

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1986 - 91

HOUSE OF ASSEMBLY

Tuesday, 12th June, 1990.

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

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
His Honour J. J. PAYNE, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A.(Econ.), J.P.,
(Prime Minister and Minister of Finance and Economic Affairs)
Hon. H. deB. FORDE, Q.C., M.A., LL.B.
Hon. B. M. TAITT, B.A.(Hons.), M.P.A., LL.B.(Hons.), (Minister of Health)
Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of International Transport, Telecommunications and Immigration and Leader of the House)
Hon. E. E. GREAVES, B.A., Ed.M., (Minister of Trade, Industry and Commerce)
Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P.(Edin.), (Leader of the Opposition)
Hon. Dr. D. G. BLACKMAN, B.A., M.A., (Minister of Transport and Works)
Hon. M. A. KING, Q.C., LL.B., (Attorney General, Minister of Legal Affairs and Minister of Foreign Affairs)
Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Agriculture, Food and Fisheries)
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 Education and Culture)
Hon. C. V. WALKER, (Minister of Education and Culture)

Mr. L. L. BRATHWAITE, J.P., (Chairman of Committees)

Mr. E. BOURNE

Dr. E. A. SIMMONS, M.D.

Hon. W. W. HALL, G.C.M., H.B.M., (Minister of Tourism and Sport)

Mr. C. A. NEBLETT, B.A., (Parliamentary Secretary, Prime Minister's Office)

Mr. C. LeR. TROTMAN, M.A.

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

Mr. P. J. M. MILLER

Mr. R. P. BYER, LL.B.

Mr. D. J. H. THOMPSON, LL.B.

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that the Minutes of the proceedings of this House of the meeting held on the 29th May, 1990, be taken as read and be confirmed.

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

MESSAGES Mr.

SPEAKER: Message No. 4/1990.

"Her Excellency the Governor-General to the Honourable the House of Assembly.

Her Excellency the Governor-General has the honour to inform the Honourable the House of Assembly that she will be absent from the country during the period 14th - 19th June, 1990, on a visit to Canada and the United States of America.

Her Excellency further has the honour to inform the Honourable the House of Assembly that under the provisions of section 30 of the Constitution the Governor General, acting on the advice of the Prime Minister has designated the Honourable Sir Denys Ambrose Williams, GCM to be Governor-General's Deputy during the period of her absence."

PAPERS LAID

RL Hon. L. E. SANDIFORD: Mr. Speaker, I am commanded to lay the following:

The Duties, Taxes and Other Payments (Exemption) Order, 1990.

The Guarantees granted under the Exempt Insurance Act, Cap. 308A, Section 32 to the following:-

1. Essex Loyalty Assurance Ltd.
2. Meridian Insurance Co. Ltd.
3. Lancet Indemnity Ltd.
4. CIBC Insurance (B'dos) Ltd.
5. Durarock Underwriters Ltd.
6. Cologne Reinsurance (B'dos) Ltd.
7. Novalta Insurance Ltd.
8. Professional Casualty Insurance INC.
9. Scotia Insurance (B 'dos) Ltd.
10. Selkirk Insurance Ltd.
11. U.S. Reinsurance Corporation Ltd.

GOVERNMENT NOTICES

Hon. P. M. GREAVES: Mr. Speaker, I beg to give notice of the following Bills:

A Bill to amend the Drug Service Act.

A Bill to amend the Supreme Court of Judicature Act.

A Bill to amend the Constitution of Barbados.

A Bill respecting the registration, supervision and management of certain societies, the members of which have a common bond of philosophy and social and economic objectives and for related purposes.

(Shortly, Sir, that is the Co-operatives Bill being called by that high known name.)

A Bill to amend the Students' Revolving Loan Fund Act

FIRST READING OF BILLS

On motion of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, a Bill to amend the Drug Service Act, was read a first time.

On motion of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, a Bill to amend the Supreme Court of Judicature Act, was read a first time.

On motion of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, a BUI to amend the Constitution of Barbados, was read a first time.

On motion of Hon. E. E. GREAVES, seconded by Hon. P. M. GREAVES, a Bill respecting the registration, supervision and management of certain societies the members of which have a common bond of philosophy and social and economic objectives and for related purposes, was read a first time.

On motion of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, a Bill to amend the Students' Revolving Fund Act, was read a first time.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant Order of the Day.

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: 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 this sitting.

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

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

COMPULSORY ACQUISITION OF LAND AT ST. JOHN

Order No. 3 was called - to move the passing of a Resolution to approve the compulsory acquisition by the Crown of land at the Glebe in the parish of Saint John for the construction of a poly clinic.

Hon. H. A. BLACKMAN: Mr. Speaker, this Resolution seeks the approval of Parliament to compulsorily acquire a portion of land at the Glebe, St. John, about 4 460 square metres, and it is to construct the new polyclinic.

The present polyclinic in St. John, in fact the outpatients' clinic, is inadequate to deliver the improved health services that are being offered in that area, and therefore we had to look around for land to construct a new, larger and hopefully better polyclinic in that area. This Resolution seeks approval of Parliament to acquire this land at the Glebe, St. John, for that purpose.

With those remarks, Sir, I beg to move that this Resolution do now pass.

Mr. D. J. H. THOMPSON: Mr. Speaker, I beg to second the motion, and I am very happy to have this opportunity to see the steps in motion to have this particular project on stream with the greatest of despatch. The present clinic, Sir, as the Minister has indicated, has become somewhat inadequate. There are some physical aspects of it that pose problems, particularly the problem of flooding, the condition of the roof and so on, and after examining the present structure, the Government decided as part of its plans for the development of the constituency of St. John to construct a new polyclinic on a new location. 12.25 p.m.

The model of this polyclinic is already available at the Projects Office, I think, in the Ministry of Health and I have looked at it myself. It is a very attractive building and it covers all of the areas that a polyclinic should deal with.

In addition to that it has facilities for health education, I believe, a small meeting hall for that kind of purpose and is constructed around a kind of a water mill structure. It is aesthetically attractive and I think that it will complement the landscape in that area of St. John considerably and will not clash with the rural setting.

We propose, at some point in the very near future, to make this model available at the refurbished Gall Hill Community Centre which has recently been completed so that not only can the residents of St. John see what has taken place at the community centre by way of significant development, but they will also be able to see the proposals for the construction of the polyclinic and make comments and whatever criticism or praise they wish to lavish on the Government for sticking to its promises under the St. John Development Plan.

The old building, Sir, is of concern to me because I hope that when the Ministry of Health does vacate that building it will not fall into disrepair as so many Government buildings have from time to time.

It is a crying shame that under the previous Government the Newcastle Home had deteriorated so badly and now stands almost derelict. It is a very attractive property and I understand that there have been many offers to purchase it. I do not know what proposals Government has for it but regarding the old polyclinic there are several uses to which it can be put. As soon as the first excavation takes place at the Glebe in St. John, I shall be writing to the relevant Minister to make certain suggestions to him as to how the existing building can be utilised immediately including, for example the use of it as storage facilities for the sportsmen who use the hard courts and the pavilion and the playing field.

All told, Sir, this forms part of the entire development of St. John and it is of particular importance because it conforms with the aims of the Development Plan for some development in the area of Gall Hill and radiating outwards from that area. I am very pleased that we have made this kind of progress on the project

There is just one small concern that I have which I feel I should raise now and, perhaps, the Minister of Housing can assist me. On the very lot in question, one of my constituents who was renting it as an agricultural lot from the church had commenced the construction of a house. She had put in the foundations for the house and I have written to the Ministry of Legal Affairs on this matter. Apparently, she believes that she was entitled to do so because she thought she was a tenant under the Tenancies Freehold Purchase Act which, indeed, is not so. She would be a tenant under, probably, the Agricultural Holdings Act or one of the other pieces of legislation that covers that sort of thing, but she had commenced construction which she was really not permitted to do and had expended a couple of thousand dollars putting in this foundation. I would hope that Government would be able to offer some form of compensation to her for that even though the law may not provide such compensation.

I think that on the basis of compassion, since she was unaware that this piece of land was going to be acquired and since the owner is not disposed to making a claim on her behalf, I am hoping that the Government will, perhaps, assist by offering some form of compensation to her in this matter.

I should also indicate to some extent I have an interest because I have acted for her in the matter so far but it is also a matter of public policy that I think should be raised at this time.

I have the greatest pleasure, Sir, in supporting this Resolution which I know will meet with unanimous approval of the House, particularly of those persons who with me articulated the proposals for the Development Plan in St. John so eloquently in 1987.

Thank you, Sir.

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

Mr. SPEAKER: Order No. 2. EDUCATION

(AMENDMENT) BILL, 1990

Hon. C. V. WALKER: Mr. Speaker, we are here today to make some changes and to amend the Education Act as we now know it, with the background and the knowledge that we operate in this society where we know that all

individuals in this country are, indeed, experts on education.

Indeed, the history of education in Barbados is well known. Those who can think back to the involvement of the Anglican Church, the Moravian Church and indeed the Methodist Church know of the history of education in Barbados.

Then there are those who would think back to the days of Greenhalgh and the days of the Hayden experiment, the days of age grouping and the days of the 21 year olds leaving Harrison College and Combermere and having to go and find private schools.

We also can think back to the days of the various testing that was done when we had basically the three facets of the testing within the school system the AA, or the Attainment Age, the CA, the Chronological Age and, of course, the last one, the MA which was the Mental Age.

Following all of that, Sir, there evolved an improvement in the educational system and then we had the changes in the 1950's. We had the Education Act of 1975 following upon the introduction of free secondary education in Barbados.

We now know, before I go into the details of the changes, that we still experience to this day a problem with the number of secondary school places. To resolve this has always been the objective of successive Governments and realising that this had to be objective No. 1 in order that other items which are considered to be part and parcel of the progressive approach to education could be dealt with we find ourselves here in June 1990 to be near there, Sir. We are not yet there.

We hope that, with the completion of construction of the Queen's College School, the Wotton School and the St. Thomas School, we would be right at a point where we can provide the necessary school places for children which, as we know, especially at this time of the year, is an important talking point of many individuals, the whole question of the transfer from primary school to secondary school and as I said earlier, Sir, the main thrust has to be the provision of places for the children if we are to educate them properly. 12.35 p.m.

Sir, until we have the places we cannot execute that proper transfer. We can look at it and we indeed have been looking at it, along with the changes to the Education Act. But we must have the places so that we can execute the proper transfer to secondary school.

We also have, Mr. Speaker, to have the places so that we can properly execute a testing and measurement system that we are contemplating putting in place at that time.

The completion of the three schools mentioned, Mr. Speaker, would give us twenty-three secondary schools, and with an annual average of 4 200 children, and declining, Sir, taking what is commonly called the Common Entrance Examination in any given year, if one were to multiply 4 200 by 5 over a period of 5 years, estimating or guestimating from first to fifth form, you would find that that would give us 21 000 required places. •

Sir, over, and above that then, we have to have consideration for those who would be in the sixth forms at the schools where there is a sixth form. So, therefore, Sir, we see that when we have the 23 schools, we should then have an adequate number of places. As I said earlier, we have experienced over the last four to five years that the numbers are declining, so we can safely do an estimate of an approximation of 4 000 per year.

Now, Sir, for the objectives set out in the changes, the amendments to the Act. We have attempted to address a few items which were considered to be creating some problems number one, creating some anomalies number two, and to give teachers, parents and citizens, a clear understanding as to what is expected within the society.

We have tried, first and foremost, Mr. Speaker, to keep the promise of the Democratic Labour Party by addressing the whole question of the Education Act. We have attempted, Mr. Speaker, to pass more authority to the headteachers as we have had complaints about problems with Boards of Management, and to clarify some of the grey areas, if you would, Sir, in the authority of headteachers and staff.

We have also, Mr. Speaker, tried to clarify the ambiguities in the whole areas of the management of the school and the buildings. We have attempted to give greater authority to the School Attendance Officers. We have also attempted to increase the penalty for assault on teachers, School Attendance Officers and indeed, on pupils.

We have also attempted, Mr. Speaker, to remove the problems in the area pertaining to the award of scholarships and we have had dialogue in here previously, Sir, about certain requirements for scholarships and whether or not certain individuals might have qualified. I will be specific as we get to each of the areas.

While we were doing this, Mr. Speaker, we have also included in the Education Act, a legal provision for the Award of Associate Degrees by the Barbados Community College which has its own Act but still however falls under the whole concept of education within the country.

We have also made provision, Mr. Speaker, for the gifted students and I will have a little more to say about that. We have given more authority again, Mr. Speaker, to the heads of the secondary schools to control the buildings

and to make decisions in times of emergency, rather than having the normal delays and comments, but referring to the Minister.

We have also taken the opportunity, Mr. Speaker, to expand the area of discipline which, when we would have completed this Act which would give us the authority to create Regulations, to write some more stringent Regulations which would have, hopefully, an impact on the discipline within the schools. That extends to the whole area of corporal punishment as well.

Lastly, Sir, we have recognized that, based upon the 1975 Education Act, that there was provision for a Teaching Service Commission. Indeed, it is in the Constitution just written in italics because it was not proclaimed. We would hope that we would be able to proclaim the Teaching Service Commission provisions thereby eliminating the complaints that one hears from time to time that the workload of the Ministry of Education tends to impede the workload of other areas because of the numbers involved, and also to remove the general comment about the numbers of people who act from time to time while they are awaiting their appointments.

Mr. Speaker, as I said, there was an Act of 1975 placed on the Statute Book by the Democratic Labour Party. The 1981 Act which came into being in 1983 was placed on the books and had to be amended in 1984. The then amendments we know related to specific problem areas. If Members would refer to those areas, we find that Part I, Section 4 had to be amended at that time because of problems in that area, Section 4 relating to the functions of the Minister. We know some of the problems we experienced in that area during those years.

There subsequently had to be an Amendment in Part 3, Section 20 which dealt with the whole question of accounts and reports of the particular school board.

There also had to be in 1984 a change to Part 4, 24 and 25 which had to do with the preservation of certain endowments and the transfer of rights and liabilities of Governing Bodies.

The other one which was addressed was in Section 65 which had to do with the appointment of certain teachers. 12.45 p.m.

Mr. Speaker, as I stated earlier, on Page 16 of the 1986 Manifesto of the Democratic Labour Party, the present Government pledged to bring a fresh and enlightened approach to the administration of Education. Steps have been taken to amend the Education Act in order to remove certain anomalies and difficulties which exist in the particular areas of interpretation, to provide for

uniformity of treatment and parity of functions, and the whole rationalisation of the management structure of secondary institutions and tertiary institutions.

A number of organisations over the last three years, Sir, were invited to submit for consideration any proposed amendments which they considered necessary for improving the content of the existing legislation. These organisations were: The Barbados Union of Teachers, Barbados Secondary Teachers Union, Association, of Principals of Public Secondary Schools, Conference of Primary Head Teachers, Boards of Management of Secondary Schools, Erdiston College, Samuel Jackman Prescod Polytechnic, National Council of Parents/Teachers Association, all registered private nursery, primary, tertiary and educational institutions, and the secretary of the approved independent secondary schools. All of these organisations submitted their comments which were subsequently compiled in a systematic manner.

Mr. Speaker, a summary of the main points submitted and discussed is as follows: In Section 2, it was felt that a slight amendment had to be made so that a new paragraph would give a definite statement about the purpose of the Act. It is questionable from a legal point of view whether or not that Act which was amended in 1984 did not read that the Act was amended. But that is a matter for the legal folk.

In Section 3, a paragraph was deleted and a new paragraph added which highlights the fact that one of the functions of the Minister is to frame an educational policy.

In Section 4, it was thought that it should read that we make provision for the examination and testing of pupils and the award of certificates, diplomas and degrees.

In Part II Division 1 when we examined the area of Clause 9, Mr. Speaker, it was felt that the term "adult education" should be changed to "continuing education" as adult education is usually related to the literacy programmes. It was observed that the two terms were synonymous and the relevant section should be amended to read: "Adult education is continuing education and training activities organised on a part-time basis suitable to the requirements of persons over the compulsory school age." Furthermore, we thought it should be stated that the definition "adult education" does not include tertiary education.

Further discussing Clause 9, it was agreed that it would be more accurate to refer to the children under the age of 5 years but not under 3 years as pre-primary students rather than pre-school. Also, it was felt that in the area of special education as it is defined in Clause 9(e) it should read: "Education which was suitable to the requirements of persons who were mute, deaf, or otherwise physically or psychologically disabled or those who were exceptional or gifted."

In the area of the Management of Primary and Composite Schools, it was noted that this division made no provision for the management of special schools. But it was observed that when we reached Clause 59 of the Act that gave the authority and made provision for the making of the regulations governing the management and conduct of public institutions. However, it was discovered that these regulations which were referred to under Section 59 had not been made and it was necessary that some provision be made. It was also noted that while the authority was stated in the Act provision should still be made.

Again under Division II, we felt that Senior Schools should be defined, notwithstanding the anticipated integration of students attending those schools into a secondary school system as places become available. But we had to put it into the current Act because one may argue that it is not in there now and therefore the operation of a Senior School now is illegal.

In Division II, we also realised we had to amend the caption to read: "Management of Primary, Composite and Senior Schools". Therefore, we thought that the Senior School should be defined in the Act as a school established to provide remedial and free vocational education for pupils of secondary school age who may not be capable of following the normal secondary school programme.

Now Mr. Speaker, we come to the area which has probably created most of the controversy over the period - the question of Part II - the Management of Public Secondary Schools. It was noted that due to the lack of clarity in the legislation certain problems existed in some cases between Boards of Management and Head Teachers concerning the management of secondary schools. 12.55 p.m.

Section 17(a) should be amended to indicate clearly that while the Board of Management was responsible for implementing the Minister's policy and for that purpose would give directions of a general nature to the Head, that the Head nevertheless retained control for the day to day running of the school. Therefore it is necessary men that there should be control, but with that control will have to go some authority and responsibility. The day to day running of the school should not be with the Minister.

It was also noted that the Heads of the secondary schools had been pressing for their title to be changed from Head Teacher to Principal. This was supported and it is therefore recommended that wherever it appears in the Act as Head Teacher it should be changed to Principal. The necessary adjustments will have to be made of course in the Civil Establishment Orders.

Under the area of private schools, there was also some ambiguity in section 29(1) which should be clarified by deleting the clause which stated "at which education is

provided for 20 or more pupils at the same time." People were therefore coming in with 19 students and under and attempting to operate a school under the Act. Nineteen and under became a convenient number. It was also agreed that educational institutions should be redefined.

In another paragraph, 32(1), in that section, Mr. Speaker, we thought that it was necessary to make it "mandatory for applicants for the establishment of a new school to check with the Ministry, and indeed the other relevant Ministries, before starting their plans for a new school.

In the area of attendance at schools, in order to improve the system of monitoring the enforcement of compulsory education between the ages of 5 and 16, it was necessary to amend the length of time for which a Head Teacher could excuse a child from school. Also, under section 43(2), we thought that School Attendance Officers should be able to investigate at any time of the day, not at a specific time as now under the Act, the absence of a child from school.

Also, we thought it was necessary that a paragraph should be added with the words "and other relevant particulars" so as to give the flexibility to the School Attendance Officers when they have to make investigations concerning the absence of pupils from school. We know that there are, there have been and there may presently be outstanding some questions on the legality of School Attendance Officers questioning children.

