Head of Mission. In such circumstances, a Head of Mission may feel quite frustrated and incapable of carrying out his responsibilities in a manner in which he feels he is mandated to do.

In the course of travelling, one hears, for example, of one Head of Mission who bluntly refused to spend a single cent in pursuit of the responsibilities thrust upon him for the people, and as a result failed to carry out responsibilities of a consulate nature, which form a substantial part of the responsibility of a Head of Mission or a diplomatic post overseas. For a man or woman to go out as an officer for the Government and then refuse to pay attention to the nationals of Barbados in a particular city because he or she did not wish to spend the necessary funds to go there, that officer is not saving money — that officer is making sport and is, indeed, delinquent in his duty and responsibility.

So this is a matter of choice. I come down on the side of letting somebody else have the responsibility for the money, because it does not inhibit the decisions to be made. Having responsibility for the proper expenditure of the money does not by itself give anybody the power to spend that money. The Head of Mission is still the one who determines how the money should be spent, and where it should be spent, and in that respect I have no difficulty whatsoever.

Mr. Speaker, we believe that the Financial Administration and Audit Act is a good piece of legislation for the proper and efficient running of the Service as a whole, and to the extent that it has been interfered with by the previous Administration in a way that allows for certain lassitude, and latitude, that it has allowed certain things to occur even though they might not have been intended, I think it is better for us to have a uniformity in our approach to these matters.

Asides.

Hon. B. M. TAITT: So that I could set the record straight, the honourable Member is asking me to be specific, because he is suggesting that I am slurring the previous Administration, or individuals herein. I speak, for example, on this question of allowing a year to elapse before tax matters are imposed.

Asides.

Hon. B. M. TAITT: But you have to be a real hot and cold person! I did not speak about it precisely because it is before the House. You say it is a slur, I start to explain it, and you then say do not let him speak about it. 1.00p.m.

Do you understand where I was going now? That I was not thinking of anybody?

Mr. D. A. C. SIMMONS: On a point of order, Sir. The honourable Member, in dealing with the amendment to the Financial Administration and Audit Act, suggested that the previous Administration had amended that

particular piece of legislation for collateral purposes, and I suggested *sotto voce* that he was slurring. He then sought to explain what he was saying by reference to another debate dealing with the Provisional Collection of Taxes Act. All I want him to do is to stick within the four corners of the particular matter before the House. If there is information that a political appointee under the last Administration as Head of Mission abused the position and that forced the present amendment on the Government, then give the facts for it.

Hon. B. M. TAITT: Mr. Speaker, I now see what the problem is. The honourable Member must be assured that I was not then dealing with the Financial Administration and Audit Act only in terms of Head of Mission. I am sorry. As he knows, the Act applies to the wider Civil Service. I now realise he did not get the point when I slipped to the wider Civil Service, so I take his point. I certainly know of no instance where a Head of Mission has misused funds or any such thing.

The point I am making is that the Act itself has served the public well, and to the extent that we can leave the Act intact, it is better for the administration generally. Even though one may have a particular view about some aspect of the Act, it seems to me that sometimes you have to go along and agree to points which do not necessarily fall full circle within your own views of how things should be.

I have no real difficulty with the Act. I would prefer it with the amendment and therefore I can support the amendment, Sir.

Hon. Dr. R. C. HAYNES: Mr. Speaker, I have listened with great care to this debate and I think that on both sides of the House we have had some very "valid points made.

I want, however, to make it clear that under no circumstances would any public officer be permitted to frustrate the work of a Head of Mission, and it is important to understand that the lines of controls would be relevantly straightforward. Money is voted for the use of the Mission, the ultimate responsibility is that of the Director of Finance and Planning in terms of how that money is spent, the Permanent Secretary in the Ministry of Foreign Affairs is the Chief Accounting Officer, and therefore there is sufficient authority within the Government to ensure that the Heads of Missions are not frustrated by any junior public officers.

That is the position this Government will be taking. We are going to ensure that this amendment is accompanied by appropriate administrative controls, so that whilst the objective of better financial control is achieved, it is not going to be at the expense of any deterioration in the capacity of Heads of Missions to function abroad.

In other words, if a junior officer is being difficult and creating problems outside of the rules and outside of his authority in relation to the functioning of a Head of Mission, then quite clearly the Permanent Secretary within the Ministry has the authority to deal with that matter, and the Minister responsible for Foreign Affairs has the responsibility, and the authority, to deal with that particular matter.

I think that it would be best to put this debate in full focus by reading an extract from a Cabinet Paper which was presented to the former Cabinet in 1984. It is non-contentious, it puts the matter in perspective. This is a senior public officer advising the then Government. He commented *inter alia* that if Cabinet wishes as a matter of policy to have all Heads of Overseas Missions appointed as authorised representatives, then to give effect to this decision changes to the Financial Administration and Audit Act and/or the Financial Rules would be required. He further stated:

"In summary, the issue is not whether or not all Heads of Missions should be appointed authorised representatives. If this is the policy of the Cabinet, then so be it. In addition, the issue has nothing to do with integrity but it has to do with questions of accountability, responsibility and control, and more fundamentally, equity."

Here an important point was made when the Act was amended. This was not done at the same time. "If the appointment of authorised representatives is meant to be a discretionary power vested in the Permanent Secretary, Ministry of Foreign Affairs, then a curtailment or removal of this discretion should be accompanied by rules which circumscribe the responsibility and protect this officer from acts committed by persons who are not subject to normal disciplinary procedures."

That is a key issue, I think, here, that whilst the Act was changed and the delegation of authority was passed on to the Head of Mission, the appropriate rules were not brought in force to protect the P.S., Ministry of Foreign Affairs, and by extension the Director of Finance and Planning, because within the context of the Public Service they have adequate protection in relation to the Financial Administration and Audit Act. I think that this amendment, by reverting to the situation, deals with that point which was not dealt with at the same time when the previous amendment was made.

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

On the motion of Hon. L. E. SANDIFORD, seconded by Hon. M. A. KING, Mr. SPEAKER left the

Chair and the House went into Committee on the BUI, Mr. C. A. NEBLETT in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is now in Committee.

Clauses 1 and 2 were called and passed.
1.10 p.m.

On motion of Hon. L. E. SANDIFORD, seconded by Hon. M. A. KING, Mr. Chairman reported to His Honour the Speaker the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. L. E. SANDIFORD, seconded by Hon. M. A. KING, the Bill was read a third time and passed.

PROVISIONAL COLLECTION OF TAXES (AMENDMENT) ACT, 1987

Order No. 6 was called - To move the second reading of a Bill to amend the Provisional Collection of Taxes Act.

Hon. Dr. R. C. HAYNES (St. Michael South Central): Mr. Speaker, as promised the country in the Manifesto of the Democratic Labour Party, the present amendment to the Provisional Collection of Taxes Act, Cap. 85, seeks to amend the Act, which was previously amended in 1984.

In 1984, the period was extended from four months to the end of the financial year during which an appropriate enactment for the imposition of a tax, or the increase in rate of an existing tax, made by a budgetary proposal should be made. In other words, up to 1984, although when a Budgetary Statement is made the tax becomes effective, under the Provisional Collection of Taxes Act, legislation had to be brought to Parliament within four months or the people would have to be refunded their money. In 1984, that period was extended to the end of the financial year. We took the position then, and we are taking the position now, that it makes for better control of the whole question of public finances, and it also makes sure that when the Minister of Finance imposes a tax in a budgetary proposal, he brings legislation to this Parliament within four months to make sure that it is approved by Parliament and to give appropriate legislative authority to the tax.

I think that this is a very important piece of legislation, I believe that, by making it to the end of the financial year, there could be a possibility that a tax could be imposed and almost a whole year elapse without

legislation coming before Parliament. I did not think that this was appropriate.

As Minister of Finance, I think I appreciate, to some extent, the reasons why the time was extended. It is largely an administrative problem — the difficulty in getting large amounts of legislation through the House — but I think one has to balance the overall public interest with the administrative difficulties which might be created, and since it is not the intention of this Minister of Finance to impose any large amount of taxes, we should always be able to get through our legislation within four months.

Thank you very much, Mr. Speaker, and I beg that this be now read a second time.

Hon. M. A. KING: Mr. Speaker, I would like to second that and reserve my right to speak.

Mr. O. S. ARTHUR (St. Peter): Mr. Speaker, I have no intention of speaking too long on this particular Bill. I am very glad that the Minister of Finance did not grandstand on the matter, since, despite the fact that he would, under every circumstance, wish to have all tax legislation brought to the House within four months, he seemed to forget that when he amended the Income Tax of this country, flowing out of the July tax amendment, he had the opportunity to show that he was serious about the commitment of having all taxes covered by legislation within four months. He did not live up to the spirit of that commitment, because you would recall that the Income Tax legislation was not brought to the House within four months, but it was brought in December, after a period of five months had elapsed. I thought that he would have made that point, since there is, very often, many a slip between the cup and the lip.

Mr. Speaker, we ought to be careful that we do not convert this debate into an exercise in sophistry. What we are discussing is how best to manage a situation in which you have a "tax-now draft-later" approach to financial management and legislation flowing therefrom, because whether the legislation comes to the House within the four months, or whether it comes to the House within the financial year, as stipulated by the previous piece of legislation, in effect, we are still being governed, by a "tax-now draft-later" approach to financial management. To the taxpayer, the effect is the same, because irrespective to whether the legislation is brought in four months or within the financial year, the effect is, in practical terms, that over the course of the financial year, he ends up paying the same tax as stipulated in the Budgetary Proposals by the Minister of Finance. So I say that I am glad the Minister did not grandstand on the issue because we still are left with a situation in which there is a "tax-now draft-later" approach to financial management in the country. The only way in which this

problem can be over-come, Mr. Speaker, is by our having a situation pertaining in Barbados where the legislation is brought to the House of Assembly at the same time that the Budgetary Proposals are presented by the Minister of Finance, a situation which would impose tremendous practical difficulties on the Ministry of Finance. 1.20p.m.