In Part VI, under the area of scholarships, exhibitions and loans for tertiary education, section 47, it was proposed that this section be also amended to reflect the fact that persons were eligible for awards other than scholarships and exhibitions. For example, students were awarded National Development scholarships, grants from the Consolidated Fund, and we also felt that the residence qualification should also be adjusted from 10 to 7 years, which I will specify when I come to the detailed section.

Under Part VII, we noted that, under section 56 of the Act, only the Minister had authority to close a school. It was recognised that, in the absence of the Minister an appropriate officer should have the authority to close a school in an emergency situation, rather than hearing the community complain that no one could get in touch with the Minister and therefore the school could not be closed.

Under section 62 it was also noted that in the cases where parents send a child to school but the child was guilty of truancy, the liability of the parent and of the child would be determined by the court. It was also noted that certain information could not be legally demanded and ^ was therefore necessary to amend the relevant section.

It was also recommended that in section 64 a sub-paragraph should be added relating to the disturbance of schools to cover assault of teachers and children.

Under the Second Schedule we have to make provision for the submission of unconfirmed Minutes of the Boards of Management of Secondary Schools within 14 days in order that the Ministry can be in tune with what is happening at the particular institution, because under the normal scheduling of their meetings it may very well be months before confirmed Minutes are submitted to the Ministry.

As was stated earlier, representation was made for the establishment of the Teaching Service Commission.

Mr. Speaker, if we look at the 22 amendments proposed, and if one were to just look now directly at the proposed amendments, there are a few that must be highlighted. As I said, we start directly with section 2. We have in the Act to define "senior school" to give the legality to the senior school as it is now being run. 1.05p.m.

Under Section 4 (b) we are deleting the words "certificates and diplomas" appearing at the end of the paragraph (h) and substituting the words "certificates, associate degrees, diplomas and degrees".

The other important one is the question of free primary education as opposed to the common term "nursery" which does not really have any legality. Pre-primary education as I stated earlier, relates to the needs of children from three years of age but under the age of five. Therefore primary education would be clearly understood to mean full time education suitable to the requirements of primary pupils between the ages of five and sixteen, and secondary education means a full time education suitable for the requirements of secondary schools.

In the area of special education, this is where as I said we are now addressing the question of the physically or psychologically disabled and also looking at the area of the gifted children.

In the area of tertiary education, Mr. Speaker, I will take this opportunity to clarify a point that while secondary education goes to the age of 16, at those institutions at which there are sixth forms, it may very well be argued that the students who are there over sixteen are at a tertiary level because you also have the mix where students of that age group can and do attend the Community College which is a tertiary institution. Section 17 which is and has been the problem area both in terms of the Act and the Regulations, re-emphasises that the Board of Management is responsible for the implementation of the Minister's policy and for that purpose they may give directions of a general nature to the Principal.

I mentioned the question of the private schools, and I stated that no person may establish a private school or educational institution after the commencement of this section without the prior approval of the Minister, but for the avoidance of any doubt, this does not apply to educational institutions first registered before the commencement of this amendment.

The other area of significance is in the question of school attendance officers where, as I stated, they were limited in their ability to question a student or a parent, and there were no times at which they were charged to question these students, and in (c) under that section 43 they now have the authority to question a child referred to in that paragraph for truancy and what-have-you, his age, his name and address, the school at which he is registered, the reason for his absence from school, and any other matter relevant to the enquiry referred to, because, as I said, there currently are situations where there are legal representations being made that a school attendance officer has no right to question the child because the Act does not give him that authority to ask other than his name.

Mr. Speaker, the other area which brought about some discussion in this Honourable House is under section 47 where we are proposing the deletion of paragraph (c). I will read section 47 paragraph (c). It says:

"Subject to this section, section 59 applies to the award of scholarships and exhibitions under this Act,

and it says -

"children of a person who is domiciled in Barbados and who has been resident in Barbados for a period of not less than ten years."

We have had discussion in here about students in that area, and we are proposing that it should read:

"children of a person who is ordinarily resident in Barbados and has been so resident for a period of at least seven years."

Respecting the significance of the seven years, we had Members from the other side who argued - and I cannot refer to it because it was in this session - that some consideration should have been given to a particular youngster some time ago, but if we look at the seven years, normally the seven years would take you through forms 1,2, 3,4, 5 and up to 6, so it is considered that the ten years will more than likely take you over the age grouping anyhow.

Mr. Speaker, under section 56 it is proposed that on the question of the delegation of authority the Minister may delegate to the Chief Education Officer the power conferred on the Minister so that he may have the authority to close a

school in the case of emergency. Under that same section the Principal of the school, and that is for secondary and primary, in an emergency where it is impractical to obtain the prior approval of the Minister or Chief Education Officer, may close a school and inform the Minister or the Chief Education Officer as soon as is practicable thereafter.

It may sound, Mr. Speaker, that that is a rather simple thing, but when the rains come down, and when the rains have come in the constituency represented by the Honourable Member for the City, people were questioning from time to time whether or not the school should be closed, and we found that the legal luminaries who have not spent the first year of law school in torts and contracts will recommend that the Act says that they cannot close the schools, and we have had representation from members of the legal profession pointing out that these things are there. 1.15p.m.

The last comment I should like to make, Mr. Speaker, is on Section 64 where we have, as I said, the problem of people intruding and entering onto the premises of schools challenging teachers and challenging pupils. Under this section it now reads that a person guilty of an offence under this section is liable on summary conviction to a fine of \$200 or imprisonment for six months or both and it is recommended that that be increased to \$500 so that we will have a penalty for the assault on any teacher or pupil on the school premises.

Bear in mind, Mr. Speaker, as I said earlier, that all of these will be firmed up by the making of regulations where a little more teeth in the area of discipline within the school system can be put in place.

Mr. Speaker, we have spent some time dealing with the various organisations. We have looked at their requests. We have worked on this while we were also looking at the overall policy in terms of the whole question of transfer etc., but we must have the places before we come to the proper programme that is absolutely necessary.

We have had consultation over the three years. We have had the 1975 Act and we have had the 1981 Act with its amendments in 1984. We know the problems we had then and some of the lingering problems which we had to settle following the signing of the Memorandum of Understanding with the former teachers of what used to be called the older secondary schools, in other words, prior to the Education Act.

We know that some of the problems which existed then ended up with some Court cases. The intent of all the submissions is clear that we should, wherever possible, try to avoid any further Court cases.

I am happy to state that all of the teachers who were employed prior to the original Act have now signed the

Memorandum of Understanding as agreed to and they now, therefore, fall under the Public Service Commission at no less a benefit to them than they had before.

We have finally solved the 1989 Lodge School problem and the famous Smith Case is now history and he has moved out. I am happy to say I attended a Speech Day up there recently but... -

Aside.

Hon. C. V. WALKER: ... with a pocket full of money that somebody over there created for him, Sir.

Mr. Speaker, as I stated, we have an agreement now signed and agreed as the Memorandum of Understanding and all are now working under the new Act.

I started out by stating, Mr. Speaker, that we that in Barbados each individual, all and sundry, is an expert in education, whether or not he has taught in the classroom, looked at the classroom or passed by the classroom. However, Sir, we have looked at these situations which were complained about and at recommendations for changes by the various organisations. We have solicited legal comments and, hopefully, Sir, we have drafted them in a manner whereby we can avoid some of the things which existed in the past

It therefore gives me great pleasure, Sir, to submit to this Honourable House the Bill to amend the Education Act, Cap. 41 and move that it be read a second time.

Thank you, Sir.

Hon. E. E. GREAVES: Mr. Speaker, I beg to second that and reserve my right to speak.

Dr. R. C. HAYNES: Mr. Speaker, I can see a minor war brewing here today over these amendments. Since the National Democratic Party was not the creator of the Act nor the amendments, I believe that our appropriate stance should be not to get involved in the clause by clause changes in the Act but rather to look and see from a second reading point of view the kind of broad issues in education which it addresses, the extent to which it addresses those issues and the extent to which the amendments have failed ~ to do so.

I believe, Sir, that it is now apparent to everyone that major changes have to be made to the educational system in Barbados if it is going to respond to the needs of the new technological and information age. What is abundantly clear from the presentation of the Minister is that he sees a tremendous divorce between the content of education the legal structure in which it takes place.

How, Sir, can my good friend the Minister of Education come in here indicate that he was fulfilling solemn pledges and at the same time avoid mentioning anything whatsoever to do with the content of education? Absolutely nothing to do with the content of education which I think, Sir, is one of the fundamental issues facing this country today.

When you look at the various amendments to the clauses which he mentioned *seriatim* on two occasions then I think that if that is his view of the educational needs in Barbados, then Barbados is in a very sorry state.

Let us, Sir, look and see where he attempted to address an issue and let us see what has been his response to it. In passing he referred to the question of the transfer from primary to secondary education and points out that, I presume, the solution to that problem would lie in the provision of 24 000 places at the secondary level making allowances for those places which would be occupied by Sixth Form pupils. This, Sir, makes one wonder whether the Honourable Minister is aware of the serious problems confronting education at that point when students are transferring from primary to secondary education.

I have been in here, Sir, for 12 years, not year after year, not infrequently there have been discussions of what happens in respect of the 11+ examination. Surely, Sir, it must not be beyond the wit and intelligence of Members of this Honourable House to find a solution to that problem. 1.25p.m.

If there is one assurance that I should like to give this country it is that when this Party which I have the honour to lead forms the next Government that it would find a solution to that problem.

I have been shocked, Sir, that when one looks at public policy and the legal framework which we are amending now, which in a sense gives legal expression to public policy in relation to those persons who are transferred from the primary to the secondary level, I am shocked to see what happens to our children in this country.

I think that every sane person in Barbados accepts that process of the 11+ is totally unacceptable, it is discriminatory and it is something that no one should wish to inflict on our children for evermore in Barbados. I think everyone accepts this. I have heard the educators talk, not only of built-in discriminatory factors, but some of them say it is barbaric to submit children to that kind of emotional experience, more barbaric indeed for decisions to be taken about the future of children, based on one day or two days exposure, whatever it is, to examinations at that age.

But, Sir, let us say that we commit that serious error in relation to our children at that point of transfer, what is

really shocking to me, Sir, what has been drawn to my attention in a very dramatic way recently is that having knowledgeably participated in a process which we all determine is unsatisfactory, we then proceed to organize public policy in such a way that the resources of the state are so allocated thereafter that those in greatest need get less. In other words, if you were to look at the distribution of skills available for teaching and the number of teachers per pupil in the older secondary schools and you compare that with what is happening in the newer secondary schools, you would see exactly what our public policy has done.

One would have thought that an informed approach towards education would make sure that those newer secondary schools have access to even greater resources because of the problems facing the children that go to those schools. Because if the selection as a result of the 11+ says anything at all, perhaps it might be saying that the brighter children get into the older secondary schools and the not so bright children get into the other schools. I would have thought that a humanitarian approach would dictate that thereafter you make sure that the human and other resources available to those who clearly indicate as a result of that exam that they need greater help should go there. But this is not the case.

I have seen some very dramatic presentations which really surprised me about the extent to which you have these disparities in a situation like that. So it is not only because of our own negligence in a sense over the years that these children are condemned to a situation where they do not have equal access to the same type of education, but then as a matter of policy, you ensure that that is reinforced year after year by our allocation of resources. As I say, it is not only in the number per pupil but also in relation to the number of graduates and other factors. Almost every dimension that you look at you see that operating within the system.

Aside.

Dr. R. C. HAYNES: I think if you look at it on a global basis. There is no point picking one school here and there.

I believe that the time has come when we have to face this problem. There is no point ducking it any longer. What has been happening is that we have been ducking this problem and we have not been saying what is in the interest of the children, full stop, which is the only question I believe which should inform public policy in respect of the matter of transfers from primary to secondary school. All sorts or peripheral, social, historic issues are brought to bear on the discussion. Very seldom you see a situation existing where the problems of the children are focussed on and public policy is directed towards that

I believe, Sir, that this is something that must be addressed and it must be addressed in a decisive manner. We cannot go on year after year - and I think this is one of the tragedies of what happens in Barbados - that year after year, everybody gets up and says that the 11+ serves no useful purpose, it is morally wrong, everything is wrong with it, and year after year, we continue doing the same thing. Why, Sir? Have we not got the will to do something about it?

I believe that something needs to be done and I was hoping that our Minister of Education would come in here today and say, I have the courage to do something about it

All he has done, Sir, is say that when we have 24 000 places, then perhaps some improvement would take place. That was his main contribution to that, the same contribution as was being made 15 years ago, that you could not do anything about it because you did not have enough secondary school places. The same contribution being made 15 years later. When would it stop, Sir? It would not stop until a new dimension in political thinking and a new capacity to take decisive action is brought to bear on the public life of this country. That is when it would stop!

It is quite clear to me that something needs to be done about it and unless that matter is addressed, we would, forevermore, never be able to tap a significant proportion of the human resources made available to us by nature because I am quite sure that you would find many, many creative persons among those who are condemned to a sub-normal education. In point of fact, we should be trying to expose our educational system in such a way that every single child should be able to develop to the best of his ability within our society. We are not doing that. It did not start in 1990, it did not start in 1980, it has been going on for some time in this country.

My complaint, Sir, is - I am not attacking the Government on this one specifically - that as a Legislature, we have not seriously addressed this problem and set about to do something about it. It is not fair to the children of Barbados.

I would go further and say this, Sir. I believe that a lot of the social problems that we see in Barbados today are direct consequences of the trauma inflicted at the 11+ and beyond that in our school system. 1.35p.m.

This is something, Sir, that I have never been sure about. I know the feeling of rejection among other things that children may feel if they so called failed the 11-Plus or did not achieve the grade that they wanted to achieve. There are few children who are able to cope with that at that age.

But I am not so sure, Sir, whether as much damage is not done to those who pass as those who fail eventually down the road.

I believe, Sir, that in a sense the Honourable Member for St Michael East narrows the social impact, but the impact is there nevertheless in that area as well. There can be no question about it, Sir, that these matters have to be addressed in a bold and decisive manner.

Asides.

Dr. R. C. HAYNES: Sir, that is the first major area that I wanted to address and I deeply regret that the Minister did not seize this opportunity to deal with that area of the 11-Plus and the transfer from primary to secondary education.

The second area, Sir, that he attempted to deal with is - the area of the authority of the Head Teachers. I think he identified one or two areas by the specific amendments that are being made. One, he said that the Headmaster or Head Mistress now to be known as the Principal will have the legal authority to close the school and that is his idea of authority. The second area of authority, Sir, is that the Board will now understand very clearly that they are there to carry out the policy of the Government and to give general directions to the Head. These are the two areas of authority as he calls it.

Now there are many people including myself who strongly believe that one of the problems in Barbados at our schools is that the teachers starting from the Head right down do not have the kind of authority at plant level which they should have. I think we have to look at the overall problem that has developed over the years. We have had a whole lot of built-in situations where, for example, for promotional opportunities and so on some of our best teachers have moved away from the schools to the Ministry of Education and then they become the advisors in relation to the Minister. Of course, more and more power is taken away from the schools and then power finds itself within the Ministry rather than in the schools. It has almost been like a natural flow of authority away from the schools to the Ministry.

What is important, Sir, is that the children in those schools sooner or later become aware that the authority is not really vested in those who are supposed to be looking after them and that the final authority is elsewhere. It has had an undermining impact on the capacity of teachers to maintain discipline within the school. It has had an undermining impact on the teachers' ability to develop constructive and creative programmes for the school and it undermines the whole operations at the level of the plant of the school. Sir, I would like to see a situation where there is and, indeed, our view is that new thrust in policy should be - geared towards it, a kind of repatriation of that authority

from the Ministry back to the individual schools. I think it is important, Sir, that if you are going to build morale in a school, if those children are going to relate to the teachers in the way in which one would like to see children relating to teachers, if the parents are going to be able to relate to the teachers in the way in which we feel parents should relate to teachers, then it is important in that equation that somebody should feel that, when they are dealing with a headteacher, that they are dealing with someone who has some authority. At present I think that what has happened over the years has led to a significant and severe undermining of the authority of the headteacher and the teachers within the school.

On the question of the Boards understanding that they are there to carry out the policies of the Minister, I will say this, that if you appoint people to the Boards who are not busybodies and who do not go inside there believing that they have to conduct themselves like yard fowls of the persons making their appointments you will not have that problem. If you appoint the right persons to the Board, then they would know what their responsibilities are in relation to the Minister, teachers, and head teacher at the school and you would not have to put that in law. Because even if you put it into law, you are going to get the same kind of thing going on tomorrow. So you have to start off by making sure that you appoint people to the Boards with some sense of propriety. That is the important thing you have to do. I know of one particular school where the entire operations of that school have been totally undermined by the conduct of the Chairman. He has become a complete nuisance. He goes to a Board Meeting and wants to adjourn the meeting 15 minutes later in order that he can get sandwiches. Half an hour later he wants to adjourn to take sandwiches out of his briefcase to eat and you can hardly get a proper Board Meeting conducted.

Asides.

Dr. R. C. HAYNES: It is a fact. Do I want to believe it? I am telling you that it goes on and is one of the problems. You must not be an ostrich. But the result of that is that the morale at that school has been completely undermined over a matter of a few years. The point is this.

Asides.

Dr. R. C. HAYNES: I have not called any names. Why is it that you will get "big men" on the front bench sitting down there reacting to a situation in that way without even checking to see whether it is correct or not?

Mr. SPEAKER: The Honourable Member ought not refer to Members as you identified on the front bench as "big men". We are accustomed to using the term Honourable Member.

Dr. R. C. HAYNES: Are they not big men, Sir?

Mr. SPEAKER: The Rule says that they must be addressed as Honourable Members.

Dr. R. C. HAYNES: Mr. Speaker, you know that I always agree with you, Sir. Now if I may continue, Sir. What I am saying is that it is nothing but cosmetic to say that in these amendments you are addressing the question of repatriation of authority to the schools and the only two points that you have selected are: (1) the ability of the Headteacher to close the school in an emergency and (2) that the Board should understand that it can only give general directions to the Headteacher. You are not really dealing with the fundamental problem. Sir, this problem has many facets to it that I do not wish to go into today. But one of the areas, Sir, is an appropriate professional stream within the teaching service where people can get significant vertical mobility while remaining as teachers if they wish and not having to leave there in order to enhance their position. This is why one of the very positive aspects of the amendments is the Teaching Service Commission. If that is handled in the right way, then I think that the opportunity exists for that kind of vertical mobility structure to be established so that people will not have to be looking elsewhere for promotion in order to advance their position in life. 1.45 p.m.

I think it is reasonable that persons should have moved in that direction in the past, but what I am saying is that we have reached a point in this society where we have now to be looking to create the conditions in terms of salaries and other aspects of office and so on where that vertical mobility can be maintained within the profession.

Mr. D. A. C. SIMMONS: On a point of order. Mr. Speaker, my copy of the Bill may be deficient. I do not see anything in my copy of the Bill about a Teaching Service Commission. The amendments do not provide for it, the Minister talked about it, the Leader of the Opposition is talking about it and it is not in here, Sir.

Dr. R. C. HAYNES: That is a very good point, Sir. Thanks for rising on that point of order, because in point of fact my recollection was that I did not see that Teaching Service Commission in the Bill. I have seen a National Advisory Commission on education.

Hon. C. V. WALKER: Mr. Speaker, on a point of elucidation.

Aside.