Mr. Speaker, my real contribution to this debate, apart from saying that we should not pursue this matter as an exercise in sophistry, is to say, Sir, that we have to be careful in Barbados not so much with the period that elapses between the announcement of the Budgetary Proposals and the drafting of the legislation, but about the vast amount of discretionary power that resides in the hands of the Minister of Finance which allows him to be able to vary taxation without the variation in taxation being brought before the House in advance. Here I speak about the capacity of the Ministry to impose new taxes by Order, a tactic that has been generously used, to some extent, by the present Minister of Finance.

We also have a situation, Mr. Speaker, where the Minister of Finance has tremendous discretionary powers, except in relation to Stamp Duty and the Entertainment Tax, to waive taxes on individuals and institutions in such a way that the intentions of Parliament can be frustrated in so far as the Minister can determine that the incidence of tax borne by one person is different from the incidence of tax borne by another person. I think that if we want to tighten up the administration of financial and taxation matters in the country, to enshrine the supremacy of Parliament, then the issue is not so much the period that elapses between Parliament being told and discussing the proposals and voting on the legislation, but Parliament having full control over the range of discretionary powers that a Minister of Finance can exercise in relation to the imposition of taxes.

I have no difficulty, Sir, in supporting the Bill. If the Minister of Finance and the Government want to remove from themselves the flexibility of having the widest possible consultation on financial matters, if the Ministry of Finance and the Government want to bind themselves to bring taxation legislation to the House within four months of announcing it in the Budget, so be it - thy way, not mine. But I want to say, Sir, that there are instances in which the issues around which taxation legislation has to be drafted are complex issues, requiring a lot of consultation with a large number of entities. If I may cite the Income Tax amendments that were recently brought to the House by the Minister of Finance, even when they were being presented by the Minister of Finance, he had to recognise that there were certain areas of potential conflict between the Income Tax amendments and the Companies Act which perhaps could have been better resolved if a longer process of consultation had been allowed. That kind of problem, Sir, the complexity of taxation issues and the need for the widest possible con-

sultation, has been the reason why our Government, the former Administration, thought it necessary to allow sufficient time for the widest possible consultation to be undertaken, to make sure not only that legislation is sound, but that there are no conflicts between a piece of legislation and other pieces of legislation to which it can be related.

As I said, Mr. Speaker, I have no difficulty with this amendment. The Government is binding itself, but it should recognise that in binding itself, it will have to act within it, that it will not only have to draft the legislation within the four month period, but that it will have, obviously, to make sure that the widest possible consultation takes place, such that we do not have a situation arising where a piece of legislation is brought to the House within the four months, but then has to be referred back to the House in a subsequent period because the rush to legislate gave rise to a situation where all the issues were not satisfactorily resolved.

As I understand it, one of the reasons it has never been found possible to have the legislation brought to the House at the same time as the Budgetary Proposals has to do with the need for secrecy. It is a fact, Sir, that in Barbados, in the past there were at least three people who knew to the full extent all the Budgetary Proposals in their entirety. There were ordinarily at least ten other people who knew various parts of the Budgetary Proposals. I am satisfied that those persons who had access to the provisions that the Minister of Finance and Planning was intending to bring to the House have exercised their responsibilities with such honour that the kind of consideration pertaining to the fear of disclosure is a consideration that we ought not to allow to labour us in this day and age, and I really feel that there would be nothing wrong for a system to be put in place where the senior legal officers in the Attorney General's Chambers could be brought into the planning at the earliest possible time. I say this, Mr. Speaker, because the reason legislation takes a long time to come to the House generally has nothing to do with the wickedness of the Ministry of Finance and Planning, it has to do with the fact that the proposals are drafted as financial measures and then they have to be referred to the Attorney General's Chambers to be given a legal form, and while the economists and the accountants are involved in the actual planning of the proposals as economic and financial measures, no legal person is involved in the exercise whatsoever. Perhaps the time has come when we must repose the same confidence in our senior legal people as we repose in our senior economic and financial people. If we are indeed genuinely interested in speeding up the process, the senior parliamentary counsel ought really to become involved in the broad framework of Government fiscal policy in advance of the measures being brought to the House, in the same manner that senior civil servants in the Ministry of Finance and its various departments are involved in that process. The Minister will see that the

hold up in the process is that things have to be referred backward and forward between the Ministry of Finance and the Attorney-General's Chambers, and despite the best will in the world, the 'to-ing and fro-ing' between those two departments can sometimes give rise to situations where you cannot meet the deadline to have the legislation brought to the House of Assembly within a four months' period. 1.30p.m.

To conclude, Sir, I have no difficulty with the Government binding itself to the commitment to have legislation pertaining to the collection of taxes brought to the House within four months' time. I merely say, Sir, that there will be practical difficulties encountered in making sure that legislation which is beyond dispute in a legal sense can always be brought before the House in that period. But if the Government wants to do it, say again — thy way, not mine.

I thank you, Sir.

Mr. D. A. C. SIMMONS (St. Thomas): Mr. Speaker, I wish to endorse much of what the honourable Member for St. Peter (Mr. O. S. Arthur) said. When a similar bit of legislation came before the Senate on May 23, 1984, when the then Government tried to extend the period of time, I spoke at page 359, and following, of the debate for Wednesday, May 23, 1984. I then put to the Senate and the Government at the time the compromise position, which was not then accepted, of six months. Instead of limiting yourself to four months, or going overboard to the end of the financial year, I thought six months may have been a reasonable time to get all of the consultations that have to occur and the drafting that must be done in place. But over and above that, Sir, whether four months or six months is a reasonable time, you may still have the same problem, because if you extend it to six months, there might be a feeling within departments, "Oh, we have another two months," and you never get to it, so that the sense of urgency is not brought to bear if one continues to extend the period.

I would have thought that there could be no objection to having the Chief Parliamentary Counsel in on certain broad areas that may need amendment, just as one has the officials from the Ministry of Finance and Planning in by way of advice and consultation at various stages. If there is objection to that — and the objection cannot be in principle but for other reasons, perhaps reasons of jealousy, that the Ministry of Finance will want to be in total control and have no foreigners or outsiders trespassing — I think a way around it would be that as soon as the Budgetary Proposals have been given, let the officer responsible for the drafting have a period of special leave or special assignment, however you designate it, to take him off other matters that he might have been engaged in, and assign him exclusively to the

drafting of legislation flowing out of the Budgetary Proposals. That could work.

(Aside: Hon. B. M. TAITT: Isolate him?)

Mr. D. A. C. SIMMONS: Isolate him. I believe that some formula like that, as I suggested in 1984, could work.

I do not believe that there is now a shortage of draftsmen in the Attorney General's Chamber. His establishment is probably full.

Aside.

Mr. D. A. C. SIMMONS: In the drafting department.

Aside.

Mr. D. A. C. SIMMONS: I am told that there might be vacancies. But with the restart of the course in Legislative Drafting at Cave Hill in a matter of about a year or two....

Aside.

Mr. D. A. C. SIMMONS: I did it, I restarted it - we might be able to fill the existing vacancies, and every encouragement should be given to officers within the Drafting Department to specialize in particular areas.

I am sure that the Attorney General, from his experience in the last ten months, will agree that one of the problems which conduces to delay is the fact that the various departments of Government, and I am not limiting this comment to the Ministry of Finance, very often, and more frequently than not, do not give specific and intelligible instructions to the draftsmen at an early enough stage. That is a problem, of course, born of the fact that there are probably not lawyers in those departments that send up the submissions.

Aside.

Mr. D. A. C. SIMMONS: No, no. It is not a criticism. I am not being hard on anybody. I am recognizing that it is a fact of our existence, and I am suggesting that it is a reason, if not an excuse, for the long delay it takes in getting legislation to come out in its final and acceptable form. The root problem is with the instructions which emanate from the various Ministries not being sufficiently specific. When the draftsman receives the instructions he has to write back and say, "Explain what you mean by this? Do you want me to do that and do you want me to do that?" There is a lot of time spent and lost in the 'to-ing and fro-ing' of files trying to firm up the instructions in an intelligible way so that the draftsman can go ahead, do his drafting and come out with something that is acceptable.

I was proposing, and I hope that this Government will at some stage examine it, for more than one reason,

to gradually assign lawyers to large Government departments which are frequently engaged in legislation. Education must have a lawyer. Income Tax must have two or three. We proposed these and we had advertisements out for Treasury Counsel.

Aside.

Mr. D. A. C. SIMMONS: I am nothing to do with what went before me.

Laughter

Mr. D. A. C. SIMMONS: We are two different people. I was not in the Cabinet with my friend, the Leader of the Opposition, so I did not have a collective responsibility position.

Mr. SPEAKER: Order, please. I must have some order.

Mr. D. A. C. SIMMONS: I can only say that I took that position and it was recorded, by way of policy, in our Manifesto of 1986, for several reasons. I alluded to the problem. Sir, in 1984, even before I was Attorney General, that with Government departments we have now reached that stage, apart from creating employment opportunities for the very many lawyers within the society and those who are continually coming out of the university.