Dr. R. C. HAYNES: Mr. Speaker, it would be very sad indeed if the one aspect that I thought was a positive contribution does not exist in the Bill. Indeed, Sir, I would hope that the rest of this Honourable House would not have

been misled by the Minister in the way in which I was misled. I sincerely hope so, because it was quite clear to me, and I have it written down here, that he said that there would be a Teaching Service Commission. Following on what he said I said that that would be a positive aspect. Now, Sir, if it were now to come to light that it is not in the amendments, then I would think that the Honourable Minister has succeeded in misleading this Honourable House.

Now, Sir, the Honourable Member talks about the rains coming down in the City of Bridgetown, he talks about the question of absenteeism on the part of the children and the powers being granted to investigate and powers of enforcement. I wonder if he realises one or two things, that right now we have a major problem in respect of children from poor homes in our secondary schools! For years, Sir, since 1978 since I entered this Honourable House, I have had a programme in my own constituency which focusses specifically on the needy in that constituency. I am surprised at the number of children who cannot go to school because either of lack of bus fares, of absence of lunch money, or the number who go to school and are unable to get lunch there because they cannot buy it I am surprised at the number of those persons and I suspect that you will find that one of the factors operating in the area of absenteeism is economic circumstances. I believe that the time has come when we have to look seriously and see whether in a sensitive way we can identify those problems and if public policy can be so arranged as to address those problems without any embarrassment to either the children or to their parents or anyone else. But I think it is a problem which needs to be addressed.

I am amazed to see why certain honourable gentlemen seem to believe that problems of this nature do not exist in Barbados. What is the point trying to pretend they do not exist? You did not create them. What is the point pretending they do not exist? All I am saying is that we may pass laws but I think that some kind of investigation, a quiet investigation, should be done to see the extent of this problem and the extent to which it is a cause of absenteeism or other problems within the schools.

We provide school meals up to a certain stage in the lives of our children and thereafter they come to an end. I am not suggesting at the moment that we should have a school meals programme going into the secondary schools, but what I am saying is that it is important to look and see whether it is a significant segment, because you might be subjecting children to a whole lot of emotional and physical torture by insisting that they come to school and then they cannot get lunch, or whether it is a household where there is no money and people have to find bus fares for three or four children on the same day. Two and three dollars can be a lot of money on a Friday to a household where there is no money coming in and something has to give somewhere along the line.

I have become in recent times more and more acutely aware of this particular problem, largely through the programme that I administer and I believe that we need to focus on it. I think that he will find that some of the absenteeism resides in the problems there.

The question of the rains coming down, Sir, some.. children might be glad to be at the school because they will get some shelter there. I have had the extraordinary experience two days ago of going to a home with four young children in it when the rain came down and the water was pouring in and I saw the tears of a mother, Mr. Speaker, who had gone to a financial institution in this country who had agreed that as far as the bank was concerned they would lend her \$3 000 to fix the roof, and she was told to come back in September because of the present restrictions on personal loans.

Mr. Speaker, there are many children today in homes" which have started to leak. This is the time of the year when people go to the banks in order to get a personal loan for repairs to their roofs in preparation for the hurricane season and they are being told that their children should be subjected to the fears of what could happen during a hurricane and they cannot get a loan until September. Come back after the hurricane season is over, they are told.

Aside.

Dr. R. C. HAYNES: Is it true or not? Mr. Speaker, I am saying that it is in the month of June in particular when the rains start to come and all this talk about hurricanes that people get motivated to go and get a small loan to fix up their roofs, windows and so on, and I am saying that they are being told, "yes you will qualify on the basis of your salary to protect your children, but our directions are we cannot lend in this area and it is unlikely to be lifted for three months. Come back in September."

Aside.

Dr. R. C. HAYNES: The Honourable Member for St. Lucy has no sympathy whatsoever with the plight of these persons; absolutely none. 1.55p.m.

Believe me, Sir, all these things have a serious impact on the education of our children. Time was, Sir, when many people in this country had to prepare for exams as you know with a kerosene lamp. We have gone past that stage. Many of these children now have electricity, and this present administration would not provide the opportunity for poor people to get a loan to protect themselves and their children from the elements when they have to study for the 11+. Interestingly, Sir, some of these children in the^ homes have to study for the 11+ and CXC now with the rains coming down and there is no protection offered.

Anyhow, Sir, I believe that I have dealt with three significant points affecting our educational system. I have tried to focus on the 11+ and the issues relating to transfer at that level. I have tried to focus on a second issue and that issue related to a repatriation of authority to the schools and the third issue is the economic and social problems in the society militating against higher levels of attendance.

Now, Sir, one could spread that question of the debate relating to the checking of children's attendance and so on because that spreads into a whole lot of areas relating to law and order in the wider community and what has been happening in relation to children, but I do not wish to get into that area today. I just want to be tight in this matter and stick to the three areas I have identified, the problems relating to the transfer from primary to secondary school, secondly the problem relating to repatriation of authority to the schools, and the third problem, the social and economic factors impacting on the frequency of attendance of a significant number of children at our schools. These are the three issues I have addressed, these are the three points I have made. Each one of those, Sir, can lead to wider areas of debate, but I don't propose to get into that today. I wanted, Sir, to deal with the question of the failure of these amendments to address content generally and particularly the response of our whole education system to the needs of an era dominated by informational and technological change. But quite clearly, Sir, I have now used up half an hour of the time previously allotted to the Honourable Minister because I noticed that at a quarter past one he started to pad up again, but then went into a speed wobble in about five minutes and came to a premature end in 25 minutes. So I think I will wind up at this point. Those are the three particular areas I wanted to deal with. Thank you very much.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that this sitting be now suspended until 3.00 p.m. today.

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

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

ON RESUMPTION Mr.

SPEAKER: This sitting is now resumed.

Mr. D. A. C. SIMMONS: Mr. Speaker, the Education (Amendment) Act was characterised by the Minister as a piece of fundamental legislation putting right many of the anomalies that have existed in the management, particularly, and conduct of schools in Barbados.

- With the greatest respect to the Minister and those who prepared his brief from which he read so carefully, I

cannot agree with his interpretation of the legislation before us, because I think it would be necessary for us first of all to do a comparative analysis between what the legislation that presently exists in Cap. 41 provides and what is now being provided in the amending Bill.

Now, Sir, I have for the purposes of my argument to look at some of the clauses, I do not wish to give the impression that I am dealing with specific clauses as though we were in Committee, but for the purposes of the Bill I have to match the amendment against the substantive legislation that exists in Cap. 41, because I think when that is done, Sir, Honourable Members would be driven to the conclusion that the amending legislation is really in its terms far less in its intent a most unashamed piece of legislative tinkering. This does not get to the heart of any matter in education.

Now, Sir, let us look at some of the problems. We change some nomenclature. Who are now called headteachers become principals. Tell me what is big in that, that definitional change? That is clause 4. Indeed the very purpose of the legislation appearing on page 2 of the Bill when you compare it with what was said before, is, it says in 2(a), "to provide a varied and comprehensive educational system in Barbados characterised by excellence." Now the words "characterised by excellence" which we have come in here, the 27 of us, to deal with today are all they have added in this Bill, because under the existing section 3, the functions of the Minister are (b) to frame an educational policy designed to provide a varied and comprehensive education service in Barbados. 3.05 p.m.

Sir, all they have added on today is "characterised by excellence." Now, what does that mean? I would like to know how that is going to be interpreted. "Characterised by excellence". An educational system characterised by excellence! So when people score "0" in an examination what happens then? Have they achieved the purpose of the Act? This is foolishness.

Now, let us go on, Sir. In section 5 (b) you have all the words which appear in Section 3 "to contribute towards the spiritual, moral, mental, physical, social and economic development of the community". All they have done is to put in one word "cultural". You have spiritual, moral, mental, physical, social. The present legislation leaves out "cultural" so you stick it in the amendment. Really.

Similarly in the new Section 6 where we had "education" before you add the word "training". I think it is agreed, particularly by educators, that the two are linked. Education and training go together. That is only the addition of one word in the broad stream of functions and policies set out in a very general way so it really does not go to the heart of the matter. These are almost platitudinous statements that you find in some Bills from time to time.

We have had in the present legislation a National Advisory Commission on Education. It was written into Section 6 of the present law: "The National Advisory Commission on Education is established by this Act". You know what they have done, Sir? Created a discretion. The Minister may establish a body to be known as the National Advisory Commission, giving him a discretion to have the Commission or not whereas before the Commission, was part of the positive Law of Barbados. There was a Commission so you are giving him a discretion to have an Advisory Commission or not, Sir.

In Clause 8 of the Bill (0 " 'tertiary education' means,.." Now, you know what is the change there, Sir? In Section 9 of the present legislation the phrase is " 'tertiary education' is..." all the other things that are set out They have changed the word "is". Imagine a whole Government Department in the Ministry of Education, and the Chief Parliamentary Council change "means" to "is" and come in here with that today?

Aside.

Mr. D. A. C. SIMMONS: This is what they say. " 'Tertiary education' means..." "9(f) 'tertiary education' is". This is a fresh and enlightened approach.

Aside.

Mr. D. A. C. SIMMONS: No. I have to be long on it because I have to show that we are really here today dealing with little tinkering matters that are really empty in their content.

On the top of page 5 of the Bill Clause 8 (f) (ii), this makes it worse, Sir - "university education and instruction normally available at the institutions for teacher training...." The old legislation had "teacher's training". They have taken off the "s" and brought back four lines in here. Who could call that an amendment of substance?

But this gives an indication of the depth of intellect and the quality of intellect on that side. They could really sit down and do this? You know what they have agreed to, Sir? Let us look at Clause 14, The Minister wants more power for the school attendance officers. Look at Clause 14 "For the purposes of subsection (1) a school attendance officer may, after presentation of written authorisation to the person present on any premises, at any reasonable time, whether during school hours or not (b) stop any child who appears to be of compulsory school age and is not then at school".

Do you understand what that means, Sir? You understand what they want us to vote for in here? A school attendance officer could go by the bus stand at 6:30 in the evening because it says "reasonable time whether during school hours or not". Suppose a boy is coming from

Coleridge-Parry, having played games and he is taking the bus to get to Bayfield and he can stop him "who appears to be of compulsory school age and is not then at school" at 6:30 in the evening. He should be at school. That is what it says "stop any child who appears to be of compulsory school age and is not then at school, whether during school hours or not" It is there.

Aside.

Mr. D. A. C. SIMMONS: I would like to know what that means, Sir. That is what it says. It says what the Minister wants to give the attendance officer the power to do, that if I put my daughter in my car and park the car somewhere and I go out a school attendance officer...

Aside.

Mr. D. A. C. SIMMONS: She is at Community College now.

I am reading the legislation as it is, Sir and I wish one of them, when they get up, instead of shouting from where they are sitting, to tell me how is this to be interpreted.

Can it not have that interpretation because it says "at any reasonable time whether during school hours or not" and you can stop the person and ask him why he is not at school at 6 o'clock. That is what it means. This is what the foolishness means.

I have not left out anything. I have read it.

Aside.

Mr. D. A. C. SIMMONS: "For the purposes of subsection (1) a school attendance officer may, after presentation of written authorisation to the person present on any premises," on any premises... He tells you that he is, like a policeman, an ID card, I am Mr. X school attendance officer, here is my card. You come up to the youngster and say it is 6:30, what is your age, name and address, whose name is registered and so on. He is to explain because it is a reasonable time. Suppose it is 5:30 p.m., he is to explain his absence from school at that time because it says "whether during school hours or not". That is not my words. This is what the Bill says and I am not voting for that section because it does not make sense.

Aside.

Mr. D. A. C. SIMMONS: If it is amended I will vote for it.

Now, Sir, part of the real problem with secondary education in Barbados which I submit is not properly dealt with in the Act, and, perhaps, does not require {g^ amendment to the Act for remedying the problem is the

relationship between the Boards of Management of secondary schools and the Headteachers now to be called Principals. That is a problem.

There are, to my knowledge, four secondary schools in Barbados which within the past two months have been having serious problems as between the headteacher and the Board. The Ministry thought they had settled one about two weeks ago. That is not settled yet. The problems arise because the Board see themselves as all powerful and in relation to the lines of authority between the Board and the Principal, there is a certain blurring of that authority.

The matter is not helped by reference to the Ministry because the attitude in the Ministry of Education at aU levels is that the Boards have been appointed by the Minister whereas the Principals have not necessarily been so appointed and they are not going to do anything to offend the Minister, not caring how wrong the Board or the Chairman may be.

Now, I think that is very cowardly. I think that people have to make decisions in this country in the best interest of the administration of secondary education and you cannot abdicate responsibilities because a Minister appoints a Board. Tell the Minister I feel that the Board is wrong. 3.15p.m.

I wish to state a matter which has languished so long enough without any response from where it should have come that I feel that I can make it public. The Coleridge & Parry School is a place that is seething with discontent. Part of the problem which I had hoped the Minister would have addressed in this legislation but which I am imploring him to address in the Regulations that now have to be changed pursuant to the amendment today, the problem centres around the existing Regulations. There is clearly an anomaly in the Regulations. I want to point it out.

Aside.

Mr. D. A. C. SIMMONS: The Regulations. Not the Act. You see, Regulation 5 says that:

"The Board shall manage, conduct and supervise the buildings, premises and grounds of the school, including their use for extra curricular and community activities."

It vests that power of management, conduct and supervision of the buildings and grounds in the Board.

Regulation 17 then says:

"Subject to the policy of the Minister and the general, directions of the Board, every headteacher has control of the buildings, premises, apparatus, equipment and furniture of the school."

I think that perhaps is the guts of the problem in the dichotomy of relations and functions between the Board and the headteacher because the Board at one point of the Regulations is given powers of management, conduct and supervision of buildings, and another Regulation says the headteacher has control of the buildings, premises and apparatus.

What you find is that a Chairman of a Board comes on the school premises any time of the day, does not tell the headteacher, as a matter of courtesy that he is coming, brings with him an artisan, a carpenter, tells him: "You see that room there, go and take off those locks." That is a room that the teacher has been using since the day of his appointment, eight or nine years ago, you know.

Aside.

Mr. D. A. C. SIMMONS: Coleridge and Parry. The headmaster does not know.

Aside.

Mr. D. A. C. SIMMONS: I do not have any interest. This case has not gone to court. It may go shortly if you all do not do something by next week. The headteacher does not know but he hears that somebody has gone and broken into his room and he calls the police. Do you see how unsavoury the thing becomes? At a school where you should be trying to instill some discipline at the very top you have all kinds of problems between the senior managers in the sense of the Chairman of the school Board and the headteacher. The Board tries to say that the headteacher cannot use a room which was his restroom for eight years.

Aside.

Mr. D. A. C. SIMMONS: Do not tell him a thing about it. It is real foolishness. I agree, Sir. Foolishness for a Board to do that. The Minister says it is foolishness. I agree with him. Somebody has been accustomed to using a room all the time and the Board goes and says, no. In the absence of the headteacher while he is on leave, they take away an amenity for eight years. A lovely administrative law case. Where he keeps his personal things - the other members of staff were given a restroom during his absence by the Deputy Headteacher and the Chairman. They gave all of the other staff members a restroom. If the children get sick, they have a sick bay. But the headteacher who had a room all the time, when he is away, they shut it down and says he cannot use it.

He comes to the Board and it is in the Minutes. He said, "How is it that I find my room is taken from me?" Do you know what they told him at the Board? You cannot question any Board decision. That is one of the problems

with education in Barbados. That you are going to tell me that a Board of Management and a headmaster cannot have a closer rapport that they should be.....

Aside.

Mr. D. A. C. SIMMONS: Right. But you could intervene. The Minister could intervene, under the present law, because you can give a direction. Under the present Regulations, you can give a direction.

Aside.

Mr. D. A. C. SIMMONS: You have a large voice. I would not like to think that because you have a large voice you are a toothless bulldog. I would not like to think so. You have powers under the Regulations. I only cite that example, Sir, as one, to say that what we have done today does not deal with that matter, does not truly separate the functions of the Board from the functions of the headteacher. There would have to be, and swiftly, amended Regulations, so that the day-to-day powers that the Minister - and we all agree with this - wishes to give to the headteacher can be properly enshrined in the Act and understood so that there is a clear demarcation of functions.

But in the meantime, a solution must be found and can be found.

Aside.

Mr. D. A. C. SIMMONS: Do you want me to go to court in truth? I am trying to save you all from embarrassment

Aside.

Mr. D. A. C. SIMMONS: They changed the lock. The headteacher put back on a different lock the next day. The next day, the Chairman came back down again and he took a hammer and knocked it off, Sir, he and the artisan. What, kind of foolishness are we playing at in the secondary schools? That should not happen. It cannot happen, Sir.

Now, Sir, I think the Minister appreciates the point that the Bill itself does not go far enough, perhaps it is not intended to go far enough. A change of the Regulations alone would have perhaps solved a lot of the problems that exist.

Aside.

Mr. D. A. C. SIMMONS: Right. Of course. They have to be done now, Sir.

I think we all agree, Sir, that the day to day control of schools should be vested in the headteacher because the Board, as we understand how Boards function perform their

duties and carry out their responsibilities in a desultory fashion, the odd board meeting, once a month or whatever it is.

Aside.

Mr. D. A. C. SIMMONS: D-e-s-u-1-t-o-r-y. Desultory. The Prime Minister cannot - I can spell and pronounce. I can spell and pronounce. Let us leave the Prime Minister out of this. We will deal with the Prime Minister later on when we come to deal with the Bajan Magazine. 3.25 p.m.

Mr. SPEAKER: You only have about three more minutes.

Mr. D. A. C. SIMMONS: That is all right. I will deal with him later on, Sir, because he was boasting that he was a Deputy Headboy and the Leader of the Opposition and so on. But those things, Sir, we will deal with later on today, Sir.

I really think, Sir, that we should have heard from the Minister. I support the Leader of the Opposition in this. We should have heard from the Minister his broad perspectives for the future of education for the balance of the nineties, Sir, and into the 21st century. Having regard to the changing world situation, information age, and all of that, Sir, I am going to keep far from the question of the 11-plus because I have heard all kinds of opinions criticising the 11-plus. I do not pretend to know enough about it or, indeed, anything about it and I am not going to speak about things I do not know. But what I have not heard anybody say is a solution to the problem. It is easy to identify a problem but we have to find a solution. Until somebody comes up with that solution, Sir, I prefer to hear the arguments but I am not in a position to make a positive one and indeed, Sir, with respect to the Leader of the Opposition, when his spokeslady on education appeared on television two Monday nights ago trying to get to the "Heart of the Matter", Sir, she had no solution either. Mr. Boyce dealt with her beautifully.

Asides.

Mr. D. A. C. SIMMONS: The candidate for the NDP against me, Sir. Leave her to me, Sir. She had no answer either. She was not in a position and she is in the profession. But she did not have a clue or one little bit of thought to make to the public who were watching, Sir, "The Heart of the Matter". She did not get near the outside.

Dr. R. C. HAYNES: Wait a minute.

Mr. SPEAKER: Wait a minute! Wait! Has Honourable Member risen on a point of wait a minute? the •'

Laughter.

Dr. R. C. HAYNES: On a point of elucidation, Sir, a minute for elucidation. I just want to point out to the Honourable Member that he is speaking about one of the most informed people in this country on the problems of education in Barbados, Sir, and solutions for them. Wait for the Manifesto.

Mr. D. A. C. SIMMONS: I am not denying, Sir, that she may be informed. I said that she is in the profession, Sir, and it is easy to criticise. But when we were all listening and she was the last contributor, it did not come. She asked Mr. Boyce about it, Sir. She said that something can be done. You say it is fair to say that something can be done. But what?

Laughter.

Asides.