Aside.

Mr. D. A. C. SIMMONS: I am putting in a plug for the lawyers. Help some of the fellows. I do not mind the competition at all.

Aside.

Mr. D. A. C. SIMMONS: That is an area, Sir, where I think we can absorb five or six.

Aside.

Mr. D. A. C. SIMMONS: Yes, potentially a good lawyer.

Laughter.

Mr. D. A. C. SIMMONS: He has been away from it for a long time, but he is doing well. He has the innate qualities to succeed. I hope he stays with us at the private bar and is not tempted by the minority on the other side who would like him to join them. The minority!

Laughter.

Mr. D. A. C. SIMMONS: That has in some blows. That one has in some steam.

Laughter.

Mr. D. A. C. SIMMONS: Stay with us at the private bar. You would make far more money.

Aside.

Mr. D. A. C. SIMMONS: I think, that in the area in prosecuting in court, we must move towards the time when the police prosecutor is a thing of the past and we have legally-trained persons doing the prosecuting. I was really amazed in the Jerry Hall case to see Mottley, Q.C., Forde, Q.C., Shepherd and Kentish all arrayed against — without reflecting on his ability — Inspector Cooke.

Aside.

Mr. D. A. C. SIMMONS: It looked to be a total imbalance to me. I would have thought that was an ideal situation for the DPP's office to have sent down one of the officers to take on that team. I am not saying that the result would have been any different, because every case depends on the facts, but at least I thought it would have looked better. 1.40 p.m.

So there are areas where I think use can be made of lawyers - in drafting, in prosecuting and in advising particular Ministries. There is no reason why Customs, Income Tax, Education, MTW, the Ministry of Housing and Lands has already, and Agriculture, perhaps, cannot have their lawyers. You should have a pool of lawyers based, rather than at Marine House, in-house at the various Ministries.

I say no more at this stage, Sir, because some of this can come up in the Estimates in the next few weeks. I think that six months is a reasonable time, and I counsel the Minister of Finance perhaps to investigate the possibility, after he has brought in his Budgetary Proposals in early April - he will increase some taxes — to arrange with the Attorney General to get the Chief Parliamentary Counsel, I think he is called, to go on special assignment to do all the tax measures that have to be done for the Value Added Tax, the Consumption Taxes and all these other indirect taxes that are coming in the Budget in April.

Hon. M. A. KING (Christ Church West Central): Mr. Speaker, we seem to be making a lot of heavy weather out of this matter. As the Minister of Finance had pointed out, his is the result of a manifesto commitment which we had made to the people of this country, that we would restore the period to four months. At the heart of this problem, Mr. Speaker, is our basic political philosophy, if you like, that the principle of no taxation without representation should be recognized, because,

after all, this was the basis the American War of Independence was fought.

Asides.

Hon. M. A. KING: No taxation without representation - the Boston Tea Party and all of that. There is no different principle.

The point is that the Provisional Collection of Taxes Act has always been used as a means of bridging the gap where, after the Minister of Finance had made a Budgetary Statement, it was necessary to impose the taxation before the legislation could actually be effected. Without that Act, legislation and the collection of taxes - I said legislation — could not be valid without some authority to give the Government power to do so. So the Provisional Collection of Taxes Act was used as a stop-gap measure, so to speak, to give the Government authority to collect taxes until the appropriate legislation was drafted. It is a responsibility, then, which the Government has, if it is to tax the citizens of a country, to ensure that when it is taxing its citizens, legislation must be passed in its Parliament.

Asides.

Hon. M. A. KING: I cannot deal with the Leader of the Opposition, Mr. Speaker. I will ignore the comments he makes.

It is important Mr. Speaker, that if the citizens of a country are to be taxed, the Government must live up to its responsibility and ensure that, in doing so, legislation must come to the Chamber, the institution where the citizens of the country have their representation. That is where we come back to the basic principle of no taxation without representation, because it is here that we discuss taxing matters, it is here we discuss the appropriateness of the tax which the Government seeks to impose on the citizens of our country. If we recognize that we have that basic responsibility, it is important that we should seek to discharge our responsibility at the earliest possible time.

We recognize the fact that, because of the complexity of modern budgetary measures, it is not perhaps going to be an easy and straightforward matter to bring all budgetary legislation into Parliament within a week or two after the Minister of Finance makes his Budgetary Statement. But we have that responsibility to ensure that, as soon as possible, the taxing legislation comes before the House. Historically we have seen that four months has been a reasonable period of time within which to bring that legislation before the House. We feel that we should live up to the responsibility of ensuring that that legislation is brought before the House within as reasonable a time as possible, and that reasonable time we feel is 4 months.

The Minister of Finance has made the point that there can be administrative difficulties from time to time in dealing with financial matters and legislation consequent thereon, and the honourable Member for St. Peter (Mr. O.S. Arthur) has made the point that in relation to the Income Tax (Amendment) Act, which came before this Honourable House last December, that amending Bill did not get before this House within the four months. That is no big point, because when one looks at that measure, Your Honour will see that not only did the Minister of Finance in those tax proposals deal with his own proposals, but he also gave statutory enactment -to some of the other proposals which had been made previously by the former Minister of Finance in the last Government. It was a matter of marrying the position which had been taken by the previous Government in its Budgetary Proposals with the Budgetary Proposals which he had made, and getting them all together in one enactment.

I know the Minister of Finance well, and for a lot of the budgetary matters which he brought before the House over the last few months, he ensured that he got his work done. I assure you Mr. Speaker, that the Minister of Finance will not hesitate, when it is necessary, to get directly in touch with me when he wants his legislation before the House. I am sure the Minister of Finance would not mind my saying this because we are both interested in ensuring that the Government's legislative programme gets on the way. When the Minister of Finance wants to get his budgetary and financial legislation before the House, he has no difficulty whatsoever in getting directly in touch with me and asking me to expedite dealing with those matters. By the same token, I have no problem, if I have any difficulty with anything he has put before me, in getting back to him and saying, 'Look, I have a difficulty with this, let us get together and deal with it.' We feel that once we have put our heads together and make a genuine and decided effort, we will live up to the responsibility which we have in ensuring that where we seek to tax the citizens of this country, we ensure that, as early as possible, the House of Assembly, which is the representative body of the citizens of the country, comes to grips in discussing the matters of taxation. We ensure that we live up to our responsibility in making sure that that is done at the earliest possible opportunity. 1.50p.m

Mr. Speaker, I think that none of us should really have any great difficulty with this Bill. It is no more than carrying out a promise which we made to the citizens of this country and also impressing upon our own selves that we should live up to the responsibility which we have as representatives of the people and as administrators of the Government of this country.

Hon. B. M. TAITT (St. Michael West): Mr. Speaker, what I have to say should not take us too long. It seems to me that the reasonableness of this debate might easily lead

one to forget what the mischief is that is being corrected. The mischief is a very simple one, that if the matter on which the Minister of Finance has decreed a tax is allowed to be extended for as long as it was allowed under the last Administration, for up to a year, it meant that the citizen could discover, ten months after the pronouncement, that what he, the citizen, understood to be the case in regard to a certain kind of tax was not the case, and", in fact, he was having what one eminent writer in Barbados described as "confiscation."

The fact is, Sir, as the honourable Member, the Attorney General, has said, is that when you are taxed, a citizen should have a clear knowledge of what the tax is in as soon a time as possible. All of this business about how long it takes for the complicated legislation to be drafted is only incidental. Four months is as long a time for any group of competent draughtsmen to draft all of the legislation which we have been able to observe arising out of budgetary proposals over the last few years.

Aside.

Hon. B. M. TAITT: If you were here, you would have heard why it took five. The largest number of changes we have seen occurred in the Budget of the last Prime Minister and Minister of Finance, who, alas, is no longer in the House.

Aside.

Hon. B. M. TAITT: Well. . alas ... yes ... alas ... at last. You cannot be heard to be saying that in Parliament?

The honourable Member brought in the proposals which he said he would bring in swiftly, which everybody knew were coming in, and he was able to bring them down. They were ready in three months. It was only cleaning up the business of the last Administration that caused the Attorney General to have to take an additional time so we could bring one amending Act to Parliament.

Aside.

Hon.B. M. TAITT: They included, for the benefit of the honourable Member for St. Thomas (Mr. D. A. C. Simmons), measures that had been agreed upon by the previous Administration which they discovered had not, in fact, been enacted, and they had to include them along.

Aside.

Hon. B. M. TAITT: The simple fact is that the last Prime Minister but one, the last Minister of Finance but one, used the laws as he saw fit, and this has to be remembered. It has to be remembered that the law was being used against the people. The law is not designed to be used against the people - it is designed to be used for the

people. We need not spend long hours now going back and discovering what one is talking about. If any honourable Member wishes us to be specific, we can be again. The fact is that the law in this country started getting out of hand, and no individual no matter who that individual is, ought to have the kind of extended power which the amendment to the Collection of Taxes Act put in the hands of a Minister of Finance. It must not be done.

The honourable Member talked about Jerry Hall. I do not wish to dwell on her, but she is the luckiest person that has passed through the portals of any airport for a very long time, and she does not have any authority to be going around running down Barbados after she got a fair trial in this country. Do not worry to look around to the Speaker and suck your teeth. The honourable Member raised Jerry Hall. The record will show that Jerry Hall got mentioned, and he was talking about the administrative system in connection with this Act, and he said there were four Q.Cs, three and a half Q.Cs. I am sorry, two Q.Cs, a senior and another person to one Prosecutor. But I think the honourable Member knows as well that in those little cases — because that was a little case which they sought to make big — many a Q.C. would prefer not to come face to face with those prosecutors who prosecute on a daily basis down in the Magistrate's Court. I would trust "Salt Bags"

Aside.