Mr. D. A. C. SIMMONS: All right, Sir, they are waiting for the Manifesto. Sir, I want to make one final point. We heard Her Excellency's speech last week in the Other Place when Her Excellency was installed. There was a little thing she said in that speech that I think we must take to heart in Barbados. We talk of Barbados as a service community and want to see it developed to even greater proportions as a service economy. I think that we have the educational infrastructure and the inherent talent to create among our young people and to infuse them with the skills which can then be exported for example to Africa, Sir. She mentioned closer links with Africa. The Governor-General mentioned that we must develop closer relationships with Africa. I wish to say that, just as the policemen have done an excellent job in Namibia, and it is evident that their skills were necessary and appreciated, that in other areas, because of our educational system, we can train our people to such an extent that we can then export their skills, I hope not permanently, to developing countries in Africa with whom we have an affinity. My time has expired, Sir.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, my honourable colleague and representative for St. Thomas has covered most of the germane points of detail raised by the amendments to the legislation. But I really believe, Sir, that there is one very fundamental broad issue that the legislation before the House raises and it is the question, Sir: To what extent can we really depend upon the drafting of the laws to direct the affairs of our social systems and to bring about desired social change in this country? In a sense, Sir, I must raise that fundamental question because in many respects these amendments that are being contemplated by this Bill before the House are to a large degree just an exercise in sophistry. There are instances in which a definition is being changed, Sir, and where a definition is being added to the extent that problems in our educational system have been addressed. One is left by these amendments to imagine that the only problem with our educational system is the problem as to whether or not a

headteacher should have the authority to close the school in an emergency because that obviously is a matter being addressed, the range of authority that should be exercised by the School Attendance Officers, and the question as to the relationship between the Board of Management and the Minister.

I really believe that, to the extent that this legislation seeks to capture the problems facing the Barbados educational system the problems obviously have been bypassed by this legislation. I want to say, Sir, that this legislation will not affect fundamentally the way in which the Barbados educational system operates except in so far as it will serve merely to concentrate more power in the hands of the Minister.

I have read this legislation, Sir, as carefully as I can. I have compared it clause by clause with the existing legislation but all it does is contrary to what the Minister has said. It has not in fact vested any additional authority in head teachers apart from giving them the authority that one thought could be handled administratively rather than by law in being able to close schools in the case of emergencies. It has not as I said, Sir, given the head teachers more power. It has served only, Mr. Speaker, to concentrate more power in the hands of the Minister by the critical amendment of this legislation which is the amendment to existing Section 17 is a requirement that the Boards of Management will be responsible for implementing the Minister's policies. That is the sum of the essence that this piece of legislation can bring to bear on our educational system.

Some of the changes contemplated, Sir, are ridiculous. We on this side are requesting that the Government take a look again at Clause 14 which in our view will put School Attendance Officers in possibly ridiculous positions of having after hours to meet people on the street, wonder as to their age, and ask them why they are not at school after hours. One wonders, Sir, why is it that legislation has had to be brought for this purpose and how will this legislation, Sir, be put into effect and indeed can it at all be put into effect. But I have got to ask the question, Sir. To what extent do we really need laws in Barbados to deal with matters such as these? I really feel that in the area of education that laws matter. But in the matter of how we direct the affairs of the society like things of tradition and chemistry between groups in communities, all these matters come into play in determining whether we are going to have good and efficient social systems or not.

I really am of the view that a large part of the problem in getting the Board of Management, Sir, to work is perhaps that we are depending too much on these stiff laws to try to regulate situations where social interaction and chemistry, the tradition of the schools and things of this character, Sir, are very important in making for either an effective or ineffective educational system. Combermere for example,

Sir, has a distinct identity which is different from that of Coleridge-Parry.
3.35 p.m.

If you, following a stiff law, try to make Combermere and its operations conform with the operations of Coleridge-Parry, you are going to have problems. I am saying that part of the problem my colleague has identified at Coleridge-Parry School is precisely because of confusion in a law that would simultaneously give a Board Chairman power while giving the Headteacher that power as well, whereas what we want is to have our educational system based more on social interaction between people in the interest of solving human problems in a human way. To some extent, Sir, we are using too much law to solve problems which are merely problems of social interaction. I really feel that, particularly in the area of education, there is a great need in this country for a more human rather than a strictly legalistic face and a legalistic approach to be applied in dealing with social and human problems.

I think, therefore, that a lot of this legislation need not even have been put in draft form. We need not in Barbados to have a situation where there must be a law saying that a Headteacher must be able to close the school in the case of an emergency. When we reach the stage when we have to legislate that, there is something wrong with the country, because the human response must be, in my view, that sensible people will understand that, in the case of an emergency a Headteacher, as any human protecting the lives of humans, should close the school. I am saying that we have, therefore, to be careful how we use laws. We also have to be very careful as to why we want to bring laws to this House.

I therefore believe that a lot more has to be said by this Government in relation to its educational policies. If it was intended to provide a fresh and enlightened approach to education, Sir, it obviously will not succeed in doing so. There are some parts of this legislation that can be handled by a civilised circular from the Permanent Secretary in the* Ministry of Education to all Headteachers saying that as a matter of course if there is a flood in your district close the schools, without our having in this House now to adjudicate as to whether this is sensible law or not

We also must not believe that change can be brought about only through state legislation. Perhaps what we want before this House is a good White Paper on education, so that matters raised by the Leader of the Opposition, the question of how will Barbados deal with the integration of technology in its educational system, and how will we prepare people for the new technological age can be addressed by way of a policy statement rather than by stiff law. To that extent, therefore, Mr. Speaker, one has to wonder as to the value of the changes being sought by this piece of legislation. To the extent that it will be change at all, it will direct more power in the hands of the Minister.

I do not believe that the primary purpose of a Board should merely be to implement the Minister's policies. I really believe that a Board should see itself not just as a rubber stamp of a Minister, but as an entity in itself which will seek to develop the institution in the interest of the institution, in harmony with all of the community interests, with staff of the school and in harmony with the tradition that that school has sought to perpetuate over-a period of time. If the initiative does not come from the Minister, I still think that a Board has a responsibility to act, and part of the problem we are having at Coleridge-Parry School is precisely because the Minister does not seem to have a policy, and in the absence of a policy by the Minister the Board cannot act.

This legislation, Sir, by centralising more power in the hands of the Minister I think is going to circumscribe the innovativeness of Boards, because all it is seeking to do is saying that unless the Minister states a policy then the-Boards of secondary schools do not have a particular role.

Aside.

Mr. O. S. ARTHUR: The Member for St. Lucy is talking about the Board of Alexandra School. You have at Coleridge-Parry the most partisan Board in Barbados, who see their relationship with the Headteacher as a partisan ^ relationship and not as a relationship concerning education "~ at all. It is a conflict between two types of partisan groups. That is how I perceive it and until the two groups can come to see the interest of Coleridge-Parry School as being the primary interest that they must protect, we are going to continue to have problems at that school. It is a very partisan Board, Sir, relating to a person who can be somewhat partisan as well.

Aside.

Mr. O. S. ARTHUR: I am saying that LeVere Richards is also giving problems as well, Mr. Speaker. LeVere Richards is as partisan as he or even more partisan, but people have defined their functions at that school in a strictly partisan way and I am saying that the time has come for all concerned to put Coleridge-Parry School at the centre of their consideration. It has to be dealt with. What is dangerous about that situation is that people on that Board might be interpreting their function purely as giving effect to the Minister's policies, because that is a political -\ function, Sir.

I come back to my basic contention this afternoon. These laws are meaningless and will be meaningless in the context of the problems that face the Barbadian educational system. All we will succeed in doing is allowing School Attendance Officers to put themselves in ridiculous N postures after hours questioning people whom they mav^ suspect to be within the school age as to why they are not->i school outside of school hours, because this is what this

legislation purports in parts to do. They will allow the Minister more power in relation to the direction of Boards, they will dehumanise, in my view, the relationship that should exist between Boards and the staff of schools. They do not, as the Minister purports, endow any more authority on Principals, except the authority to be able to close schools in the case of an emergency, and my contention is - that we do not need laws for that, a circular can deal with that.

The large problem, therefore, of the Barbadian educational system needs to be addressed and I am urging upon Government that it should not just look to be tinkering with legislation, nor little minor amendments in regulations to deal with what is in fact a very human, a very deep-seated problem. Let us have a White Paper on education as urgently as possible, because it is my contention as well, Sir, that the future development of Barbados will depend on whether or not we master the imperatives of living in an increasingly technological age. That is largely a function of education and training. It will not itself be addressed by any pieces of legislation now existing or implied in these clauses, and the sooner we come to terms with it and begin to see the whole question as to where our school children go and so on as part of that larger question as to what kind of society we want to create, the better we will be as a people, Mr. Speaker.

I am obliged to you.

Hon. C. V. WALKER: I did not want to interrupt the speaker, but I want to make a point, on a point of order. Both speakers on the other side claimed that we were tinkering. Sir, I made the point that in 1975 there was an Act, there were just five minor changes to the 1975 Act in 1981 and they called it a new Act.

Mr. SPEAKER: The Honourable Member must not get into a speech now. That is the point. 3.45 p.m.

Hon. E. E. GREAVES: Mr. Speaker, I rise to just make a very short contribution in this debate, particularly as it relates to the whole question of the relationship between the Boards of Management of the schools and the Heads and, more specifically, reference was made to Coleridge-Parry School, the school of the Honourable Member for St. Peter, myself, the Honourable Member for St James North, the Prime Minister of Barbados and a number of other people. The Honourable Member for Christ Church West had a stint there as a teacher. I feel, Sir, very attached to that school, and I have become within the last ten years or so particularly concerned about activities at that school and the way in which relationships exist between the headteacher and staff, between the headteacher and the Board.

^ Now the Honourable Member for St. Peter is trying to ~*give the impression that the problems at that school started

between the headteacher and this present Board when he talks about "this partisan Board." I am saying, Sir, that ever since the particular headteacher was appointed to the school, there have been problems between the headteacher and the School Boards, between the last School Board and the present School Board, and between the headteacher and the staff or between the staff and the headteacher. I am saying, Sir, that the time has come and I am calling on the Honourable Minister of Education to establish a commission of enquiry into the administration of Coleridge-Parry School.

Mr. R. P. BYER: Mr. Speaker, I want to make a short contribution to this amending Bill this evening. In a way I am a little disappointed that the amending legislation does not seek to deal in any fundamental way with the myriad problems facing our educational system, and in a way the Bill is highly cosmetic. What I would want to say is that since the parent Act was proclaimed in 1983, it seems as though we have had problem upon problem in the educational system. For example, nothing in the amending Bill addresses the problem of discipline in schools, and the frequent attacks on teachers by pupils and sometimes by parents, the problems of having to deal with the 11+ exam, and problems at private schools.

You see, Sir, it is my view that the questions of discipline ought not to be questions of law as such, but should be questions that have to do with policy. A policy statement, for example, as the Honourable Member for St. Peter said directed to a head of a school should address the problem of discipline. Now as a practising attorney-at-law, I have been very disappointed when I see pupils of schools bringing teachers before the courts for having disciplined them. In some cases the complainant is saying that discipline was too excessive. There are about two cases that I have witnessed in court and in both cases the magistrate quite rightly said that the punishment effected was not excessive. I remember going to a school in Barbados to give a talk to the teachers on the Education Act some time in 1988 or 1989, and their main concern was how far should they go in terms of disciplining students or pupils. They were particularly concerned with this, and we got into areas of definition. What I realised there and then was that this whole question of discipline, Sir, was really one that had a lot of grey areas to it. What was excessive in the area of discipline? How should children be punished? It appeared to me that the teachers thought that they should take the easy way out which is not to inflict any corporal punishment on students, because they felt that to do otherwise they might find themselves in breach of the Education Act, and that they might be brought before the courts like other teachers had been brought before the courts for breach of that section of the Education Act that relates to discipline.

But, Sir, more specifically I would want to address some of my remarks to the 11+ examination. I believe that

we know all of the problems that attend the educational system in Barbados. What I believe is that we don't have the courage so far as a society to deal with these problems, and that might be so for a number of reasons. I am of the view that we have not touched the 11+ exam in terms of trying to work out a different system because to do so would touch upon questions of class and privilege in Barbados. The 11+ exam as it is presently structured is in my view heavily loaded in favour of those students who come from so-called middle class backgrounds in Barbados, and in some regards does not address or is not structured in a way that the people from the lower economic brackets would benefit in any way from taking that exam. We are agreed, as a society that the exam causes tremendous pain and discomfort to the students who take it yearly. It causes them severe emotional problems. Some of us whose children have failed that exam have had to stick by those children and encourage them so that in many respects in later years there have been some success stories that have emerged. But the occasional success story here and there does not in any way detract from the serious psychological and emotional problems that taking that exam has on our children.

I believe that Barbados has got to come to terms with its class and race problems, and if we have class and race problems in education, then we ought to address those problems. I for one would not sit idly by as a legislator and not deal with those problems and not speak to those problems as I see them. It is all right to come in here and talk about people who have problems in meeting the day to day expenses of their children in going to school. It is another problem when we look beyond and we see what are the causes of that problem. The socio-economic structure of Barbados does not in any way help people from the lower socio-economic brackets to come to terms with the economic problems that they face far less any other problems. If they were to be able to handle that economic problem, then the other problems would be solved. We have got to address these problems. There is no point sticking our heads in the sand and exposing our behinds like ostriches and hope that the problems will some time go away. It is time that we devise another system that is fair to all the people in this Island of ours called Barbados. The 11+ system must go. Ever since I was at school they were talking about scrapping this system, but nothing has happened. Far less, what they have done is I think to add another paper to it. Is that right or not? I know you are going to bring me all kinds of statistics as they had on TV the other night when the Chief Education Officer was trying to make out a case that the 11+ exam was fair. I know from my personal experience that it is not fair, and the teachers of the schools are saying so. 3.55 p.m.

I have a sister who teaches as well and she tells me what they experience every year. I have nieces and nephews who went through the trauma of this examination this year

and I know what they suffered. I do not care how many statistics they bring, nobody can come and tell me that this thing is fair. It is not fair and it is time that we start to deal with it. Our system of assessment, from the time you enter the school door until you get out should help in some way to ease the problems but you know they are not going to do that? They will not do that because the people from the poorer classes of Barbados would start getting in at Harrison College, Queen's College and so on. That is why they are not going to do it.

This brings me to another problem, the problem that St. George Secondary School is presently facing. I am pretty certain that if that incident had happened at Queen's College or Harrison College it would not have made the newspaper. I have made statements about St. George Secondary School already.

Aside.

Mr. R. P. BYER: It is not *sub judice*. You can talk about *sub judice* things in here. If you want me to cite May's Parliamentary Practice you can talk about *sub judice* things in here. You always seem to think that as you have a problem that is in the Courts that you have to run from it. You do not have to run from it. You can deal with it in here. There is a way you deal with it. It is not in Court.

You see, Sir, when I speak about these things I may get a little emotional but getting emotional does not make me lose sight, or does not make me lose focus of what I am dealing with. I am by nature a very emotional person. I have said that in here before, Sir, especially in matters that concern black and white. I become very, very emotional, problems of class and race. I get very emotional about those . because I have suffered because of that.

I am resolved that nobody is running me from Barbados and I have resolved for that reason that I will make it in this society. Nobody will run me but there are a lot of people who are like me, who are resolved like me to make it in Barbados so that is the point I am making.

There have been many incidents that touch other schools that have not been dealt with in the way that that one concerning St. George Secondary School was dealt with. That is why I am glad that a group of Barbadians who are concerned about the direction black Barbadians take - have adopted that school and have decided to work with the Board of Management and the Headteacher to try and bring it around and try and make it realise the potential that it can realise. I am very glad about that. I do not remember the names of the people but I would like to go on record that I congratulate them for having taken that course of action.

I think, Sir, that we have to look seriously at the problems of class that are affecting our educational system. There is no point coming in here and tinkering with the

Education Act, tinkering in a cosmetic way and not at the same time dealing with the fundamental problems that face us in education in Barbados.

I am saying that every person who has dealt with education in Barbados and tried to devise a legal framework for it, has been tinkering and they have not been addressing the fundamental problems that face us in education. I have spoken about some of those problems but the one that mainly concerns me is the 11+ examination. That exam must be scrapped.

I do not think that we as Barbadians cannot come up with a just system. Do you mean that we have reached our zenith in education, our thinking in education? No, I refuse to believe that. We know what the problems are and we should address them. That is all I have to say, Mr. Speaker.

Dr. E. A. SIMMONS: Mr. Speaker, I had no intention of getting involved in this discussion but since there are certain issues that have been raised I think it is my duty to do so and I want to speak primarily about the burning issue about the 11+ examination. I think that in order to do so we need to put it in a historical perspective and I guess I can do that because I was around before the days of the 11+. It was the Democratic Labour Party, this party, who started the whole concept of the 11+. Why was the 11+ started?

In the days when I went to elementary school and the transition was made to secondary school, it is well known that it depended on your socio-economic standing, your ties with most likely the Anglican Church and the friends that your parents had. Although in the elementary schools there were bursaries, there were children from poor homes who came first in the bursaries who then had to be interviewed by the headteacher and if you had 100% on your bursary and the headmaster asked you how many children your parents had at home, and there were three or four and you only had one bed you could not get into Harrison's College. If the fact was that you did not have a pipe in your house and you had to go to the stand pipe for water you could not get into the secondary schools.

This is the history of our country Barbados and the Democratic Labour Party, in order to destroy that disparity in our system, introduced the 11+ examination as a fair means for everybody. Now, everybody is opposed to the 11+ examination but I have not heard anybody so far come up with a better solution than the 11+.

I remember a teacher of mine who was strongly aligned with the Barbados Labour Party before 1976 who taught me at Combermere and was my cricket tutor at Combennere - I do not want to call his name - writing a long expose on the fact that only a limited number of people should be allowed to go to secondary school because - when you train them you do not have any place to put them which is a very narrow sighted outlook at education.

I say that if everybody in a society is educated, the society will elevate the standard of professionalism. There is no case in the history of any country which has an over educated population. I have never heard of such a situation. If anybody can show me such a case in history I am prepared to accept it but there has never been an over educated system.

Let me say this, Mr. Speaker. From the time you are born, when you come into the world and the gynaecologist takes you from your mother's womb, the first thing he does is to put you through an examination to determine your physical and mental status in this country. Life is a series of examinations starting from the time that you are born.

This concept about stress among children is absolute nonsense. We have to let our children know from the cradle that this world is a stressful world and they have to face up to stress. Children and adults and nobody can avoid stress. Part of the problem that we are having in this country is that parents are protecting children or trying to protect children making them believe that there are no stresses in this world, but when they leave our homes and go out into the environment they have to have the same stresses that we try to protect them from and they are not prepared to face the stress. We have to be realistic.

You cannot write laws, you cannot devise systems, any system that you take, if you look at the United States, in order to go to a university you have to take an examination. When you take that examination it determines whether you go to Harvard, Yale or whether you go to one of the lesser universities.

Aside.

Dr. E. A. SIMMONS: You have to take the Essay. They call it an Aptitude Test. I was educated in the United States. You cannot tell me about the United States and the system.

If you are educated in England the same thing happens. The kind of examination you take, the grades you get determine what school you go to. If you go into the communist system, if you go into Cuba the results of the examination determines whether you go to the Jose Marti Institute or whichever University.

The point is that in every system, if the system is to progress, you have to take the more gifted ones and put them in a certain stream. I think our problem in Barbados is that people need to be given a second chance.

Aside.