Hon. B. M. TAITT: I cannot call anybody's name in here. I would trust any one of those police prosecutors against any Q.C. in any of those cases down in the courts any time. Jerry Hall and the likes can run out and get two or three high-priced Q.Cs — as well they should — when they come into this country and they get into problems they should get high priced lawyers. They do not feel that they are well represented unless they are putting their hands deep in their pockets and paying strongly, and I think that the Q.Cs in Barbados have a right to benefit from their indiscretion. I have no quarrel with that. I hope the honourable Member, the Leader of the Opposition, if he was a part of it, got a proper piece. I tell you, I wish my former colleague, a former Leader of the Opposition, Mr. F.G. Smith, could get a good piece, too. I hope he is getting a good piece.

I have absolutely no difficulty, Sir, if they come in here and our fellows who by virtue of their long and distinguished practice have risen, to the heights of the silk can benefit substantially, that is how it should be. They should have all the Q.Cs. I wish they had called up Sir Theodore and given him a little piece of the action, too, because he could have instructed them on what route the thing took.

Mr. Speaker, I must tell you, Sir, that I am very proud of the way in which everybody in that situation conducted themselves, and I am very disappointed to see that persons who get into difficulty run down Barbados. There

will be a trauma. Any time you are arrested for anything, whether you are guilty or not, there will be some kind of trauma. Any time a cell door closes on a person there must be some kind of trauma, so one can understand that this golden-haired lady might have felt a little surprised that she was put in the same kind of cell that other people get put in, you know, and she may have had her trauma, but when she is going around casting aspersions on Barbados and saying that she will never be back, do you think anybody in Barbados is looking forward to seeing her again?

Aside.

Hon. B. M. TAITT: I know I am Minister of Tourism, but anybody who comes into this country and curses this country is not welcome here, so if she does not want to come back, she does not have to. If she comes back, we will give her the same warm welcome that we gave her in the past. We will treat her in the same warm manner that we treat all of our visitors. But we hope that she will not continue to run down the country.

Mr. Speaker, I said all that to relate to the administrative system in justice in Barbados. I am saying that the Attorney General's Chambers is properly equipped to handle these matters within a four months' time. I am saying further that we need to have an administrative streamlining so that the instructions to be given to the Attorney General's Chambers can be clearly done in the first instance. That this does not occur is because of administrative bungling. I submit, Sir, that, in the respective departments, sometimes too junior people are entrusted with responsibility of formulating the information that goes to the Attorney General. One needs only look at the files sometimes to see that, on second thought, the person who sends on the communication to the Attorney General ought not to have been the person who should have dealt with the matter. 2.00 p.m.

The other thing is normal inertia that can occur in any bureaucratic system. From time to time, we get so accustomed to doing things that we take them for granted, and it is only when somebody who has come new to the situation takes a fresh look that it is pointed out that an error has been recurring. That sometimes could lead to some additional time. But by and large — and I have no quarrel with the actual six months' concept — we feel that there must be some definite period, not far from when the Minister pronounces, when the citizen can know where he is and what is happening.

The honourable Member for St. Peter said that the matters in the Ministry of Finance are sometimes complicated and he feels that the matters should be discussed more openly with those persons who would have to deal with them. That is a moot point. Certainly in Britain, it is obvious that when the Minister of Finance comes down

with his recommendations or his decisions, he also comes down with a Finance Bill in which all of the enactments to take place are more or less ready. Indeed, it is on that basis that the debate occurs in the House of Assembly. So it is clear that the legal people have to be taken into confidence by the Chancellor of the Exchequer in Britain. The fact is, though, that the Civil Service in Britain, by virtue of the size of the country, is a little more immune to the vagaries of subtle knowledge than would be the civil servants in Barbados. It is a little difficult to keep a secret in Barbados.

Asides

Hon. B. M. TAITT: Why do you not leave me? Listen, you resigned from CBC, and I did not say anything to you, and now you come in here to interfere with me.

Asides

Hon. B. M. TAITT: I beg your pardon. Why do you not leave me alone?

Asides

Hon. B. M. TAITT: Only from you, because your information is usually accurate, as compared with, say, his.

Mr. Speaker, I am finishing now. I just want to make the point that we really need not expend a lot of energy on this question of allowing people to know in advance. It is better for the Minister of Finance not to tell anybody, because then he cannot accuse anybody of telling anybody else. As it stands now, we are all a little better off, because if people get privy to some of the measures coming down in advance, it could redound to the benefit of some other people and you could have all kinds of strange shenanigans going on.

Mr. Speaker, I hope that that will lay to rest the fact that the mischief is being corrected in the manner that we said we would correct it. I assure you that on this side we are unlikely to be bringing down legislation to be corrected, to be corrected, to be corrected, as the honourable Members did in their regime.

Thank you.

SUSPENSION OF SITTING

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to move that this sitting be suspended until 3.05 p.m, for lunch.

Hon. E. E. GREAVES: I beg to second that.

The question that the sitting be suspended until 3.05 p.m. was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly. 2.10 p.m.

ON RESUMPTION Mr.

SPEAKER: This sitting is now resumed.

When the suspension was taken, the honourable Member for St. Michael West (Hon. B. M. Taitt) had concluded his speech. Does any other honourable Member wish to speak?

Hon. H. deB. FORDE (Christ Church West): Almost all of the points which should have been made on this Bill have been made from one or the other side of the House. I just want to once again place on record, for the benefit of Members, the history of this piece of legislation. The legislation was first introduced in 1967, but there was a considerable period of time when there was no legislation on, the Statute Book dealing with the provisional collection of taxes. If my memory serves me right, an editorial appeared in the *Advocate* in those years saying that taxes were being collected illegally and making the same point which the honourable Member has made: "no taxation without representation". Then, of course, this bit of legislation was brought to the House.

Sir, I can understand Government, having given a promise, feeling that it is duty bound to bring the amending legislation, and I can understand the honourable Member, now that he is sitting in a ministerial position, showing a lot more restraint in his presentation than he did prior to May 28, 1986. There is nothing like the weight of high office to temper the intemperate nature of persons. Sometimes it is really amazing! Obviously, the honourable Member has now discovered that the reason for the change was not any lack of *bona fides* on the part of the Government, but a way of responding to certain difficulties which inevitably arise when budgetary proposals of any major consequences are made. Certainly in my experience, when I was Attorney General, I found that very often the administrative personnel, principally in the Ministry of Finance whose responsibility it was to send down detailed instructions for the drafting of the legislation were usually very tardy in so doing, or even when the instructions came in time, they did not come in clearly, as is required. At other times, Mr. Speaker, it has been my experience that the legislation calls for a large measure of consultation, and some of this consultation cannot be achieved within the period of four months laid down in the Provisional Collection of Taxes Act.

I have been in this House long enough to have seen both Administrations, the Democratic Labour Party

Administration of the past and the Barbados Labour Party Administration, come and ask the House to pass legislation with retroactive or retrospective effect, to put right what would have been a hiatus in the drafting. I think the records of the House will reflect that when I was Attorney General I have on the floor of the House, and also within Cabinet, suggested that people from the Legal Department should be included in the team which is suggesting proposals for budgetary measures so that they could possibly, from the start, help with speeding up the measures. The practice in England is that when the Minister of Finance introduces his budgetary proposals, he usually initiates the debate on the basis of the Finance Act, and the Financial Act normally sets out all of the changes which one must make to the legislation. Therefore, although in Britain there is a Provisional Collection of Taxes Act, the danger in Britain of going over the period of time stated in considerably minimised.

I think one also has to bear in mind the point made by the honourable Member for St. Thomas (Mr. D. A. C. Simmons). In Britain, almost every department of Government, certainly every major department of Government, has its own in-house solicitors and counsel. Certainly in the Ministry of Finance there are Treasury Counsel who are skilled in drafting legislation.

Asides

Hon. H. deB. FORDE: The Minister of Finance *sotto voce* said that when I was Attorney General, I objected to Treasury Counsel being proposed. He obviously has not read his files properly. If he had, what he would have found is that the argument was not whether or not departments of Government should have attached to them counsel who are specialised in particular fields, the argument was rather whether these counsels should be seconded from the Ministry of the Attorney General so as not to blunt their promotional prospects. Some of the lawyers who were civil servants raised this particular point.

I believe that in some Ministries, certainly in the Ministry of the Attorney General, there are one or two officers who are specialists in tax measures, and I think the intention was that by degrees, these officers would have been attached to particular departments. I agree completely with the suggestion from the honourable Member for St. Thomas that a department such as the Ministry of Education should have its own counsel, and I could think of the Ministry of Finance and the Ministry of Transport and Works. These are three of the Ministries that warrant their own in-house counsel. One must remember that some Ministries have a lot of statutory boards attached to them. Nowadays, these statutory boards are having their own in-house counsel, but it would in no way prevent them going for outside legal advice from time to time where that is necessary.

I can understand the fear when this measure went before the Senate at the time of the amendment of 1984. The fear was expressed that it may show that one is encroaching on the democratic principle. People always feel that if you delay bringing a measure before Parliament, you are denying representation to people at large. But in this particular instance, whether it is four months, six months or 12 months will be an arbitrary decision, because if you are giving legislation in four months, you are still denying people their immediate democratic rights for a period of time. If you are doing it in six months, the same argument really can be advanced, and if you are doing it in 12 months, the same argument can be advanced. Normally, what should be done is that an effort should be made for the Ministry to bring forth legislation as soon as possible.

I am really looking forward to the time, and I am sure it will happen in this Session of Parliament, when the honourable Member is going to have to come in and apologise to the House, and probably use exactly the arguments he has heard over here, for the delays which have occurred in getting legislation here. I am not saying that I am going to sit by and laugh at it. I am realistic enough to recognise that, for various reasons, these problems occur within Governments. I think the honourable Member for St. Peter has already referred to a budgetary measure of the honourable Member not reaching the House within four months' time, and I am sure that there will be several other occasions when the Honourable Member for St. Michael South Central, the Minister of Finance, will find that he cannot keep to his four months' schedule. I would not believe, because he does not keep to it, that he is one to stifle democracy or the democratic rights of persons in any way. I think what he has to recognize is that, with the best will in the world, the Ministry of the Attorney-General sometimes cannot respond to the request of his Ministry, for various reasons. 3.20 p.m.

I do not want to see him come and blame the Ministry of the Attorney-General.

Aside.

Hon. H. deB. FORDE: I have been in this House long enough to know that when other Ministers slip up, it is the service Ministries that are blamed, and those are usually the Ministry of the Attorney General and the Ministry of Foreign Affairs. One of the Ministries that like to blame the Ministry of the Attorney General; is the Ministry of Finance.

Aside.

Hon. H. deB. FORDE: Sir, before I sit down, I might have to deal with the Minister of Information past, Sir, without Information.

Laughter.

Hon. H. deB. FORDE: He keeps interrupting me, Sir.

Aside,

Hon. H. deB. FORDE: I hope that, within the period of time, he would be able to live up to the matter. Obviously, the honourable Member is being ribbed a bit by our mutual friend, a certain columnist who waxes warm on this, and obviously he wishes to appear in good light in the columnist's usual Friday column.

Aside.

Hon. H. deB. FORDE: I said, our mutual friend. He is a mutual friend of the honourable Member and I, but that does not mean that I agree with everything he says.

I can understand sometimes that we have a blind adherence almost to the rigidity of doctrine, but sometimes one has to be very careful that you do not take the rigidity of doctrine in the newly independent countries and put it to the stage that they rule you, regardless of whether it is practical or feasible. I think that once we accept the principle that it is bad to tax people without the measure having been fully debated by the people's elected representatives, one has to find the best way to implement that, given the limitations that exist in our society. In this case, I consider the amendment that was made really a response to what was seen as administrative difficulties in the system rather than any lack of *bona fides* on the part of the then Government to erode any principle of democracy. I am glad the honourable Member has now seen it in that light. Now that he has read the files, he can see there was nothing sinister in it. Nobody was really trying to do anything sinister. Certainly his main speech on this, regardless to whatever he is going to get up now and say in reply, I think showed a greater realism of the difficulties confronting people in that department.

I have always probably been one who would like to see that the moment a Government brings down a particular measure, it has the legislation right there, and that the Parliament, however composed, can debate that measure immediately and thoroughly, giving a reasonable time within which to do the research, so that all aspects of the measure could be properly debated. In fact, Mr. Speaker, the ideal position is, and you will find that in debates — I have made the point on numerous occasions — is not even the practice we have on

budgetary measures. It would be good if the House, in Committee of Supply, could, in the days before we go through the budgetary measures, have consideration being given to the measures, so that we can cross-examine or examine civil servants and look at files to see in a detailed manner whether the budgetary and other proposals we are making, the Estimates and what not, are very feasible.

I think the Honourable Deputy Prime Minister, the Member for St. Michael South (Hon. L. E. Sandiford), who is extremely knowledgeable in not only the theory now, but I hope the practice of Government, would recognize that even within our system, we have not got some of the safeguards that you find in more developed systems like in Britain and even the United States — I am not saying that they are perfect — or Canada. Part of the reason why we have not yet developed those mechanisms is sometimes because of lack of manpower and sometimes because of lack of money. In fact, there was a time when there was a terrible scarcity of legal draftsmen. We are more fortunate now in that we are producing many more lawyers in the system. I think we are probably reaching the stage where we probably - are having one lawyer to every 500 or 300 people per head of population.

(Aside: Hon. B. M. TAITT: No.)

Hon. H. deB. FORDE: Two thousand people per head of population. I think that soon we would be able, if the Government wants it, to have an adequate supply of lawyers to service Government departments and also, although I do not want to be sidetracked too much in the way the honourable Member for St. Michael West (Hon. B. M. Taitt) was sidetracked, to service the police departments. I am not sure that they will always win against skilled lawyers, but the point is that we will have a good deal of people to whom the Government can look for assistance and support. Not only Ministries of Finance, Education and Transport and Works need such personnel, but I think that certainly in relation to prosecution, the Police Department could do with trained lawyers and prosecutors in court. It is not that some of the people who have prosecuted in court, the Inspectors and the Sergeants have not been good prosecutors. Some of them have been quite good. In fact, some have been more skilled than counsel who appear and who have been trained in the law. I believe, however, that we have to do everything to improve our systems, and perhaps when the Minister of Finance lays on his hand in a couple of weeks, whether it is by April 8 or whatever is the date he is bringing his Budgetary Proposals, he will bear in mind the necessity to expand the number of officials who are available to give the Government top class legal advice.

Sir, I have resisted very strongly the temptation to talk about any cases that have been recently before the court. I am much indebted to you.

Hon. L. E. SANDIFORD (St. Michael South): Mr. Speaker, I wish to say a few words on this particular measure before us within the context of the powers and responsibilities of Parliament, particularly the powers and responsibility of this Honourable Chamber. I am a believer in Parliament, as indeed we all are, or should be, and I believe that we should do nothing, whether wittingly or unwittingly, which might lead to the reduction of the place of Parliament in our democracy and a diminution of the quality of our parliamentary democracy.

I say this, Sir, because when the decision was taken to extend certain provisions of the Provisional Collection of Taxes Act to encompass virtually the whole of a financial year, whatever the reasons that particular measure was advanced, the fact is that it opened the possibility that taxation could be imposed on this country without Parliament having an opportunity to seriously debate or question those measures. I say that against the background that this kind of scenario could be played out.

Let us take an example. A Minister of Finance could get up on April 1, which is a good day of the year, and propose that there should be a tax on joggers and under the existing arrangements he need not bring the enabling legislation for consideration by this Honourable Chamber until the end of the financial year. In other words, Parliament would not have the opportunity to scrutinize, examine and pass judgement on that particular measure. 3.30 p.m.

Mr. D. A. C. SIMMONS: On a point of order, Sir: Could the Honourable Leader of the House just explain if he is suggesting that the Minister of Finance cannot "impose taxes without coming to Parliament? If that is so, he will recall in 1974 there was a fireside chat on television and the then Prime Minister, and the now Prime Minister, imposed taxes.

Mr. SPEAKER: No point of order.

(*Aside:* Hon. B. M. TAITT: Have it struck from the record!)

Hon. L. E. SANDIFORD: I do not have to deal with that particular matter that has been raised.

Sir, we can go to the end of the financial year without Parliament being able to exercise one of its traditional functions, and one of its most important functions, in our democracy. Come April 1 next year, the start of the financial year, the power of the Minister of Finance to collect taxes from this jogging exercise having elapsed, the Minister of Finance could then come in that following year and say that there will be a tax on running, and that

could go again for another year without this Parliament having the power to scrutinize or examine that particular imposition.

Aside.

Hon. L. E. SANDIFORD: Sir, I am talking about the enabling legislation, the legislation to make the words of the Minister of Finance actually law. I am saying that if you take that particular process and spread it out, we could very well have a situation in the country in which there could be the imposition of taxation without the necessary safeguards and without the necessary examination that is, or should be, the cornerstone of our parliamentary democracy.

I am not saying that that is the reason why the particular measure was extended from the three or four months to the full financial year. We understand that the reason advanced was that it presents a difficulty for the technical arms of Government to get the necessary legislation in place within a period of three or four months. But I do not believe that the solution to that problem is to give the Minister of Finance even more powers over the pockets and the purses of the people of this country. I believe that the solution is to look at our processes and procedures and seek to strengthen the Ministries which my good friend, the Leader of the Opposition, has called "the service Ministries," the Ministry of the Attorney General and the Ministry of Finance itself, and provide the necessary resources, will and trust to enable them to have the necessary legislation in place at that particular time.

I certainly think that, on this particular matter, it is incumbent on the Ministry of Finance to carry out the necessary consultations or the necessary examinations of the measures being introduced. When I speak of the Ministry of Finance, I know that this present Minister has been doing that, so I am talking obviously about the Administration that saw it fit to introduce this particular measure. They should, before imposing any taxation, so have studied the policies and implications of the matter that they could give the necessary instructions to the legal draftsmen and to the officials in the Ministry of Finance to have the appropriate legislation there. Indeed, Sir, I would hope that when we bring down measures, they could be on the files the actual draft legislation just sitting by waiting for the approval of this Honourable Chamber, and that if there are any changes to the proposals as they make their way through the Chamber, then it would be a matter for the amendments or adjustments to be made in the draft legislation.

Sir, I see no reason why the matter cannot, or should not, be dealt with within the period that is being proposed in the legislation before us, and for this reason I am supporting this particular Bill that is before us. I

certainly hope that even those on the Opposition benches, or chairs, who have expressed some diffidence in relation to this measure would see that in the interest of parliamentary democracy, in the interest of ensuring that this Parliament continues to exercise the kind of vigilance over legislation, particularly legislation relating to the imposition of taxation, they give this measure their full support.