Dr. E. A. SIMMONS: We need to look at those who are not doing well in the secondary schools and try to devise systems in order to bring them to a higher level of

education. I am opposed to this concept of telling people and telling children that they can go through a life free of examinations. It is nonsense. 4.05 p.m.

We have to look at it very seriously and discourage that because, if you analyze what is going on in Barbados, it is not really the children that are under the stress, it is the parents, the parents who are telling the children that they must go to Harrison College or they must go to Queen's College. It is not the children. It is the parents, who because of their socio-economic outlook on this country do not want their children to go to certain schools, although they know within their hearts that their children are not educationally prepared to handle Harrison College or Queen's College. That is the real fact. Those of us from a certain social background want to implement systems within the schools where teachers can pick out certain children again and carry us back before the days of the 11+ and target certain children to put them in Harrison College and Queen's College. That is really what we want to do.

When we come with the guise of giving everybody a chance, that is not really what we are talking about. We are talking about creating the elitist system and maintaining an elitist system because any other system that you do which does not bring the child into a testing situation has to be fraud. The child must take a test. We know that in every system there are some children who would not do well on a particular day under examination circumstances, but that child in time would find its own anyhow. Anybody who has done any research on education would tell you that that child who does not perform well because on an examination day, no matter what school you put him in and he applies himself, he would do well. That is why in some of the newer secondary schools, you have children who do exceptionally well. They fail a test on a particular day but overall they would make up for that deficiency, given the right environment.

So I just wanted to address this issue about the 11+. It> is a very emotional issue. But I think that we as adults are doing this country an injustice by trying to make children believe that they live in a stress free world and that they can float through life without examinations or without stresses. In the long run, what we really do is an injustice to the children and do the total society an injustice.

Thank you, Mr. Speaker.

Mr. E. BOURNE: Mr. Speaker, I just want to make a short intervention on this amendment.

Over the years I have been hearing complaints about the 11+ examination as though education is not an examination. I would deal with my life as a schoolboy. I remember beginning at St. Christopher at the age of 4. At the age of 5 I was put on the school register.

Aside.

Mr. E. BOURNE: No. I remember everything. I remember when I wore locks in the days when they were cut off. I remember that.

Aside.

Mr. E. BOURNE: Yes. Like a rasta. We were braided. At the age of 5 I was put on the school register and every year since then I had to sit an examination.

At the age of 9+ I sat the Foundation Examination at the Foundation School. I was not successful. There was one scholarship. But that did not bar me from going on to the said Foundation.

So all this nonsense about the 11+ putting stress on this person and stress on the other person, I would never "agree with it, Sir.

What is necessary is for the parents to instill in their children that they have to get down and do some serious studying if they want to write the examination. The teachers at the school should get down to some serious work and teach the children. If these things are done then nobody would be yelling about stress.

There are some children I know who belong to some friends of mine who could not even pass an exam written by me. This is true. Because I have never yet seen them get down seriously to any book work.

So it comes the time for the 11+. Everybody goes in. This boy comes out with 17 or 20. His father would like him to go to Harrison College but he is only good for St. George Secondary and he is complaining.

The fault lies with the parents and with most of the schools because today you find that teachers would say, well after all I do not have to worry, my bread and butter is sure. If you do not learn, that is it. It is different from in my time when the teachers made it their business to teach.

All this talk about poor people, rich people and all kinds of people, I remember at St. Christopher there was a student who would attend school half term the first term, you did not see him the second term and about half term the third term. His place in class was second. That was his place. When you have ability, you have ability. You just have to apply it.

I think that people in Barbados must understand that that is what they have to do with the kids. If your son or daughter is a nitwit or a dummy, do not expect this child to, perform the same way as another child who has natural ability.

Now going on with the measure before this House, Sir, I thought that I would have been hearing the Minister talk about the harassment of teachers. In the DLP Manifesto of 1986, it was stated at page 16, Item 10, they would cease the harassment of teachers and accord members of the teaching profession the respect to which they are entitled. I thought that I would have been hearing something about that today.

It is time that we stand up as men and women and let people know that teachers must be respected. I cannot see why in this day and age parents should be running to a school and threatening to cut off teachers' heads because they had to discipline their children. I think that the lack of discipline is what is causing most of our social problems today.

I remember going to St. Christopher and the headteacher - I do not know whether it was the law or not but it was accepted - he was headteacher, he made the decisions, he inflicted punishment. It is true many parents used to be upset. But that was it. They went down to the school. He would talk to them and that was the end of the matter.

But today parents seem to think that their children are pieces of gold or something. You know, they cannot be disciplined. Even they themselves refuse to discipline them. Can you imagine parents telling teachers they cannot control an eight-year-old or a nine-year-old? What is this country coming to?

We, as Legislators, should be doing something about that today. Otherwise we would have to build about 6 or 8 more jails. Then everybody would be running around crying about 11+, the teachers this, the Minister of Education that and the Board of this, that.

We have to make laws to suit the times. If people try to be indifferent, we have to make laws to suit them. I would have thought that I would have been hearing about the three Rs, Reading, Writing and Arithmetic....

Aside.

Mr. E. BOURNE: ... Well licks are necessary ... which have been thrown out the window. Today the average person is functionally illiterate. They cannot write, they cannot spell properly. Some of them would appear for jobs and some of them can barely scribble their name. They cannot spell their address correctly. These are things we should be addressing.

I thought that I would have been hearing this from the Minister today. 4.15p.m.

All I am hearing is the area that the headteacher is to close the school. This is more or less a waste of good time. It probably should be put back into the hands of the headteacher. I have been told that under the last Education Act a particular headteacher said, "Well, the Ministry says that at 3 o'clock I am finished and I am finished." These are the things we get today. People just do not want to work. You make a law and you expect that people will do what they are supposed to do socially, but yet they hide behind these laws. We should go back to the old style whereby the headteacher was responsible for the student from the time it left home until it got back in the evening. I was told this by my headteacher, the late Harper Skeete, at the Foundation. He was responsible from when we left on mornings until we got back on evenings. We need these rules again otherwise it is a waste of time coming into Parliament and changing this and changing that and pretending that these problems do not exist. I hope, Sir, that the Minister of Education would look seriously at these points I have raised and try to do something about them.

As regards the School Attendance Officers, I think that in this day and age some of these officers are necessary. But going back to my early days at St. Christopher we never had Attendance Officers but incentives were given at school where any class which got 100 per cent attendance or 99 per cent attendance was given five shillings. That was the prize. So everybody strove to get the five shillings. If you got the five shillings, you could purchase what you wanted as a group and then you had a half day to go on a school journey they called it which in the end used to be a lot of hard work. These are things we should be looking at and not complaining about frivolous things.

What I would like to see too, Sir, is the school curriculum changed. We should be teaching agriculture and handicrafts. In my days at St. Christopher these were taught, also artwork and music. Why can we not go back to that system? It is necessary. All of this is education. We want to put Barbados on an agricultural footing but here it is the average person would not know how to plant a yam or corn. How will we ever be able to understand agriculture? If one wants to do artwork, one should know from early how to weave a basket and how to plait a rope. There is nothing wrong with that. Education is to prepare the child for adult life. But here we tend to think that all education is just to go and write 11+ or whatever name you want to call it, try to get in some school of your choice, and then you waste time. In the end, you will be faced with all kinds of people who are no good to themselves or no good to the country. I thank you, Sir.

Mr. R. L. MORRIS: Mr. Speaker, I just rise to make a few comments on this Bill. As the Honourable Minister said, quite frankly when I hear debates on education in many instances I recognise how little people are in touch with what is happening in the educational system. I think it

is true to say that at this point in time we can come with some kind of master plan in terms of legislation that will remove all the problems in education or create some different system from what we have because in my humble view we have one of the best educational systems possible. That is the first thing I wanted to make very clearly. Now if you are talking about the Barbados educational system, you must fully take into account what is happening and the very dynamic situation we have in this small country, of university education and at the Community College. A lot of people do not know what is going on at the Community College. They do not take the time out to go and check it out, also what is happening at the Polytechnic and throughout the whole system. You would get to recognise the quality of the educational system. I think sometimes that the comments that are made are not congruent with the reality of the situation.

I hear a lot of debate on this 11+ examination which is said to be a major flaw in our country and which has not been addressed by this particular Bill. Now I see the 11+ within the context of two things. One is access to education and the second is a transition. That is how I see the 11+. Those are the only two ways I see it. As far as I am concerned, there are several transitions that we all go through as children in terms of the educational system. The first transition is moving from home to the school system to start with. That is problematic in its own way. We do not talk a lot about that. Why do we not talk about the traumas of children getting into school? That is a trauma too. There is no exam there because it is supposed to be an automatic entitlement. But clearly there is a difference between a child going into a nursery school or kindergarten, or a child going into a primary school, or a child paying thousands in money and going to one of these select schools. We do not spend much time on that. We talk about the 11+ where the state basically organises the child's life at that time. Parents have the responsibility to be in control of that early transition in determining where your child will go because to a large extent that will also determine where it will go afterwards. x But why all the fire at the 11+ transition? Why do we not concentrate also at that transition from home into school for the first time? The Honourable Member for Christ Church West said that he went to school at 4 or 5 or whatever. All of us did. Those of us who went to primary schools did not do necessarily worse than those who went to the better schools and so on. There was no exam. Somebody registered you, paid for you, or whatever. That is the first transition you make. Then you have a transition from Infants B to Infants A, *et cetera* and you are supposed to be doing exams even as little children. The teachers have to be testing where you are going and all children do not behave the same way in Infants B or Infants A or in Class 1 or Class 2. People make a big hullabaloo about the 11+ and all of a sudden the difference comes about. The basic fundamental differences are there because of the children's genetic and hereditary traits as well as the home

environment Those are interacting all of the time long before the child gets to the 11+.

But let us look at the 11+. Was the decision to have an exam at 11-Plus for transition something that was pulled out of a hat or something that was decided by bureaucrats or guess work? You have a noted educational psychologist like Piaget, a leading psychologist, and people like Piaget who have written and done studies of children after examining the behaviour of thousands of children, learning patterns, *et cetera* and concluding that children reach certain stages of their mental and intellectual development, when you reach about eleven it is the time when you are capable of abstract thinking and able to move on to a different level of education. If you do it too early, you are wrong. If you do it too late, you are wrong. It is not guess-work. Piaget and several other thinkers have carried out intensive research on children in Switzerland, United States of America, *et cetera* and all of them conform to certain patterns. When you get about nine years or so, you now begin to perceive as a person. Before that you do not know too much. After that you start moving into abstract thinking. When you get to 15 or 16 years, you move on to a different stage. When you get to our age, you start to put things together to integrate information and to use it in a different way. This is not guess-work. So the 11+ was not something that was pulled out of the hat for all these people who rant and rave and do not know what they are talking about This is based on straight psychological theory. Those of us who have children know the stages children go through. You watch them growing. When they are small, they deal with concrete things. They must be able to touch and feel and so on. Then all of a sudden you see concepts of numbers starting to come out and abstract thinking. That is when they are ready for 11+. If you put children to do things too early, you are going to hamper their development and, if you let them start things too late, you will hamper them too. 4.25 p.m.

If you want to learn a language, you have to start learning a language when you are a child basically. It is just that the system cannot accommodate the system all of our children learning French and Spanish when they are four and five, but that is the best time to learn it. You put a child from an English speaking environment in a French or Spanish speaking environment, moving around he will pick up his languages easily. When we start learning Latin, Spanish and French at 11+ stage, then you are really struggling to cope with this thing, because Piaget would have told you you should have started the fellow at four or three or two or one. Nowadays people tell you to put a baby in the sea and it learns to swim. Most of us start swimming at 11 or 12 and we have some crawls, like the fellows who learn to ride a bicycle when they are 25, starting at the wrong time, because the stage of readiness just is not there.

The 11+ is not just a time that you pick out, that is only one transition base, and the educators believe that is the best base. But children go through another transition. In most of our school systems when a child gets to about 14 or 15, in the third form, he has to decide whether he is going into the languages or into science or into the technological stream. These are the streams where a child is forced to make an option at 13 or 14. A lot of parents try to impose their views on the same children. A child will come and say I want to go and do technical skills, I want to do metal work, woodwork and so on, and a parent would say, "Who? That is for duncy people. Do you want to shame me? I want you to go and do science or languages." We have a lot of that in this country. The children are sometimes more progressive than their parents, but the parents are coming out of a different time and imposing their own thinking on the children.

Then you get to the sixth form stage and there are children who want to go and do economics, law and so on, and the parents ask "Where? Leave Harrison College?" They do not teach it there. The child will say he wants to go to the Community College to do political science, economics and law, which are not taught at Harrison College, and the parent will say "No, you have to stay in the sixth form at Harrison College and do the scholarship."

Another transition is from school to either the world of work or university. Of all of these transitions, the 11+ is only one, and it is not a big transition either, it is not a massive transition. I think people make too much fuss over this 11+ thing. I think it is an emotional argument, a rhetorical argument and it is perceived to be a political argument. Those who are pandering to the people by giving the impression that a day will come when everybody will be able to pass all exams at the same level, or will have access to the same school and perform in the same way are only preaching never-never land to people.

It is foolishness, and I agree with the Honourable Member for St. Michael South East, who makes the point that you cannot give children the impression that they do not have to go through stress at some time. All of us went through it. Every term you had exams, every year you had exams. It made us better people and all through life now you are going through exams. Some of us have to do annual reports on our work, or meet commitments and so on in writing up this and that, and if you are not ready for exams, ^then you are not ready for life, because the world of work is just an extended school where you are meeting formal systems. You have to be meeting deadlines and data. In 1986 we had exams, in 1990 or 1991 another exam. We cannot run away from exams. To get in here is a big exam and every five years or thereabouts there is another exam, - so are you going to run away from the stress? You have to "meet it, you have to do your homework, you have to prepare yourself and you have to teach children that this is part of the transition.

I agree that the problem is with the parents, not with the children so much. In fact, I think the children like the challenge. Children like to prepare themselves for the exam and there is a very close correlation between how the teachers assess those children and how they actually perform. You will get one or two differences in that a child who is normally good will fall down a day in the exam, but that child has a life to pick back up, and a child who is normally destined for Harrison College might fall in terms of allocation of marks for Foundation or something like that He is not going to go in terms of allocation of marks down to St. George easily. On a bad day you will fall a few points and so on, you do not fall right down. That does not happen in this life easily. If you do that and you go to that school you are going to pick up, and by the time you get into fifth form you are going to be as good as anybody else anywhere. You will pick up your nine or ten CXC's.

I do not understand this kind of over-anxiety about matters that need to be discussed rationally. Things like the 11+ should not be a political debate basically in that sense. These are things that we have to send correct signals about to the people out there. It is healthy to have debate on it, but I believe we have to see it in the light of transition.

What the Minister is saying all the time, as I understand it, is that the important thing is access to secondary education, and what he is promising the country is that in a short time everybody will have access to that secondary education. Once he gives the access, and once he gives proper schools and put proper teachers in there, then every child knows that he has the opportunity to be properly educated. That is basically important. Every parent knows that his child will be given that kind of exposure and after that it is the way how the child reacts in the environment both at home and at school to move on.

Those of us who went to Foundation never wanted, as far as I know, to go anywhere else. We were satisfied with the education we got there. In the early days, in the time of the Honourable Member for Christ Church West, you had to leave Foundation and go somewhere else, because that was a second grade school and only the first grade carried up to 18, to the Barbados Scholarship and so on, but it is a different situation now. Anybody can leave any secondary school now and go to the Community College and have access to National Development Scholarships, the Barbados Scholarships, etc. and only a few will get them anyhow, but then you have the University of the West Indies, you have all the other avenues. You can leave Barbados and go and study. Do not let us give the impression that there will come a day when everybody in any country will have access to all forms of education, because these things are competitive and everybody is not going to be at the same level of intellect. It is not going to happen. You have Barbados Scholars and you have bright people who are not Barbados Scholars, but bright nonetheless, and that is not going to change. Let us understand these things.

As I understand the discussion between the Honourable Minister of Education and the Leader of the Opposition, the Teaching Service Commission is provided for in Chapter 34 of the Laws of Barbados. That is statute law, but as I understand it, it has now to be proclaimed, so it is already there. It does not have to come inside this Act, because Chapter 34 of the Laws of Barbados on the Services Commissions provides for the Teaching Service Commission. What I understand the Honourable Minister to be saying is that he is going to proclaim it and I think that is a positive thing, as the Leader of the Opposition said. I believe it is positive for the reasons that he said. I also believe that it is unfortunate that it has taken such a long time for this regime to be established and for the teachers to have their own separate Commission, because I support those, like the Honourable Member for Christ Church East, who believe strongly that teachers are very vitally important in our society, that they should be given the respect of the masses of the population.

I do not know, as he is saying, that it can easily be legislated to get that respect and so on. I think as leaders we have to signal to the rest of the community that mothers and fathers should not be walking into schools and trying to chastise teachers. I think when we reaffirm our own faith and confidence in the teaching fraternity the parents out there will understand that and respond to them in the correct way. But, as I have said on more than one occasion, there is a perception in Barbados that people who are important are people who make money. There is a perception that since teachers do not make too much money they are not too important. That is one of the things, that a person who makes money will get respect, but if the normal people perceive that he is only a teacher, which means basically he does not make money, whatever status and whatever integrity he has, they feel that he is not very important. I believe that we have to send signals that we will never be able to pay a whole lot of money to teachers, and that that is so all over the world, because there are many, many teachers. We have to send clear signals that because you do not get a lot of money it does not mean that you do not have, the respect of the community and that we do not appreciate what is being done. We cannot give the impression that teachers must make the same money as people who, because of the economics of the situation - if you are a surgeon specialist you must make money, because there are only a few of them, or a physician specialist, or the manager of a manufacturing plant - but that is strictly economics. 4.35p.m.

If you have a few and not a lot, people would get some money such as top lawyers. But you have a lot of teachers and they are caught into that and the system really can't afford to pay teachers their worth. I know it is a hard system. People ask if I am worth this, how come I don't get the money? We need to be realistic, but we have to send clear signals that we value our teachers and we respect the

work they are doing. We need to give them the institutional and moral support that is necessary for them to continue to function.

I would like to compliment the Government for bringing these amendments. If they have put right the wrongs that were being experienced out there by those who are the practitioners, and if the practitioners are satisfied that we are doing the right thing and that is all for the good of the improvement of our schools, then I think the Minister in bringing this Act here has done the right thing and I want to pledge him my full support. Thank you.

Hon. H. deB. FORDE: Mr. Speaker, I support a lot that has been said in this debate, particularly by the Members of my side, of course, and the last two Members who have spoken. I think it is significant that the last two Members who have spoken, like myself, come from that school called the Foundation School which has produced a lot of people not only with good learning, but commonsense which is very necessary for education. I am certainly not going to get into the philosophy of examinations *et cetera*, but I wish to endorse the remarks of the Honourable Member for Christ Church East Central that there must be periods of assessment in the life of any individual including children, and I believe that a lot of the controversy about the 11+ stems from the necessity for us psychologically to help parents over that transition period. More often than not the person who has the jitters is the parent rather than the child itself who is taking the examination, and too often have I seen parents pressurising children about the examination, just as I feel very strongly that we tend to pressurise our children on their career structure. In a society where, historically, we have placed more emphasis on the professional who does medicine or law and tended to downgrade those people who went into vocational skills or in the creative arts, I think that so likewise in the schools where we try to push our children into the purely academic stream without recognising that they are as good as and sometimes better citizens than those who merely go into the professional stream of life.