I thank you, Sir.

Hon. Dr. R. C. HAYNES: Mr. Speaker, this has been a very informative debate and there have been very substantial contributions made on both sides of the House to the debate. I think that, deep down inside, we all feel that, whatever the difficulties, everything must be done to retain the supremacy of Parliament in terms of controlling matters of taxation in relation to the population. I think that this is generally understood and seems to be the general feeling. 3.40 p.m.

There are some observations I would like to make. Whereas I will not use the benefit of having the files before me to question the authority with which the Leader of the Opposition spoke on the origins of the 'Provisional Collection of Taxes Act' — I would not like to do that not being a lawyer — I think I should point out, however, that the discussion actually started way back in 1962 — this is a bit of history of jurisprudence I am going to give you — and that the Bill is, in fact, based on the Provisional Collection of Taxes Ordinance, Chapter 314 of British Guiana. In fact — another point of historic jurisprudence — in the interim, if I understand correctly what I see here, the Governor-in-Executive Committee had the authority by Order to give legal effect to the budgetary measures introduced in Parliament. This was succeeded by the Provisional Collection of Taxes Act. That is how the whole thing developed.

Generally speaking, we feel that we are taking a major step in the right direction today, that is to restore significantly the authority of Parliament in these matters. Obviously, it is going to create further pressure for the Ministry of Finance, but the point is that whatever pressures are created for the Ministry of Finance, the Ministry of Finance has at all times to function within the law and within the clear understanding that Parliament is the supreme authority in the country.

On the question, Sir, of consultation with other Ministries, I think that the whole question of having legal officers placed in the various Ministries to develop specialised knowledge and be able to participate in the development of legislative matters within those Ministries, is a matter that was canvassed in the previous Administration. It was not supported by one Attorney General, it was supported by the honourable Member for St. Thomas (Mr. D. A. C. Simmons) when he was Attorney General, and the present Attorney General has no difficulty with

that particular concept. It is an administrative matter, the question of staff and the question of maintaining promotional streams within that professional sector of the Public Service. I certainly would welcome having legal officers assigned to the Ministry of Finance and other departments of the Ministry of Finance in order to improve the efficiency and to help in several areas of tax collection.

But, Sir, dominating this entire debate has been a continuous demand by the Opposition for the past 11 months — incessantly, daily, in the Press, on the floor of the House — that there should be more and more and more taxation.

(*Aside:* Mr. D. A. C. SIMMONS: That is not so! Do not let anyone write that!)

Mr. O. S. ARTHUR: On a point of order, Sir: Mr. Speaker, the Honourable Minister of Finance is attempting to mislead the House. He is deliberately misleading the House. The only person who has indicated that there is a great possibility of increased taxes in Barbados in the immediate future is the Honourable Prime Minister and the Minister of Economic Affairs, who in his wisdom has taken on more responsibility where the Ministry of Finance and Planning is concerned.

Hon. Dr. R. C. HAYNES: To continue, Mr. Speaker. I have never seen an Opposition that is so determined in making demands of a Minister of Finance to impose taxation. I have never seen anything like it.

Hon. H. deB. FORDE: On a point of order, Sir: The honourable Member must not mislead the House. The honourable Member is so confused. I can assure him that the Opposition has not accepted any application by either Mr. McClean or Mr. Russell to be members of the Opposition, so his advisers, who have been advocating more taxation, would be the only persons he should be concerned with; not with us, Sir.

Hon. Dr. R. C. HAYNES: It would appear, Mr. Speaker, that the honourable Member does not even know who is alleged to be supporting whom, because I believe the alter ego of the spokesman on Finance on the Opposition benches has come out recently in a leading article supporting more taxation in Barbados.

Aside

Hon. Dr. R. C. HAYNES: Are you denying your friendship? Please do not do that on the floor of the House. Are you denying your closeness and your friendship? I would strongly suggest that you should not do it. Anyhow, the Minister of Finance will remain firm in these matters.

Sir, there was one slightly misleading point made by the honourable Member for St. Peter. Since I have been in office, certainly, there has been no tax levied at all, so the question of the Provisional Collection of Taxes Act did not apply. There is no question of my making use of the period over four months, so it does not arise. In fact, the only occasion that it has ever arisen since I have been in this Parliament was in 1982 when the Transport Levy was first introduced, I think it was September of 1981. By an oversight, the legislation was brought in just over the four month period. You can check that. I recall that when I challenged it on the floor of the House, when the days were calculated it already had been exceeded, but the legislation was passed and we could not force them to refund the people their money. That was the one slip-up that I know about.

In terms of the measures that I have brought, which have actually reduced taxation, it is interesting to note, as I understand it, that this has created legal problems in a way. I am advised that there are two ways of doing this matter, either by an amendment to the Interpretation Act or by bringing specific Bills in certain instances. The point I am trying to make is that, to tidy up certain practices, it may be necessary to bring certain legislation even where taxes are reduced, if you want to tighten the control of Parliament.

Another significant point made by the honourable Member for St. Peter was on the question of the very wide discretions in terms of exemptions from and reductions of taxation in relation to the powers which reside in the Minister of Finance. For many years in Opposition I questioned legislation which gave the Minister of Finance the kind of authority which a whole generation of legislation gave to the Minister of Finance, particularly during the last ten years. I was advised that this was a modern concept of drafting. I was told that this was a new generation, but those powers reside only in the Minister of Finance.

I have certainly recognised the dangers involved in some areas — I am looking at it very carefully — and what I have tried to do is not to exercise that authority in relation to individuals, but to try to exercise it at all times in relation to principles and make sure that a body of precedents grounded in principles are developed in such a way that there can be no doubt whatsoever as to what can qualify for an exemption or waiver and what cannot. These are the general principles along which I am running the Ministry of Finance in these areas, and that is the position and certainly within the law. But I do take the point, and those powers are very extensive. Make no mistake about it — the powers of the Minister of Finance in relation to tax exemptions, tax relief and tax waivers are very substantial in Barbados. 3.50 p.m.

On the other hand, if the Minister of Finance is to function, and if he is to be able to influence economic development through fiscal policy, I think that there is some justification for having some of those powers within the authority of the Minister of Finance. Generally speaking, these exemptions are used, for example, in relation to export-oriented enterprises, or in response to requests from Ministries, or in response to the demands of particular sectors of the community which require some fiscal stimulus over and above what exists in the specific legislation. For example, if you take the tourist industry, you might find that the Hotel Aids Act might cover certain aspects of tax exemptions, but there are other areas where tax relief may be desirable, and those could be supplemented through tax exemptions through the Ministry of Finance. The justification for it, of course, can be that it gives some flexibility in terms of when you start and stop these benefits as you monitor the revenue situation in the country.

So there is a case that can be made out in one direction and a case that can be made out in the opposite direction. My view is that the country has to make sure that, at all times, it has a Minister of Finance who is responsible. Once that is so, then I think you will find that there is no room for abuse.

The final point is the point on consultation at several levels. I believe that the Ministry of Finance should be working towards the kind of situation that exists in the United Kingdom where a Finance Bill is brought before this Parliament and that forms the subject of the debate. I am hoping that, as time goes on, we will try to bring as much legislation down as possible at the same time as the Budget, so that as the Budget debate takes place, then, of course, the measures can be put in place.

The Opposition will support this now, but I know that if that is done at a Budget, they would prefer to have a second bite at the cherry down the road. You cannot have your cake and eat it, too. All I can say is this that we have had at least one occasion when I think one or two measures were brought down at the time of the Budget, not the total package, that did not involve any major legislation. There is some precedent for that. Being Shadow Minister of Finance for such a long time in Opposition I would recall a lot of these details you may not recall, but there were one or two occasions when one or two things were brought down.

The question of consultation prior to a Budget is something that we are going to have to work towards. The question of the involvement of legal officers in drafting legislation prior to a Budget is something that we are going to work towards. I cannot commit myself on that now. All I can say is that my general feeling is that people at a given level in any organisation, public or

private, understand what their requirements are in terms of confidentiality and secrecy, and I have no hang-ups over that particular matter. So one would hope that, in due course, these things can be put in place.

I believe that the Honourable Leader of the House has always been very keen on the concept of a Finance Bill once we can get things put together. Generally speaking, I think that it would avoid a lot of the problems that we are talking about, because we are all, as I can see, agreed on the concept of the supremacy of Parliament, we are all concerned about the length of time between when a tax is imposed and when Parliament gives expression of its will. The variation of time in terms of months purely relates to our perception of the administrative capability, but the fundamental point, really, is to get the measure before the House and to get the legislation passed as quickly as possible.

I hope that I have responded to all the fundamental issues raised. I really would not wish to get into those areas which were just sidetracking.

Thank you very much.

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

On the motion of Hon. L. E. SANDIFORD, seconded by Hon. B. M. TAITT, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. C. A. NEBLETT in the Chair.

COMMITTEE Mr. CHAIRMAN:

This House is now in Committee.

Clauses 1 - 4 inclusive were catted and passed.
4.00 p.m.

On the motion of Hon. L. E. SANDIFORD seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported to His Honour the Speaker the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. L. E. SANDIFORD, seconded by Hon. B. M. TAITT, the Bill was read a third time and passed.

QUESTION TIME

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to move that Question Time be now taken.

Mr. SPEAKER: It is now Question Time.

Parliamentary Question No. 8 stands in the name of the honourable Member for St. Thomas.

QUESTION RE SCHOOL WARDEN SERVICE IN ST. THOMAS

Mr. D. A. C. SIMMONS: Mr. Speaker, the question reads as follows:

To ask the Minister of Education and Culture: Is the Minister aware that there is no school warden service at the following schools in St. Thomas, namely, Welches Mixed, St. Thomas Mixed, Holy Innocents Composite and Southborough but that the previous Government had decided to provide wardens at the said school? If the answer is in the affirmative, will the Minister state: (i) whether the present Government intends to provide school wardens at the said schools; (ii) when the service will commence.

Hon. L. E. SANDIFORD: Mr. Speaker, the reply to Parliamentary Question No. 8, asked by the honourable Member for St. Thomas, is as follows:

- "1. The Minister is aware that there is no School Warden Service at the schools mentioned.
2. The Minister has been informed that the previous Government had decided to provide wardens at some of the Schools mentioned.
3. The Government has under consideration a scheme to provide traffic wardens to assist school children in crossing the streets in the vicinity of schools where this is necessary. Consideration will be given to the inclusion of the said schools.
4. This scheme has been introduced on a limited basis, starting with schools located in areas where heavy traffic poses a danger to children crossing the road to get to and from school."

I should indicate, Sir, that I am answering this question on behalf of the Minister of Transport and Works.

Mr. SPEAKER: Parliamentary Question No. 43 stands in the name of the honourable Member for St. Andrew.

QUESTION RE ROAD AT WHITE HILL, ST. ANDREW

Mr. C. A. NEBLETT: Mr. Speaker, the question reads as follows:

To ask the Minister of Transport, Works and Telecommunications: 1. Is the Minister aware of the rapid deterioration of the road surface at White Hill, Saint Andrew and will the Minister state what plans Government has for remedial action?

Hon. W. O. FRANKLIN: Mr. Speaker, the reply to Parliamentary Question No. 43 reads as follows:

"I am aware that the road was extensively damaged by the flood waters in October and November 1986. Repairs are expected to commence shortly."

I should indicate that I am answering on behalf of the Honourable Minister of Transport and Works.

Mr. SPEAKER: Parliamentary Question No. 47 stands in the name of the honourable Member for St. James North.

QUESTION RE DRAINAGE AT HOLETOWN, St. JAMES

Mr. J. J. PAYNE: Mr. Speaker the question reads as follows:

To ask the Minister of Transport, Works and Telecommunications: 1. Is the Minister aware that lack of proper drainage facilities in the Holetown and Sunset Crest area of Saint James is causing a serious problem of flooding resulting in loss and/or much inconvenience to the residents, the public and property owner in the area including the Police Station and Magistrates Court? 2. Will the Minister state Government's plans for immediately remedying the problem in this area?

Hon. W. O. FRANKLIN: Mr. Speaker, the reply to Parliamentary Question No. 47, asked by the honourable Member for St. James North, is as follows:

1. "Yes".
2. "The existing drainage channels will be kept clear from blockage while 'sand bars' which have caused flooding in the past will be removed on a regular basis."

Once again, I indicate that I am answering on behalf of the Minister of Transport, Works and Telecommunications.

Mr. J. J. PAYNE: As a supplementary: Is the Minister satisfied that the present drainage is satisfactory?

Hon. W. O. FRANKLIN: Mr. Speaker, a study was done on it by the firm of Wallace Evans & Partners in which he included a number of

recommendations. All have not been carried out to date, but they will continue to be looked at from time to time.

Mr. SPEAKER: Parliamentary Question No. 53 stands in the name of the honourable Member for St. Thomas.

QUESTION RE COMPENSATION TO WORKERS AT NATIONAL CONSERVATION COMMISSION

Mr. D. A. C. SIMMONS: Mr. Speaker, the question reads as follows:

To ask the Minister of Housing and Lands: Will the Minister please state the total amount of compensation or termination benefits paid to all persons whose services with the National Conservation Commission have been terminated since May 28, 1986?

Hon. H. A. BLACKMAN: Mr. Speaker, the reply to Parliamentary Question No. 53 is as follows:

"A total of \$120894.93 has been paid by the National Conservation Commission to persons whose services with the Commission have been terminated since May 28, 1986."

Mr. D. A. C. SIMMONS Will the Minister tell me how many persons have been terminated?

Hon. H. A. BLACKMAN: Mr. Speaker, 13 persons have been terminated. One of the persons did not qualify for severance or termination benefits.

Mr. D. A. C. SIMMONS: Will the Minister explain the variation between the figure 13 and the figure 320 given by him soon after the election in May, 1986!

Hon. H. A. BLACKMAN: Mr. Speaker, the question asked related to termination and severance benefits paid. The 321 persons did not qualify for any termination or severance pay.

Mr. D. A. C. SIMMONS: Mr. Speaker, the question never said "severance," the question said "compensation."

Mr. SPEAKER: That brings us to the end of Replies to Parliamentary Questions.

PRIVATE MEMBERS' BUSINESS

Hon. L. E. SANDIFORD: Mr. Speaker, I beg to move that Private Members' Business be now taken.

Mr. SPEAKER: Private Members' Business is the Order of the day.

RESOLUTION URGING THE ERECTION OF A STATUE
TO THE MEMORY OF THE LATE DR. CHARLES
DUNCAN O'NEAL

Order No. 2 was called - To move that further consideration of the Resolution urging the erection of a statue to the memory of the late Doctor Charles Duncan O'Neal be resumed.

Mr. C. L. TROTMAN (St. Michael Central): Mr. Speaker, it is still true today that the words of the anonymous poet will apply where he says "it is better to light a candle than to sit in darkness". I think that this House should be at least grateful to the honourable Member for Christ Church East Central (Mr. R. L. Morris) for lighting the candle in so far as this particular subject is concerned, and for the erudite presentation he made regarding the respect and the memorials we need to have towards persons who have made the kinds of contributions that Charles Duncan O'Neal has made. Indeed, O'Neal may be said to be such a person who did light a candle. Where he might have, in fact, considered that it was better in his interest and that of his peers to sit in the darkness of exploitation, bigotry and indolence, he was prepared instead to light a candle, a candle which the workers of Barbados and the labour movement of this country are proud to be able to hold up aloft now, now that it has become a burning flame. 4.10 p.m.

As you know, Sir, in the times in which Duncan O'Neal lived and worked, especially in the 1920s, it was not fashionable for persons to befriend the labour movement, or, in fact, to be cited as being friends of the working class. Sometimes we might be tempted to get the impression that that was a 1920s phenomenon and is not something which related to other times in our own country. I wish, however, Sir, to assure you that, as late as the 1970s and the 1980s, those of us who have been involved in the working class movement at the leadership level have found that Barbados is still a place where it is not fashionable to befriend the working people. In that respect, there are great similarities between the days and times of Charles Duncan O'Neal and our own times, and even though it is true to say that in the 1960s there were some persons who, for a short time, befriended the labour movement, it may be said that they did it for narrow selfish ends and that there was not a lasting perpetual interest in the movement of the nature that Charles Duncan O'Neal had.

We have heard talk, Sir, of the need there is for us to have perhaps a heroes' park, as there is in Jamaica, and we have heard that there was some discussion by a previous Administration to have a bust to one of our former national leaders, although in another place I had to remark that the bust that was contemplated and eventually brought forward was a "minibus," and like most minibuses it ran into problems.

Charles Duncan O'Neal was one of those persons whose life and testimony still make the words of Henry Wadsworth Longfellow applicable to our time, where he says:

"The lives of great men all remind us that we can make our own lives sublime,

And departing leave behind us foot prints in the sands of time."

Duncan O'Neal applied his life to three specific areas of interest which the labour movement considers to be of extraordinary importance. He addressed the political needs of the people of his time, the social needs and, needless to say, the industrial needs. In regard to the political needs, he said, "Insofar as politics is concerned, I am a democrat". In trade matters, I am a trade unionist: in economics, a socialist."

In his democratic socialism, he fought for a number of things which have been highlighted by the Member for, Christ Church East Central, some of which I will make reference to during this discourse. In so far as his social application is concerned he paid great attention to the co-operative society and to the growth of the credit unions. I make bold to say, Sir, that the tremendous strides which the credit union movement has made in recent times, strides against sometimes extraordinary odds, might not have been made had not this early beginning been made by Charles Duncan O'Neal in the 1920s and the 1930s. Where his industrial efforts were concerned, I think it is true to say, Mr. Speaker, that what he did in lighting his candle was to bring a consciousness to the people of Barbados and a cohesiveness, without which there may not have been the kind of organization in the 1930s which allowed for the beginning of the trade union movement, as we understood it, in the late 1930s, culminating in the registration of the Barbados Workers' Union on October 4, 1941.

I think, Sir, it is important for us to review the significance of those three arms of the poor people's advancement in our country, and indeed in any country. I believe it is important that we recognize that there was only one way, and, in fact, there is still only one way for the advancement of the working man in any society. The working class man is still today in a position where he needs to use the collective strength that he has with his fellow man if he intends to make any achievements for himself and for his family. He is not going to be able to use the isolated elitism that the professionals may be able to use, and, therefore, he has to concentrate on using the collective savings that he may have from his co-operative society or his credit union, especially when even today, in 1987, the poor man will still find that the commercial bank sometimes is unwilling or unable to lend him money for the simple basic needs that he may have. Conse-

quently, the salvation of the working man is still today recognized as being the credit union, and those of us who belong to that movement would have to recognize Charles Duncan O'Neal as the person who lit the candle which the credit union is today holding aloft for the advancement of poor working people — I almost said, Mr. Speaker, like yourself and me.