What I would like to see happen in the educational system is that we do not make all of our schools architecturally and academically alike. One of the strong reservations that I have had about the World Bank projects has been the insistence of the World Bank and financial institutions that every school must be designed to look like every other school. That was in the first World Bank project. This similarity is bad because I believe the school must have its own ethos, its own ethics, its own institution, its own feeling, its own life, and its own individuality, and I hated the thought that we agreed, I don't know whether reluctantly or not, to the World Bank's dictates at the time that we should style all of our schools architecturally the same. Likewise I believe that schools even in the primary systems will develop their specialties. I would hope that the new secondary schools, the Wotton School in particular at

the secondary level would not show vocational excellence. Within the system we have children with tremendous ability. I had the privilege of going to the BMEX exhibition, Sir, and I was very pleased to see the tremendous outburst of creative talent among children in our primary schools and the composite schools, and I want to say particularly for the two Members who represent St. Philip that the schools in St Philip particularly showed outstanding ability, and St. Stephens as well, in the type of leatherwork, craftwork, design work that I saw coming out of their primary schools. I would hope that whatever we do to the educational system that we make sure that the schools have the necessary facilities of an equal standard to get them at a level that no school would be a preferred school.

I have got to be very careful how I speak here, because the last time I spoke on education for a long period of time in this House, which is some years ago, I got the full wrath of the then headmaster of Harrison College at a Speech Day, because he said that elitism was necessary in any society and he wrote that. I disagree very strongly. Excellence is necessary in a society, but there is a vast difference between elitism and excellence and what we want in the educational system is not elitism, we want excellence and you want excellence in whatever be your calling, whether it is academic or vocational or otherwise. So I am very careful how I speak. I would not like to see schools with the unequal standards that still persist. In fact, because of these unequal standards, we have people who would want to go only to a particular school, the old grammar schools, whereas the newer secondary schools, as we tend to call them, have not been getting the same opportunity in the level of the teaching aids or even in the provisions being made for them in order to operate as centres of excellence. I would hope that we would aim after that excellence by ensuring that each individual school has an equal opportunity in terms of teaching staff, teaching aids and other resources in order to raise the standards.

I am a little bit concerned, Sir, at the fact that we have come to the conclusion that maybe with 23 secondary schools we would have satisfied our needs at the secondary school level. I am not sure that a thousand pupils are not too many to be handled at present in the school setting. I would like to see a better teacher/pupil ratio than obtains at present at both the primary and secondary level, and I would like to see the administrative framework of the schools being strengthened so that there is much more control and discipline taking place within the schools.

There was a time, Sir, when the teacher, like the priest, in a district was a person to whom each of us would look up, and certainly I never tire of saying that whatever I have achieved in life I lay the praise to a tremendous extent - to my two mothers and also to those persons who taught me and recognised that I had some little ability, particularly at the primary and secondary level. It was not Cambridge that did all this for me. By the time I had left Christ Church

primary school, there were the Jackmans, the Callenders and the others who had stamped their influence on whatever I was to achieve and by the time I had left Foundation and come to Harrison College for a short while, the foundation was well and truly laid. I can only look back therefore with great favour on those persons who taught me and were honing whatever little talent I had at that early stage of life. To me the teachers must be an important segment of our community. We will have to look down through the years as we go into the 21st Century at how we reward persons for services.

The Honourable Member for Christ Church East Central made the point that because the teaching profession is probably so large in numbers we are not always rewarding them in monetary terms for the skills and the aptitudes and the work which they perform. I tend to agree. I believe that in classifying teachers we have to recognise that they should be better paid. They are not always rewarded. People tend to talk about the fact that they have vacation periods and leisure time and what not. That is only a little part of the story, but in the tremendous contribution which they make to national wealth, because I consider human resources perhaps our greatest asset, they are the persons who are working these human resources at the very tender and vital age and turning it to the benefit of the country and the future. I would like to think that we reward them appropriately for the contribution which they are making.

There are, however, in this Bill, Sir, two areas that I wish to spend a little time on since other Members have not spoken about these. I would not like the debate to conclude without some notice being made to these provisions. The first has to do with private schools. The Act is now amending section 30 by introducing a new section 30A to say that no person may establish a private school or educational institution in Barbados after the commencement of this section without the prior approval of the Minister. 4.45 p.m.

Basically what it is doing is it is taking away the limitation of the number 20 in some way and demarcating what is a school or an educational institution.

First, Sir, I am strongly in favour of the continuation of those schools which want to remain private schools, provided, of course, they conform with the other laws of Barbados and do not discriminate in the selection of pupils and things like that.

I think the private schools have made a tremendous contribution to education in this island and I would hope that wherever we do have some valuable private schools and institutions doing excellent work they can continue, particularly as some of them are no cost at all to the state.

I regretted very much to see the conditions in which one or two of the private schools have had to operate recently and I cite near to my own home, the private school Codrington High School, which, I believe, has got rid of some of the uglier features that characterised it on the sociological side in past years but now, Sir...

Aside.

Hon. H. deB. FORDE: Well, the Honourable Member for St. John wants me to say what I mean. It is quite easy. Once before you had to be a planter's son, or a planter's daughter, or of a certain hue or something to get into Codrington High School. That no longer obtains. Codrington High School is now open to all and sundry and it is giving a reasonably excellent standard of education but the physical surroundings need assistance and help.

On the other hand the same, perhaps, goes for St Gabriel's School which, I believe, is doing a first class job as well but needs financial assistance.

I believe that people in Barbados must become a little bit more generous not only when they are alive but when they die as well. We find there are no people as you have in countries like England and elsewhere who would think of leaving a school in their will any longer. I do not know why, whether it is a public school or otherwise. I believe we have a duty to help these institutions.

I still see wills in which testators and testatrices are leaving money to foreign institutions. Having made the money here they would leave it to the overseas university or overseas club or overseas charity and forget that there are institutions in Barbados which ought to benefit from a similar charity. I want to see the continuation of these private schools or institutions.

I am aware that we have another problem. I am wondering, perhaps, when the Minister replies whether he will explain if the purpose of Section 30 (a) is to deal with the problem of the growing educational institutions coming on the scene and providing all sorts of things. You find one teaching as a computer expert. They are growing up and mushrooming overnight and I am not sure that the standards we would want to see are being maintained, even in adult and post secondary and some secondary schools. Some of our people, having gone through the secondary stage and not being able to satisfy or realise the academic level that their parents want of them, go back to these institutions in the evening and spend a lot of money. I am not certain in my mind that we are policing them sufficiently to ensure that they are really delivering the goods which they should deliver. Therefore, I would hope that the purpose of Clause 30 (a) is to put in those standards and maintain some standards at these mushrooming institutions.

I would only sound one word of caution on 30 (a), Sir. I hope it is not interpreted that if a person is teaching two to four pupils on a regular basis that that is a school and so that they do not have to apply and that those people who have to enforce the law would not expect them to be registered.

Now, Sir, the other section that I am particularly concerned about and obviously will be concerned about is because I am a parent of a handicapped child or what is referred to as a special child which are the words that I really prefer. Once again - and I am going to be told this is because of resources - dealing with the new Section 17 which amends Section 53 of the Act, the obligation on the Minister gives him really a discretion where practicable to provide special schools appropriate for the education of children requiring special educational treatment.

I would think one of the areas of greatest need in education today are those children who have limited mental and physical capacity. Really we have to redouble our efforts in order to give them the opportunity to use the little which they have to the maximum use. Once again I want to single out for special praise the children of the Challenor School and the other special schools who exhibited at BMEX.

Some of the exhibits which they produced were better than those coming from some of the regular manufacturing concerns in Barbados and could stand their own in competition anywhere else. These special children have a gift in many instances.

We would be surprised that in the silicon valley it has been proved that children who are mentally retarded as you say can produce chips at a faster rate and of an excellent standard and are very good workers in this respect and I would hope that we do not lose that talent. I know we do not have unending resources but I would never tire of pleading a special case for the disabled, whether they are physically or mentally disabled, to be given as good an opportunity as those who have their maximum capacity to perform.

I would trust, Sir, that the law will move soon from the phrase "may, where practical" and that we would before the turn of the century find that it is a mandatory obligation placed on the state just as the mandatory obligation is now placed on the state in respect of normal children of compulsory school age. There should be an obligation on the state to provide for these children who through no fault of their own are handicapped from birth or become handicapped because of something which happens to them during their lives.

The last point I wish to make, Sir, relates to the amendment that we are carrying out to Section 64 which is really about discipline within the school place and

discipline not between teacher and pupil but discipline which is upset because of some external force affecting the school. It may be a person. It may be a parent going to the school misbehaving and blackguarding, thinking that they have a good case and not being able to deliver themselves properly and going in and assaulting teachers and creating a rumpus. I do not believe any of us in our society can encourage that sort of thing.

In my day, Sir, if you went home and you complained about your teacher you were taken back to school, and, of course, an explanation would be sought but you were liable to get another whopping in front of the teacher. Nowadays I do not understand some people. If a child comes home and says he or she does not like the teacher or the teacher does not like them or the teacher has done them something that leads to a row and a threat to the teaching staff. 4.55 p.m.

That would break down discipline in any institution. I am not saying that teachers are always right. But there is a system for dealing with that. More often than not, they are right. More often than not, the parent is encouraging the child to flout discipline and more often than not in the very home, there is not the discipline that you would expect from children, Sir. I would hope that this section would not have to be used. I do not like to see litigation arising out of a school session. We have had it. I believe that that is one place, there are two places that I am very concerned about litigation, although I have made my livelihood from litigation, one is the church and the other is in the school. They are two pivotal institutions in helping us to build a cohesive society. If they can only settle their problems by going to the law immediately, not that the law is not there to settle the problem, something must be wrong. It should be possible therefore for us to, as much as possible, bring the school system into litigation. We have to have the provision. Do not misunderstand me, Sir. But I should hope that it is a provision that is not much used, Sir.

Finally, Sir, the Minister would expect me to make a political point. It is the first time I have heard the confession that the 1981 Act only made 5 minor changes to the 1975 Act, Sir. I hope that with that we would not have the sort of political controversy that we have had about education. It is in Hansard. There were only 5 minor changes. But all the ills were at one stage being blamed on the 1981 Act. Really I did not think this was so.

I am going to end with this plea, Sir. I would hope that the Common Entrance Examination would not be a divisive issue in elections in Barbados. I know in 1986 it was on the platform, not that we should not have an interest in talking about these matters. But I would be careful in this area not to send the wrong signals. As the Honourable Member for St. Thomas has said, I do not believe that any of us, including the educationalists who have been talking, know the correct and absolute answer to the question of assessing

children's ability at various stages. We could get approximate answers and we are not always going to get it right.

What we have to do in the system is to build into the system, a provision and an opportunity to correct things that may go wrong. But I should hate to see the Common Entrance Examination being the *casus belli* between the political parties. Because we might all be out there seeking to satisfy the constituencies and the pressure groups that would arise at this time, Sir. I have been in the business a long time and I understand the pressure groups that come, particularly as we near an election, Sir.

But we still have, in the final resort, to run Barbados and to make the maximum use of our human resources. Therefore, the signals that we send on these areas must not be with a view to misleading. It must be with a view to ensuring that when changes are made they are made with a certain surety and they are made for the better and not merely for the moment.

Mr. L. L. BRATHWAITE: Mr. Speaker, I earlier had given an indication that I wanted to participate in this debate. I would not like to prolong it but there are just one or two points which I should wish to make, in supporting the Bill, one or two points which I have some concern about, since so much of what I would support in this particular measure has already been said.

It is just to say, Sir, that I am still very concerned about the level of indiscipline among school children on school days, away from school. Why I am concerned about that, Sir, is that we have a growing trend where a large number of school children are on the streets after 9.00 o'clock on mornings just sauntering about and getting into some very mischievous deeds. I believe that there should be some level of discipline imposed on these children between the parents and the school system, because if they are on the register at school, the school knows whether they are at school or not. If they are not at home, the parents know that they are not at home. Certainly there should be some tracing of the behaviour and the attendance at school of children as long as they are of school age.

Sometime ago I spoke of the numbers of children who frequent the stores in Bridgetown in school uniform and do things which are not in their best interest or in the interest of proper and orderly development in the country. There is still some of it in the City of Bridgetown. I should like some assurance that there is some level of discipline placed on this kind of activity.

One other thing, Sir, which I should like to make mention of is that we have got to guard against, as leaders, giving our children the impression that everything has to be

free. They have to learn that they must strive to earn and that that is the only way they can develop a society that is prepared to be productive.

I believe, Sir, that when the Honourable Leader of the Opposition, the Honourable Member for St. Michael South Central, made a point about the number of children who were not at school because of not having meals and the others not having bus fares, I do not think that he was seriously addressing the point that relates to the School Attendance Officers. Because, there is a number of these children who are on the streets spending money. If the parents did not have it to give them lunch or bus fares then they would not have that money to spend.

So very seriously, Sir, the matter of non-attendance at schools needs to be looked at much more seriously than, in my view, trying to make a political point out of it.

I believe that the future of our children is a very serious matter for us to attend to and we have to look at the problems as they exist and try, at whatever level we can, to improve the thinking of our children towards their own development.

The point has been made that in the matter of the 11+ examination that - and I recognize this myself - the greatest trauma seems to lie with the parents of the children who are being prepared for this examination.

It is small wonder, Sir, that you would have a situation where children who have gone through secondary schools, to some extent, come out of those schools and are not prepared, as they should have been, for facing the work world, as they should. I can say that, Sir, because there are many children who claim to have gone to secondary schools, government and private, who are incapable of filling any role, other than just being casual employees and that kind of thing. That is something that I think the parents, to some extent, have a great responsibility for because they have not instilled in the children a sense of responsibility, of making use of the opportunities that they have been given and therefore we are not getting the kind of results that we should be getting for the money that we are spending on education.

I believe, Sir, that some level of responsibility must be accepted by those of us who call ourselves parents, those of us who call ourselves teachers, those of us who call ourselves leaders, if our country must progress as a result of it.

Those are the few points, Sir, that I wanted to make because they are of concern to me. I should hope that something is done to address them.

Thank you, Sir.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I would wish to make just a few comments on this particular piece of legislation which is before us. I do not expect to be long on it, Sir.

I think in this country, we have got to decide, as people, what really are the goals that we are aiming at and what are the means by which we are seeking to reach those goals.

A very interesting debate has been going on in the United States and indeed in Britain, Sir, concerning the relative positions and prospects for the United States or for Britain, *vis-a-vis* the present position and prospects of Japan. 5.05 p.m.

It is all centering around the components that make for the strength of a nation, the components that build up the sinews of the people, and the particular contribution that education and training can make towards the achievement of the goals that may make the difference between the achievements of a country like Japan and a country like the United States or Britain. There seems to be some consensus developing that in Japan the educational system is tougher and more competitive than in the United States where according to some of the commentators the options tend to be relatively easy in certain particular areas compared to those in Japan.

The people in Japan work longer hours as adults and they work harder or have longer hours in the schools than those in the United States. Whether the one leads to the kind of society in Japan as distinct from that in the United States may be a matter of conjecture. I believe that there are other factors that operate such as the social conditions, the very culture and mores of a people which super-impose themselves on the social systems whether the educational system, the health system, or other aspects of the country. • There is no doubt at all, Sir, that if we in this country wish to continue to improve as a country and as a people, we cannot forever be seeking the easy solutions and the easy way out of problems. We cannot be seeking to avoid toughness and conditions of stress. Some discussion has centred on this question of stress, Sir, and I do not wish to go over the ground. We are all in a state of transition. Life itself is a state of transition. We go from infancy, Sir, to childhood. That is a state of transition. We go from childhood to adolescence. That is a state of transition. We go from adolescence to young adulthood or middle adulthood. Those are states of transition and then we go into old age and so on. That is where the Member for the City...I am not being serious...Sir, I withdraw that.

Mr. SPEAKER: Not if you are measuring by the colour of your hair.

Laughter.

RL Hon. L. E. SANDIFORD:...We go into the state of senility or old age. We call them senior citizens and that is also a transition. But, Sir, we are all in a state of transition and we have to go through these stages. If we choose the stage of transfer from the primary to the secondary level as one to concentrate on, let us not believe that this is a problem that has just arisen. The Common Entrance Exam arose because each secondary school in this country had its own particular methods of admitting students to those schools sometimes based on an examination, and sometimes based on some kind of examination, sometimes based on the old school tie and the kinds of contacts that could be established. This was way back, Sir, in 1959. It was in 1959, I believe, somewhere towards the end of the decade of the fifties, it was felt it would be better for Barbados and for Barbadians as a people if a central examination were organised so that the children of this country could be given a fairer chance of gaining access to what was then a precious privilege of going to a secondary school. Sometimes when we speak about education, Sir, I do not think that we pay enough attention to the changes and the achievements that have been registered in the educational system or in the other social systems in Barbados and the tremendous contribution that education and the other systems have made to the development of Barbados as a country. I say, Sir, without any fear of contradiction that education, the educators, and the entire education community in Barbados have made a significant and outstandingly invaluable contribution towards our achievement as a people and towards the economic and social progress that we have made in this country. There is no doubt about that, Sir.

I do not think we could have had the record position in so many areas of our national life in 1989 and continuing into 1990 were it not for the contribution of our educational system. So when we start to knock these systems and to talk about decline and things like that, let us keep these things in perspective and realize that it is people that make these developments, bring about growth and people bring about development. The quality of our human resources has made the difference and will continue to make the difference.

So we made that change in the late 1950's and that was an advance on what was there before. It was to provide a greater level of fairness in the system. That is not to say that we reached perfection then or with the other developments that came after that, because in very few things is it given to us as human beings on this earth to reach perfection. I do not believe that we will reach it in our educational system but we have to keep striving to improve upon what we have at this time. That is what we are seeking to do in the educational system.

The Ministry of Education has sought down through the years and under successive Governments to improve the educational system. Sometimes the efforts have been rewarded with success. Sometimes some things have not

quite worked out. That is the nature of social progress and what some people like to call social engineering. You score successes, you have some setbacks, but you have to keep at it.

Now, Sir, I recall as Minister of Education looking at this problem of the transfer from the primary to the secondary stage. I set up a committee, Sir, to come up with or seek to find recommendations and proposals which might be acceptable in terms of that transition period. That committee, Sir, was under the chairmanship of a Mr. Leonard Shorey as he was at that time. 5.15 p.m.

The Committee made a report, and the Chairman of the Committee could not get the other members of his Committee to agree with his particular proposals as to what to do about the Common Entrance Examination. If a Chairman, the chief adviser now to the National Democratic Party - they are picking up all of this old worn out stuff and getting up and speaking with some kind of fervour as though this is something new that is being churned out: you must have new insights - chief spokesman, who is always at Belleville, came up and could not persuade the other members of the Committee or the education community at large that his method of selecting people for the secondary schools....

Aside.

Rt. Hon. L. E. SANDIFORD: ... could not persuade the education community that his proposals were right, and that was a minority report by the Chairman, a report of one, random selection, the point I am making is that it is all right to talk that a particular test or examination should be abolished, or you should come up with something else. That is the easy part of it. You can come up with a critique, but the question is, what are you going to put in its place and what kind of support will it have?

I have listened to the debate in here and I have heard a lot of suggestions thrown out. I heard a suggestion thrown out that we have resources in different schools, different allocations of resources to different schools, but you know, Sir, that education, like health, is an industry that is human-resource-based. It depends upon people. People represent the greatest resource in the health care sector as well as in the education sector.