Then, of course, there is the trade union movement — and when we use the term 'trade union movement in this context of Barbados, we can only mean the Barbados Workers' Union, because I think it is only fair to say that others are only practising. When we say the trade union movement, we are recognizing that Charles Duncan O'Neal.....

Aside.

Mr. C. L. TROTMAN:.....they are only practising, they are only loud mouths —.....was starting a movement which the workers in Barbados would have needed, and still need today, for the advancement that they have made. There can be no question, Sir, that were it not for the Labour movement and the maturity which, starting with Charles Duncan O'Neal, the leadership of the trade union movement was able to bring to industrial and economic affairs in Barbados, we would not have been able to make the economic strides we have made without the trauma, bitterness and the upheavals that several other countries have had to be subjected to to attain comparable levels. I think it is remarkable that we were able to do that, and I think that to a very great extent, Mr. Speaker, it is because the beginnings were in reasonable persons who were prepared to fight hard, and were prepared to use the tools of justice and fair play in the fights that they have had. 4.20 p.m.

I may not say too much about politics, Sir, because I am not too well versed in that subject, and I believe that other persons have spoken most strongly on that matter than I can ever hope to speak. I think, however, Sir, that it is true to recognize that the combination of the social, industrial, and the political organization has always been to the advantage of the working man. When in the early days of the BLP regime there was a relationship with the labour movement, one was able to recognize legislation like the Holidays With Pay Act of 1951, which, in my estimation, resulted from the fact that the political arm in the country was able to respond to the industrial arm and recognize that the workers, through their industrial leaders, were prepared to have advancement of their living standards and they were prepared to go ahead and improve on those living standards. Then there was the period of what I choose to call 'the social revolution', from 1961 — 1976, when year after year social legislation was brought into being, on the instance of the labour movement by the political machinery, for the advance-

ment of the working people in Barbados, that is just tribute to the fact that the political arm was prepared at the time to be guided by the wishes of the masses through the industrial arm. Therefore, we were able to see in 1967 the National Insurance Act, we were able to see the severance payments legislation of 1971 and in the same year the Protection of Women and Children Act, which allowed women who were going on maternity leave not to have to resign their jobs as they had to do before. Unfortunately, we suffered a period of setback in the period of 1976 — 1986 when there was a concerted effort to destroy the labour movement by the political machinery that existed at the time. One has only to remember the Emergency Powers Bill and to remember that on the floor of this Honourable Chamber one back-bencher was heard to say that the Emergency Powers Bill was being enacted to put a muzzle on the trade union movement and on the Leader of the Opposition of the day. And directly after having made that comment, the honourable gentleman was promoted to become a Minister. Trust me to remember that, Sir.

Laughter.

Mr. C. L. TROTMAN: I think that, in such circumstances, one must look forward to this new Session of Parliament for continuation of the relationship between the industrial arm, the social arm and the political arm. I would wish at this time to have this Chamber recognize that there is the need for the very speedy introduction of those bits of social legislation that have been promised by the Manifesto of the Democratic Labour Party. I refer especially, Mr. Speaker, to the severance payment amendment that has to come forward, because in the labour movement today, since the previous Administration, for whatever reason, extended the number of weeks that a person had to be laid off from four weeks to 13 weeks before that person could claim severance payment, we have been finding a number of cases where persons who might otherwise have come into significant benefits from making a claim for their severance are now having their severance distorted in several different manners. Furthermore, we find that there are considerable hardships that they are suffering, notwithstanding the fact that they are supposed to be having extended unemployment benefits. Therefore, I wish to urge this Honourable Chamber that posthaste, with alacrity, with dispatch, it should move towards the passage of severance payments amending legislation for the advancement of the working people of this country.

Within the same context, Mr. Speaker, I would like to suggest that when that legislation comes before this Chamber, it recognizes one significant omission and that in that legislation there is a right-to-work clause within it. I think that in the same way as we have the right of dissent, the right of worship and the right of a number of things, the working class people of this country should have a right

to work, and that when the legislation comes forward, it should recognize that there has been that omission, I imagine from the Constitution but certainly from the severance payments legislation. That has to be corrected in order for us to reach the stage where employers can no longer at their whim and fancy, and at every caprice they may have, dismiss a worker and just give him a couple of thousand dollars in token payment for the years that he has served, without recognition of the fact that the years that the worker has served are not alone sufficient for consideration, but that the years that he would have served in that chosen profession are also important, and that when we cut off a person in the flower of his day from a job, we might be preventing a person from pursuing a career in the chosen field that he may have had. It is absolutely necessary that we recognize that, and that legislation very shortly address that important subject.

It is my opinion, Mr. Speaker, that Charles Duncan O'Neal was the kind of person who would have addressed himself to issues of that sort. Indeed, one of his first actions was to lead a delegation to protest against child labour. In that regard, it is clear that he was very far ahead of his times, because even today, in neighbouring countries to Barbados child labour is still the order of the day, and it was not so long ago, indeed just under 20 years ago, that in Barbados we had to pass legislation against this very same thing, which is to say that although Charles Duncan O'Neal was addressing the subject 50 years ago, 20 years ago it was still very much with us and we still had to be fighting against it. It is a measure of the foresight and the vision of the man that he was able to be dealing with the subject so very many years before it was eventually put to rest.

He dealt as well, Mr. Speaker, with matters like compulsory education, a matter which finally had to be dealt with in the 1960s and 1970s. He dealt with workman's compensation, old age pensions, and free medical services. My colleague from Christ Church East Central made reference to the fact that in such times we did have to refer to the fact that we were looking at the matter of rotten boroughs in the system of our Government. But whether we had rotten boroughs, or have these nasty boroughs that one can get from time to time, it is still significant for us to recognize that, particularly in a matter like workman's compensation, we still had to wait until the complexion of Parliament had significantly changed before we were able to get on the Statute Books the first Workman's Compensation Act of 1943. One of the things that stands out about this, and I have again to thank the honourable Member for Christ Church East Central, is that when that legislation was brought before Parliament in 1943, there were persons in the Honourable Chamber who were opposed to the legislation on the grounds that if such legislation was passed the working class people of Barbados would go out into the fields and take a fork or a hoe and chop off one of their toes in order to get compensation. I do not think, Mr. Speaker, that that mentality has

completely disappeared from within our midst as a country, but I think that it is a tribute to our times for us to be able to say that, to a very great extent, we are no longer faced with that kind of mentality and the persons of "****" that ilk are not as many as there used to be before. 4.30 p. m.

It is the Barbados Workers Union, Mr. Speaker, that fought, after Charles Duncan O'Neal, for that compensation, thereby indicating that it was building on the movement that had been started by Charles Duncan O'Neal, in the same way that it was the Barbados Workers Union and the labour movement that fought for the introduction of national insurance legislation, that fought for the protection of women's and children's legislation, that fought for holidays with pay legislation, that fought for severance payments legislation and that will fight for an amendment to the severance payments (amendment) legislation for the very near future.

I am concerned, Mr. Speaker, and indeed I believe

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that some of my colleagues are concerned, that even now, after many years of the efforts of Charles Duncan O'Neal, the public at large is prepared to accept politics and the politician, the public is prepared to accept savings societies, credit unions and co-operatives, but trade unions and industrial organisations are still not accepted. As a matter of fact, there are still well placed persons in Barbados who will do whatever lies within their power to reduce the influence and the importance, the relevance and the contributions which the trade union might be able to make to this society and sometimes one gets the impression that it is because the trade union movement is able to mobilise the working masses of people for the advancement of the causes that the working class people might have. But such mobilisation, Mr. Speaker, is very important and very significant in any society, and therefore any society like the one in which we live should be satisfied with and be pleased y that there is such a movement for the mobilisation of the masses, since that can only lead to the overall advancement of those persons whom we claim to represent.

The labour movement of this country, indeed the Barbados Workers Union, is very grateful for the life and times of Charles Duncan O'Neal. The working people of this country are indebted to him for the contribution he made in starting something that was built on by the trade union movement and from which we have been able to make the strides that we have made. I, Mr. Speaker, am very proud to be able to identify myself with the Resolution of the Member for Christ Church East Central where he makes reference to Charles Duncan O'Neal and the memory that we should have to his honour.

Charles Duncan O'Neal may not have been Martin ^ Luther King, Sir, but I imagine that he, too, went to his mountain top. He may not have been able to see the future and see the way we are living today as a result of his efforts,

but perhaps had he had the poetic means that Martin Luther King had, he too, might have been able to say, "mine eyes have seen the glory of the coming of the Lord." He, too, may have had a dream that we have all benefited from and I hope, Mr. Speaker, that in that dream that he may have had that we might be free at last, that we might be able, in recognising the freedom that we have achieved, to build to his memory some lasting monument that posterity might be able to recognise that even we in Barbados have the means to recognise the sons of our soil who have made contributions of significance, of very great significance, to the benefit and to the advancement of our people.

Hon. L. E. SANDIFORD: Sir, that brings us to the end of Private Members' Business.

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

Hon. B. M. TAITT: I beg to second that.

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

ADJOURNMENT

Hon. L. E. SANDIFORD: Sir, that brings us to the end of business for today's sitting.

I beg to move that this House do now adjourri until Tuesday, March 10, 1987, at 12 o'clock noon.

Hon. B. M. TAITT: I beg to second that.

The question that the House do now stand adjourned until Tuesday, March 10, 1987 was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly. 4.35 p.m.

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