There are no machines, computers or anything like that that can replace a teacher. They can be used as helps or aids in the system, but you cannot replace the teacher. We have not been able to do that, Sir, and I doubt that we will be able to do it.

If you have this allocation of people already in position, I want to know how you are going to start equalising the resources that are there now in the system,

unless you are going to transfer people from one school to another school, and that is exactly what will not find acceptance. It did not find acceptance in the past and I dare say it will not find acceptance in the present. The Minister of Education has been working on some kind of memorandum to get an understanding. The teachers themselves develop loyalties, likings and dispositions towards some schools as opposed to other schools and, they claim, conditions of service. That is understandable.

In terms of the allocation of resources, in the schools we seek to provide opportunities, equipment and resources that would put the country's educational system on the path of equalisation. When I was at school, the Coleridge School, then the Coleridge-Parry School, there were no science laboratories. I do not know about Foundation. That did not stop us as students from following the curriculum prescribed and trying to make the best use of the opportunities. There is no point looking back and saying that you did not have those resources available and hence we could not make something out of our lives. I think we have to use the resources available and remember that they are not inexhaustible. They are limited and that is what we have to work with.

The most that we can do as a people, the most that we can do as a Government and the most that we can do as members of Opposition parties is to seek to make the best use of the available resources. There are no Utopias around. We can have those as things that we strive to achieve. So let us not be misled by any phraseology about new thinking and a new resoluteness, and those kinds of high sounding phrases which when translated into practical terms mean very little in terms of what is achievable.

Let us understand it, Sir. I said that we are always in transition and I believe it was the Member for Christ Church East Central who indicated that life itself is an examination and a test. We come into life by means of a test, some superficial and on the surface and some in-depth. That is how it goes, Sir. When we are in the womb tests and examinations are carried out on the mother who carries the child.

Mr. SPEAKER: Lest you quote the wrong Member, I think it is the Member for St. Michael South East who made that comment.

Rt. Hon. L. E. SANDIFORD: I am sorry, Sir, thanks for that correction. The Member for South East. I was mixing the voices, Sir, I was listening to the voices.

Sir, how are we going to avoid this? The Minister of Education is correct in his approach. Ultimately this problem cannot be solved until and unless we have an adequate number of school places at the secondary level. The problem is not whether somebody will gain access to a secondary school, but which secondary school would be the

best for that particular individual. Until we reach that position, we are merely talking largely about access to the secondary school and we have to plan for that. Let us realise that we have been seeking in the decade of the 60's, and the decades of the 70's and the 80's to transform our educational system from one that provided universal education at the primary level but then limited secondary education to a limited number of persons. 5.25 p.m.

We do not believe now that that is the way that this country should organise and train and educate its human resources. We do not believe that secondary education should be a privilege mainly or only. We believe that it is something that should be accessible to all children of appropriate age. That is why we entered into a programme of constructing secondary schools. But those who were short-sighted at that time launched an attack on me as Minister of Education to the effect that all I was doing was building secondary schools. In other words, when we were seeking to deal with an educational problem, they were saying that we were only building secondary schools, we were building too many secondary schools, and when they got into office what did they do, Sir? They built more secondary schools and they sought to obtain loans for that particular purpose, correctly, Sir. I am not disagreeing with that particular approach. It was the correct approach, Sir, because it was needed to wrench our educational system from being elitist and being reserved for the privileged into one in which all Barbadians, rich or poor, white or black, thin or fat could have access to what has been the major cause of social mobility and social progress and advancement in this country. So we have to provide the places and that is what has been happening.

I believe, Sir, that we have to have tests and examinations. There is no point trying to talk about stress and those kinds of things because we will experience them ;*-in life. It is part of the human condition. To get up and indicate that you want to remove that and make things easy and smooth and whatever else is, I think, to give a wrong impression and the wrong approach to the people of this country. Life is a tough game and we have to build up that tough fibre in terms of the development. But, Sir, there is a way to do it because I do not believe that the chances of any individual in school should be dependent on one shot. I do not believe so. We need to look at different systems and to combine the best of all systems. If this is called "synchronism or whatever it may be called, that is an approach that I believe is commendable. I believe if we combine a system of observation and testing within the classroom together with testing by examination, and give the appropriate weight to these approaches, then we can have the best of the two systems. I believe that is the path. In fact I know that is the path the Ministry of Education is -on, and it is a sound path. The Minister of Education is giving that kind of leadership to the educational community and to the entire population and is to be congratulated on

that. I believe when this finally comes out, Sir, that we will be at that stage where at different levels of progress throughout the system, whether it is age 7, age 9 and age 11, you will have continuous assessment by the best accepted methods known to look at the progress and development of the pupil where you can build in any remedial work that is required, and you can actually watch the progress of students along the educational ladder.

In addition to that, Sir, at the designated age you can then have an examination as well. But, Sir, I also believe that an examination just in English and Mathematics tends to distort the curriculum in the schools. That is much wider than English and Mathematics. I heard the Leader of the Opposition refer to something which he called the scientific and technological age, and I am not speaking against the particular point. He has done very well educationally. He said we were living in a scientific and technological age and that is true. Science is at the basis of our civilisation but it is really impossible that we can have it in an educational system at that stage when we are not testing or observing for the acquisition and the utilisation of knowledge in the area of science.

Sir, the other area that I am particularly concerned about is the area of social and human inter-relationships called social studies, that is what it is called, because life is a community or communities of people living together. We can master all of the technological advancements we would like, if we don't live together as human beings, we will always have problems and therefore social studies is a most important discipline as well. Speaking personally, those are areas in which I would like to see distortion pulled out of the system and replaced by a broader approach to the problem.

In conclusion, Sir, these particular proposals before us are highly commendable. They have arisen out of the problems in the administration of the system. We are not being excessively legalistic when we come to this. You need a legal framework for education in this country. In a sense there has always been a legal framework, but as more lawyers are produced and as people stress their human rights, whether as parents or individuals or in whatever capacity as workers, we have to make sure that the legal and constitutional framework are in place in order that we can proceed on an orderly basis. That is all that these proposals are seeking to do. If we wish to discuss issues in education, these are open for discussion.

I am sorry, Sir. I said I would have spoken very briefly on this matter, but I think you will understand that when the subject of education comes up it is a subject which I feel very strongly and dearly about, and I am grateful to you, Sir, for your indulgence. Thank you.

Hon. C. V. WALKER: Mr. Speaker, just to reply briefly to a few comments made. First of all, the three

Honourable Members of the Opposition, the Honourable Member for St. Peter, the Honourable Member for St. Thomas and the Honourable Member for St. George South, although the Honourable Member for St. George South went down a different path, dealt primarily in the area of the law as it relates to the Bill that is before us. The Honourable Member for St. Peter did join that, but maybe he was coached by his colleagues by proximity. However, Sir, they tended to deal basically with what they saw in terms of the areas of the Boards of Management and the school attendance officers. These are things we have to look at. The Honourable Member for St. Thomas brought his personal experience in what he has observed, and I agree with him that it is something that we have to address, and I will give him the assurance that the regulations, as I mentioned in my introduction, will have bite.

I think basically the Leader of the Opposition wanted to have a go at education based upon his advice being accepted from him, her or those, but I think, Sir, that he did not even hear when I said that the Teaching Service Commission is already in the Constitution and I specifically stated that it was in italics just awaiting the official proclamation. 5.35 p.m.

I am sorry, Sir, if he did not hear but I would repeat it for his benefit, Sir.

Of course, he went on also in terms of the 11+ examination and the children, the leaking roofs and so on. I will not take this Honourable Chamber through any discussion on the 11+. As I stated we have been looking at that and I made the point at the beginning that we have to get the places. Hopefully by the time we have the places we will have the proper coordination and the culmination of the two aspects which would then bring us to what we hope will be the take off for the new era in education.

Aside.

Hon. C. V. WALKER: The Honourable Member for Christ Church West, I must say, spoke like an educator. I think we had the pleasure of teaching around the same time. His concern expressed in the area of private schools I think I agree with and the provision is there to take care of not just private schools dealing with primary or pre-primary education but dealing with education within the system as a whole, which will encompass some of the other areas outside of the Mathematics, Arithmetic and English Schools. I need not say anymore but we have to deal with them.

The comment made by the Honourable Member for Christ Church West is, indeed, worthy of note within the system when you find those who tend to castigate the system. Indeed, of those schools referred to by the Honourable Member for Christ Church West and who

displayed their wares at BMEX, I am proud to say, Sir, that only this morning I received communication from Cave Shepherd that they are willing to have a joint arrangement with those schools. I think it is on July 25 I will be present launching the joint arrangement with Cave Shepherd and those schools.

I just want to state briefly the comments which keep coming up about the inequities within the system in terms of one school being better or one school being treated differently. Without going through the details I will state that on the average when one does a per capita expenditure for a school within the secondary schools that they range from \$3 537.44, if you want the cents, at the highest level of per capita per school down to \$2 469 and that \$3 000+ is not what you may consider to be the so-called Harrison College or Queen's College figure. Indeed, it happens to be Combermere.

Aside.

Hon. C. V. WALKER: You said there is an inequity in the distribution of dollars at the schools. I am saying that we spend on a per capita basis an equal amount...

Dr. R. C. HAYNES: Mr. Speaker, I said on an equity in relation to resources. I never said anything in relation to dollar bills. I was not speaking of dollar bills. I was talking about human resource allocation.

Hon. C. V. WALKER: Now since he said that, Mr. Speaker, we can look at the resources then. In terms of the resources the picture of the resources does not say that again, because the highest volume of resources, if you will, is not at one of those so-called elite schools but Ellerslie would probably be the highest school in that area.

Now, you may argue in terms of numbers. If you are mathematically capable of dividing the numbers by the dollars spent then you will see the numbers have nothing to do with the amount. You have to be consistent. To carry on, Sir.

Mr. CHAIRMAN: Order, please.

Hon. C. V. WALKER: Section 13(a). The Honourable Member for St. Thomas is not now in his seat but there is some concern expressed by him and I think when we get into committee we will probably look at that about the phrase: "whether during school hours or not." I think he expressed some concern about that. We could probably look at that in Committee.

With those few comments, Sir, I am pleased to respond.

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

On motion of Hon. P. M. GREAVES seconded by Hon. W. O. FRANKLIN, Mr. SPEAKER left the Chair and the House went into Committee, Mr. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1-6. were called and passed.

Hon. C. V. WALKER: I beg to move that Clause 7 stand part.

Hon. W. O. FRANKLIN: I beg to second that.

Dr. R. C. HAYNES: Mr. Chairman, I believe the point was made that the principal legislation being amended.-provided for a National Advisory Commission on Education but this clause now removes that mandatory situation and gives a discretion to the Minister. I wonder if the Minister can tell us what has happened with the National Advisory Commission on Education.

Hon. C. V. WALKER: Mr. Chairman, it is true the National Advisory Commission has not been meeting that is not the main point why we thought to leave it out. We now have a Teaching Service Commission. We thought that the Teaching Service Commission could probably perform functions that would normally be passed through one commission and then to go on to the other commission.

Dr. R. C. HAYNES: I am a little confused, Sir. This is a National Advisory Commission on Education. My question is that if it is legislation there was a mandatory situation where you had a National Advisory Commission.^ Your response was that it has not been meeting. My question is, why has it not been meeting? Who are the members of that commission? Do not try to bluff your way by talking about a Teacher Services Commission. This is a different matter altogether. What is the problem?

Hon. C. V. WALKER: Mr. Chairman, the Leader of the Opposition obviously wants to create a problem. Let me reiterate. It is an Advisory Commission which has not been meeting... „""

Aside.

Mr. CHAIRMAN: Can we have some order, please?

Hon. C. V. WALKER: As we were looking at the total-, change to the Act everybody made their submissions and in ' this interim they were not meeting because everybody was awaiting the change of the Act. 5.45p.m.

Dr. R. C. HAYNES: I wonder if the Member would be so kind as to let this Honourable House have the benefit of the membership of the National Advisory Commission on Education. Who are the members of it?

Hon. C. V. WALKER: Mr. Chairman, I cannot remember who were on the last but there is no Commission right now, Sir.

Dr. R. C. HAYNES: In other words, there is no National Advisory Commission on Education, although the law previously indicated that there should be and must be a National Advisory Commission on Education.

I put it to you that it was out of personal spite and pique and for political reasons that that Commission is not functioning today.

Aside.

Dr. R. C. HAYNES: No. I am putting it to him.

Mr. CHAIRMAN: Are you still addressing the Chair?

Dr. R. C. HAYNES: I have asked the Minister....

Mr. CHAIRMAN: Is the Honourable Member still addressing the Chair?

Dr. R. C. HAYNES: I can see the Right Honourable Prime Minister has a vested interest in this. He has a hand in it too, if I may say so.

The point is, the law, as far as I understand it, as far as I am advised, prior to this amendment which is being discussed now, which is not passed yet and therefore the law of the land still makes it mandatory for there to be a National Advisory Commission on Education. After several interventions, I have got the Minister to admit that he does not know who the members are because it does not exist.

My question is, why does he find himself in breach of the law, as it stands now?

Rt. Hon. L. E. SANDIFORD: On a point of elucidation, Sir. I think the word "pique" was used and I was told that I had a hand in something or another. I should like just to elucidate the particular position.

Sir, I cannot have anything against a National Advisory Commission on Education because it was in the Act of 1975. I created the National Advisory Commission on Education in the 1975 Education Act. That was retained in 1981.

~ You would be right on the point that it is part of the law. But I just wish to make the point clear, Sir, that I have not been acting out of any pique and I have not had any

hand in anything relating to the National Advisory Commission on Education.

Dr. R. C. HAYNES: Sir, the Prime Minister has disclaimed responsibility for the present situation. I accept his word. Therefore the responsibility is with the Minister.

Would the Minister please let the Honourable House know why it is that you failed to carry out your duties, as required under the law, to have in place a National Advisory Commission on Education?

Mr. CHAIRMAN: The question is that Clause....

Asides.

Mr. D. A. C. SIMMONS: Mr. Chairman,....

Mr. CHAIRMAN: Order, please.

Mr. D. A. C. SIMMONS: this is a serious matter indeed. This is a very serious matter, Sir. I spoke on it earlier to show that what was being done now in the amending legislation was to vest the discretion in the Minister as to whether there should or should not be a National Advisory Commission. Until this Bill goes to the Other Place and receives the assent of the Governor-General, we are governed under Cap. 41.

Section 6 of the present law, says:

"The National" not "a", "The":

"Advisory Commission on Education is established by this Act."

The First Schedule has effect and then it sets out the operations of the Commission and that the number of persons must be 15 and so on. In addition to that, the Minister has a free hand to establish committees in addition to the Commission. But there must be a Commission.

It is like saying - You can have this.

Aside.

Mr. D. A. C. SIMMONS: No. It does not have any life. How can a National Advisory Commission have a life. It has perpetual succession until revoked by legislation.

Asides.

Mr. CHAIRMAN: Order, please.

Mr. D. A. C. SIMMONS: This is like saying, Sir, that there is hereby established the National Conservation Commission.

Aside.

Mr. D. A. C. SIMMONS: It is a Commission. Yes. I am saying that it is like that.

It is written into the Act that this body exists in law and it has to be constituted by various personnel.

The point raised by the Leader of the Opposition is important because this Commission had special functions to advise the Minister, there are two areas:

"On such matters connected with education as the Commission thinks fit"and:

"On such matters connected to the functions of the Minister, under this Act, as the Minister refers to it" It is Section 6. Therefore the Minister has been operating on his own, without taking the advice of the Commission where such advice could be given. But in the absence of the existence of a Commission, he may well be operating *ultra vires*.

Aside.

Mr. D. A. C. SIMMONS: I said, "may well be". I did not say, "is". In other words, that is arguable.

But it is a serious matter, Sir, that one would have thought that a Minister would have been able to find 15 persons in a country, either knowledgeable about education or willing to offer assistance in the field of education and could help.

I should like to make it very clear, Sir, that I am all for this kind of body and it amazes me that a Government whose leader says that he is an adherent to consensus, politics...

Aside.

Mr. D. A. C. SIMMONS: Yes. The leader says he is an adherent to the principle of consensus politics - would preside over a Cabinet that, because of Ministerial neglect, prefers not to have the advice of 15 persons from whom we can have perhaps, with the Minister, some consensus as to....

Aside.

Mr. D. A. C. SIMMONS: Yes. But you do not have to accept the advice. Just like the businessmen whom the Prime Minister boasts that he consulted with, before the Budget, Sir. He consulted with them only in an advisory

capacity. But it was with a view to arriving at a consensus in respect of the various budgetary measures that he was going to propose. He brags about that, Sir. It worked with the Prime Minister.

I am saying that it should have been working in the Ministry of Education. He should have given himself the benefit of a wider cross-section of opinion to help inform the decision that he has to make as Minister.

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The House deserves to know, Sir, why there is this breach of the law, in that this Commission which is established is not functioning?

Hon. C. V. WALKER: Mr. Chairman, here we go again. This deals with curriculum development. That is what it is. The Ministry of Education had established its department to deal with the curriculum. So the advice, from the point of view of the curriculum was not coming from NACE. It was coming from within the Ministry. 5.55 p.m.

It is as simple as that, Sir. They are not called by anyone in the Ministry.

Mr. CHAIRMAN: On what has the Honourable Member risen?

Dr. R. C. HAYNES: I am speaking.

Mr. CHAIRMAN: No, you cannot be speaking if the Honourable Member is on his feet

Dr. R. C. HAYNES: I am even more mystified. The law says that the National Advisory Commission exists. The Minister says that perhaps the most important aspect of education, that is curriculum development, is the responsibility of the Commission. He goes on now and says that he does not know who the members of the committee are and now says that because that function is being performed in the Ministry the committee has not met We want to know who are the members of the Commission. How can a Minister not know who the members of a Commission are? Who is the chairman? Does it exist?

Asides.

Mr. CHAIRMAN: Could we have some order please?

Dr. R. C. HAYNES: Why has the Minister elected to operate in breach of the Laws of Barbados in this matter?

Asides.

Mr. CHAIRMAN: I am not going to ask for order anymore. I will just act.

Dr. R. C. HAYNES: This is a serious matter and what is worse is that I believe the amendment that now comes in to give this discretion is simply to perpetuate an unlawful situation that exists. In other words, Sir, it was a mandatory situation. It was established by law by the Prime Minister himself in 1975. You are the Prime Minister and former Minister of Education. Your Minister of Education not only has been functioning in breach of the law, but now comes in here with an amendment which will seek to perpetuate by administrative dictum a breach of the law. That is why you get this discretion. We wish answers to this thing. The Government has to obey the law and I suspect here that we are seeing a clear situation of disobedience of the law by the Government itself.

Hon. P. M. GREAVES: Mr. Chairman, I only rise, Sir, to respond to the allegation that we are now about to perpetuate some continuing breach of the law. This is an entirely new law. It is not perpetuating anything. We are asked here to agree to a new law and to perpetuate nothing. We are not asked here anything else. So it is not a question of perpetuating. I do not know if there is an Advisory Commission or not. Frankly, there may well be. I do not know. As a matter of fact, I am not the Minister of Education. I have never been. So therefore I do not know. I would like to know myself. But the point is, Sir, that this is not a question of perpetuating anything. That is the only point I rose on.

Dr. R. C. HAYNES: The point that I have made is, Sir, that the law as it stands now requires the establishment of the Commission. The Minister has clearly failed in his duty to do that by amending it to make it a discretionary matter. It means that from now he may or may not have a committee. In a sense, it legalizes a failure on the part of the Minister to observe the law.

Mr. CHAIRMAN: This is becoming very repetitious. I will ask the Honourable Member for St. George South not to question the Chair.

Mr. R. P. BYER: On a point of order, Mr. Chairman, or if I may rise on a point of privilege. I was not questioning you, Sir.

Mr. D. A. C. SIMMONS: We cannot be joking with this, Sir. The House deserves an explanation as to why the word "may" now appears in Subsection 1 of Section 7 as distinct from the language that was used in the existing Section 6 which makes it mandatory. I would like to move an amendment, Sir, to Clause 7 to say: "The Minister shall establish a body to be known as the National Advisory Commission on Education," Sir.

Asides.

Mr. D. A. C. SIMMONS: Because the present legislation provides for a mandatory Commission.

Asides.

Mr. D. A. C. SIMMONS: Well, you have heard what I said. I do not need to repeat myself. Sir, you warned me about repetition. He heard what I said, Sir. I am acceding to your warning, Sir, and I will not repeat myself. I am moving an amendment, Sir, that Clause 7 should make it mandatory for the establishment of the Commission as the DLP Government when they first brought in legislation in 1975 provided and is presently the law.

Asides.

Mr. D. A. C. SIMMONS: What do you mean it is a small point? It cannot be a small point, Sir, when a Government says that it believes in consensus government and here is an opportunity for a Minister of Education, the Ministry that spends the most money in this country to have a number of persons...

Asides.

Mr. CHAIRMAN: Order.

Mr. D. A. C. SIMMONS: I am moving the amendment, Sir.

Mr. O. S. ARTHUR: I second the amendment, Sir.

Mr. R. P. BYER: The amendment is a necessary amendment. The Member for St. Lucy has come into the Chamber not knowing what went on before and wants to create confusion when a very good discussion is going on, Sir. The Chair is giving some very good rulings and he is coming in from downstairs like a spy who has come in from the cold not knowing what has happened.

Asides.

Mr. R. P. BYER: You keep quiet. He does not understand what is happening, Sir.

At this point certain remarks made by the Honourable Member for St. George South were ordered to be expunged by Mr. CHAIRMAN.

Mr. R. P. BYER: It is unfortunate, Sir, that this Commission will now exist at the whims and fancies of a Minister of Government. It appears, Sir, as though the Government was very firm when it established the Commission but now the Government is showing no liking for the Commission and therefore has decided to introduce a discretion on the part of the Minister in the creation of this body. This is why I think the amendment the Member for St. Thomas has proposed is necessary in the circumstances because then we would know that the law is providing for the continuing legal existence of a Commission. 6.05 p.m.

What we have is a situation now where the law provides for its existence as a body but the Minister does not have the discretion that he seeks now, but at the same time what the law is trying to do is to create a situation where the Minister would have a discretion. I do not think that is right and I am one who has often argued against excessive power in the hands of Ministers of Government. I think that creating a discretion in this case allows for that excessive power which the Minister ought not to have.

Hon. C. V. WALKER: Mr. Chairman, I have no objection whether or not it says "shall". I will say this, the last change recommended by the Commission as it met was that they should now purely look after textbooks.

Mr. CHAIRMAN: The Honourable Member for St. George South rose and said he was speaking on the amendment I considered that he was seconding the amendment

Mr. R. P. BYER: Yes, I second the amendment. Mr.

CHAIRMAN: You said you were speaking on it Mr.

R. P. BYER: Yes, Sir. I spoke on it. Mr. CHAIRMAN:

Okay. The Member for St. Peter.

Mr. O. S. ARTHUR: Mr. Chairman, this whole matter reduces itself to the question as to whether we believe that in the field of education the Ministry of Education should be able to draw on expertise that is wider than that available in-house to the Ministry of Education. I believe that in a matter that is as critical to Barbados' development as education it is extremely important that the Ministry of Education should have access by way of a Commission to the widest possible consultative process and scope of expertise. I really believe that that was exactly the thinking which informed the establishment of the Commission in the first case, and I cannot imagine that the circumstances surrounding education in Barbados have been so altered today that there is still not the continuing need for the Ministry of Education to have access to that expertise.

If the Minister has any difficulty or diffidence as regards the manner in which the existing Commission as constituted had exercised that function, clearly, Sir, we have a responsibility to distinguish between the exercise of a function and the need for the Commission. If it has not functioned properly, Sir, then change the Commission. If the bodies have been bad bodies, Sir, change the bodies, but let us recognise that in this critical matter, as in so many other facets of our national life, it is all to the good for our public service to be able to draw on an infusion of expertise that is wider than that which is permanent.

In that capacity, Sir, I subscribe to the spirit of the 1975 initial position and of the position taken by my

colleague, the Member for St. Thomas, that we should enshrine the principle of an advisory commission on education as a mandatory matter and which strips a Minister of Education from being able to exercise his discretion because he may be unhappy with the manner in which the members of a Commission function, and because he considers that the principle of a commission in education is a bad principle.

Hon. E. E. GREAVES: Mr. Chairman, when I first heard the intervention of the Honourable Member I was beginning to get the impression that there would be no National Advisory Commission on Education. Now, Sir, the fact that we have here in section 7(1) "The Minister may establish a body to be known as the National Advisory Commission on Education", is an indication of the commitment that the National Advisory Commission on Education will continue.

Aside.

Hon. E. E. GREAVES: Well, you may or you may not. The fact of the matter is that the Minister of Education and this Government will ensure that there is a Commission which will function. What I am saying is, whether it is "shall" or "may" the point is that the Minister, obviously in his wisdom and certainly in the Ministry after consultation, has come to the conclusion that "may" will do no particular damage to the whole principle of the establishment of the National Advisory Commission on Education. I see no particular problem in this matter, so I would therefore like us to put this matter to the vote and let us determine once and for all the course of this particular matter, because we are really wasting time on a matter on which I do not think we should be wasting time. There will be a National Advisory Commission on Education as provided for here. Let us take a vote on it, Mr. Chairman.

Mr. R. L. MORRIS: Mr. Chairman, there is an accusation almost that the Minister has been in breach of the law. That has not been established anywhere, as far as I am aware. There has been, as I understand it, a National Advisory Commission on Education. The Minister mentioned that NACE has made recommendations on curriculum development and so on. He said at the last meeting they had they were suggesting they would be looking at textbooks, so he acknowledges here that the Committee has been working.

The Act at present provides for the life of the Committee and so on. A person is appointed for three years. All of that is in the Act. If the body is dormant at present, that cannot be attributed to the Minister not putting the Act into practice, because I would imagine that the Chairman, whoever that Chairman might be, and the Minister does not have to remember who the Chairman is, should be calling the meetings. That is my understanding, but the Minister has acknowledged here today, for those who want to hear,

that NACE had advised on a number of things, so this very serious charge of the Democratic Labour Party acting in breach of the law has to be answered. That is the first thing.

The second thing about having a National Advisory Commission on Education is that while it is a good thing to have one also has to recognise that, from the constitution of—that Commission, as I see it, in terms of bodies being represented on it, the Minister has been dealing with these groups and looking at this very Act. So whether he met them as NACE or whether he met them as representing various bodies, that consultation has been going on even more than before in keeping with what is known as consensus government

Let us make this point also, Sir. I remember when NACE used to operate at another time under another administration, there used to be daily news about what NACE was doing and I always had a perception about that. A Commission set up under a Minister should be reporting through the Minister. I used to have the perception quite clearly that NACE had some independent position of their own and they became experts at reporting on everything as though they were acting in place of the Minister. That was my perception of NACE at that time. I think we have to be very careful when we set up advisory committees under Ministers that they do not feel all of a sudden that they have—some independent position and that they can be reporting left, right and centre throughout the country.

That is my position on these matters.
6.15p.m.

Therefore the Minister must have the right, if he wants, to have one of them to come into being, because the Minister has technocrats that advise him on education. The Minister has a body of technocrats who are qualified to advise him on education, and a National Advisory Committee should not feel all of a sudden that they are all the powers that be and have all the ideas and propagating throughout the country as though they are the ones who know everything. You have to be able to let them understand under what regime they are operating. I am not against the existence of such Committees. I believe that those advisory committees are important. They exist not only in education, but they exist in other areas. I believe we have to be careful about how they structure themselves, that they do not see themselves as a self-perpetuating body that becomes bigger than the same Minister and the same Ministry under which they should operate.

Hon. M. A. KING: Mr. Chairman, I think we are really creating a storm in a teacup over this issue. I believe, Mr. Chairman, that what we have in the legislation before us is perhaps a way of dealing with the matter from a technical drafting point. The existing legislation says "the National Advisory Commission on Education is established by this Act." That does not say how it is established; it just

says it is established by the Act. If you look at the Schedule, the Schedule talks about the composition. What we have to understand, Mr. Chairman, is that the Interpretation Act Section 37 says that in construing the word "may", in any enactment passed or made after 16th June 1966, the expression "shall" shall be construed as imperative and the expression "may" as permissive and empowering."

The legislation as it is drafted here now permits and empowers the Minister to establish a body to be known as the National Advisory Commission on Education. What I am suggesting, Mr. Chairman, is that the legislation as drafted pays due regard to the realities and pragmatism of ministerial power.

Now what is the sanction if you say that the Minister must establish a Commission and a Commission is not established? Now, remember, it is an advisory commission, it is no more than an advisory commission, and it makes nonsense to say you have to set up a commission which is an advisory commission and then if the law says you must do it, okay you set up the commission and you don't want to take the commission's advice. What is that doing except to make a mockery of the whole thing, rather than create a discretionary situation, you permit and empower the Minister to set up the commission. I am dealing with pure practicality and pragmatism in the administration of the affairs of the Ministry of Education. It is a practical and pragmatic way of doing it. The Minister may set up the commission. The way it is drafted empowers him to take the necessary action to set up the commission and the First Schedule then goes on to tell you the way how it should function in that regard. I don't understand what the problem is all about. It is totally ineffective if you say that you must do it. What is the point of saying that when it is useless?

Dr. R. C. HAYNES: Mr. Chairman, there is a storm in here, yes, but there is no teacup. I have heard the Honourable Attorney General address several legal matters in this Chamber before and I have never heard him so weak in putting a case. Quite clearly, for anyone who has been in this Chamber for three months, if there is one legal point they get to know about, it is the difference between "may" and "shall". If you know nothing about law at all, "may" and "shall" are the things you get to know about. The reality is, Sir, that the amendment which will substitute "shall" for "may" does nothing other than to restore the situation as existed in the previous legislation which the Honourable Prime Minister has been boasting when he spoke, that he brought down to this House. We have the extraordinary situation where the Prime Minister got up and said that he was the person that brought down the original legislation establishing this Commission and we are now seeking to restore what he brought to the House and the Minister of Education himself is saying he does not mind whether it is "shall", and now you get two legal luminaries on the front bench trying to take an opposite position.

What has clearly arisen out of this debate is that there was a legal obligation on the Minister to establish such a Commission, he has not satisfied the House that he has done so and functioned with such a Commission in good faith. Therefore we regard this amendment with the word "may" in it as seeking to perpetuate a discretion which the Minister exercised unlawfully when he did not have it, because the law says that there should be a Commission. Now, Sir, in these circumstances how can you expect any of us to trust the Minister by giving him a discretion when at a time when he had no discretion he exercised it in that way and has now compounded the situation by coming in here and fishing all over the place and not coming straight to the House and saying what the problem is? All we ask was, does the Commission exist? Who are the members? Who is the Chairman? It is a possibility, and I have never known the Minister to tell blatant lies, that things may have gone on in the Ministry of Education before he was appointed there and he does not know what went on. I submit, Mr. Chairman, there is a considerable amount of truth in the position that sometimes persons in order to deal with a particular individual might eliminate a whole body from the scene. Some people function in that kind of way. I would not wish to accuse anyone in this House directly of so doing, but the reality is that I think the Honourable Members on the other side recognise at this point in time that "shall" is proper and appropriate which has attracted the support of the Minister of Education. 6.25 p.m.

In the light of the fact that the Minister indicated that he has no difficulty whatsoever with "shall", I am supporting this amendment and I am going to see if the Minister of Education has the strength to vote as he indicated earlier on as he has no difficulty with "shall".

I rather suspect that there is some thing "shorey" about this whole thing why the Commission was not meeting, something "sandy" and "shorey". There is some funny thing why this Commission has not met and I understand the embarrassment of the Minister who is caught between a natural propensity for full disclosure and recognising that any such full disclosure would create embarrassment elsewhere. I understand that.

I also understand, Sir, that stemming from that is the fact that he stands now separate and distinct from the rest of his colleagues by indicating that he would support the amendment "shall" whilst the others are obviously drifting in a different direction. It is a fascinating occasion.

It is seldom on the Floor of this House that you get occasions of this nature and this is a time when we would see the honourable men and those honourable persons who have not quite yet reached the age of maturity separate the boys from the men.

Mr. D.' A. C. SIMMONS: Mr. Chairman, notwithstanding that we may be on sandy ground and somebody may want shoring up, I do not know about those matters. I just wish to say that there are one or two things that the Government can do, either delete the whole of Section 7 and leave the law as it is as clause 7 as provided.

Mr. CHAIRMAN: The Honourable Member moved .^ an amendment.

Mr. D. A. C. SIMMONS: No, Sir. I am debating the amendment. I said the word "may" could be substituted for "shall" or if they do not like that, Sir, I am telling you what are the possibilities to put this thing back on the original basis as we have it in the law.

But in so far as the Minister had said that he sees no problem, he cannot be quite happy with that and the Honourable Leader of the Opposition has said he has not .•""• known him to lie. We will wait when the votes are counted on this amendment to see how he votes. We will know then whether he is a man that can be believed or not and I am going to come to that vote very soon.

But just to say, Sir, it is provided in the Schedule that in the appointment of the members of a Commission the Minister must ensure, not may, must ensure that the interest of organisations of the teaching profession, teachers unions-^ and parent/teacher associations are represented. He has a duty.

Let me go a little further, Sir. Paragraph 3 of the First Schedule says "The Minister may at any time revoke the appointment of the Chairman or any member of the Commission." If the Minister has had problems with the Chairman, or a member, or members, we know that happens all the time - he has to be a man at some time.

If the Commission is not functioning, draw to their*'' attention that they have a responsibility under Section 6 to function or fire them and pick another 15. Come and tell the public how these people who everybody always want to offer advice to Government, always want to help them, they have all the knowledge and when you put them in positions do not do a thing. Fire them and choose a new lot but do not throw away the principle of the Commission.

I just want to say this because it was written into the law that we would consult a wide group of people and yoir~- would have these people represented on the Commission. I wish to give this House the assurance-Mr. CHAIRMAN: I am having difficulty in hearing the Honourable Member because of the asides.

Mr. D. A. C. SIMMONS: I want it clearly understood that the Barbados Labour Party when returned to Government will ensure the mandatory functioning of this

Commission so that Parent/Teacher Associations, Teachers Unions and the teaching profession can have a forum for the expression of matters of interest to them, Sir. If this Government is not interested in that kind of consultation, the position of the Barbados Labour Party is clear.

Hon. P. M. GREAVES: Mr. Chairman, let me say this quite clearly. If this was a Bill for which I had responsibility, I would want it worded in the terms in which the amendment is set out. I want to make that clear. Those people acquainted with law and so on, can look at this and see that this is better drafting than was set out in Section 7 of the Education Act. This is superior drafting, Sir. That is one point.

The second point I want to make clear too is that an Advisory Commission is a very useful thing. As a matter of fact I think it should be there. I will go further than that. The fact that one changes "shall" to "may" does not mean you do not intend to have it (the Commission).

I want to make it clear to the Honourable Member for St. Thomas that the Schedule to the Act remains unamended and the same interests set out as the representatives on the body will remain as they are set out in the Schedule. The Minister will appoint them for three years: Schedule 1 or 2. I cannot put my hand on it at the moment, Sir, but the same interests, the same Parent/Teacher Associations, the teaching profession, the Teachers Union will be represented. If I were Minister I should want them represented on my Commission. But let us accept it for what it is. It is an Advisory Commission. It has no executive functions whatsoever. Let us understand what is happening here, Sir.

It is not necessary, Sir, an attempt to change "may" to "shall". We are attempting to do this but, in fact, it goes deeper than that. I have been in here long enough to see and understand what is happening but I want to make it clear...

Aside.

Hon. P. M. GREAVES: You work it out. You know. You have it worked out. You know what is happening.

I want to make it clear, Sir, that what we have before - ^{us here now} whether we accept any amendments or not, what is set out here is superior drafting and I have no doubt in my mind, Sir, that, when this matter went up to the Legal Department for drafting, the draughtsmen decided that they would, in fact, word it as it is now worded because it is better drafting than was set out in 1975 or the 1981 Acts. It is as simple as that, but whether it is accepted or not is unimportant whether we stand by the 1985 legislation is unimportant because we will still have, whether it is "may" or "shall" an Advisory Commission. It is as simple as that.

Hon. M. A. KING: Mr. Chairman, let me just say this. The Honourable Member for St. Michael North has made the point that is a drafting technique. It was a position which I myself felt was so but I would really have had to consult the draughtsmen on that to understand precisely why it was done this way.

I think it is a small matter in practical terms. The practical reality of it is that it is a small matter so what I would suggest we can agree to, Mr. Chairman, is to allow the existing formulation in the Act to remain. That is something which I think we could live with so that the amendment in Clause 7 we need not pursue.

I move that Clause 7 be deleted, Mr. Chairman.
6.35 p.m.

Asides.

Mr. D. A. C. SIMMONS: Yes, Sir. On the assurance of the Honourable Attorney-General that he will leave it, as it is, Sir, I would withdraw the amendment.

Mr. CHAIRMAN: If there is no objection the amendment is withdrawn.

Hon. M. A. KING: I now move, Mr. Chairman, that Clause 7 be deleted.

Mr. CHAIRMAN: The question is that Clause 7 stand part, Honourable Members in favour please say aye, those against please say no....

Hon. P. M. GREAVES: Mr. Chairman, there was a motion on this Floor that Clause 7 be deleted. That was the motion on the Floor. I think, Sir, that that must be put, Sir.

Mr. CHAIRMAN: My understanding is that the Honourable Attorney-General gave the indication that he would move the deletion of Clause 7.

Subsequent to that, the Member for St Thomas withdrew the amendment which he had proposed.

If Clause 7, as stands, is not voted for, it is not part of the - that is my understanding of it. If you vote against it well then it is deleted.

Asides.

Hon. P. M. GREAVES: Mr. Chairman, if the position is that the amendment, as suggested by the Attorney-General, was not properly put at that particular time, I should like to put it now, Sir: that is, Sir, that Clause 7 be deleted from the Bill, Sir.

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

Mr. CHAIRMAN: The question is that Clause 7 be deleted from the Bill. Honourable Members in favour please say aye, those against say no. Clause 7....

Asides.

Mr. CHAIRMAN: Okay. The correct question is that Clause 7 stand part. Honourable Members in favour please say aye, those against say no. I think the noes have it. Clause 7 is deleted from the Bill.

Clause 8 was called.

Asides.

Hon. C. V. WALKER: Mr. Chairman, I beg to move that the subsequential clauses be renumbered accordingly.

Hon. W. O. FRANKLIN: I beg to second that, Sir.

The question that the subsequential clauses be renumbered accordingly was put and was resolved in the affirmative without division.

Hon. C. V. WALKER: Mr. Chairman, I beg to move that Clause 7 as renumbered stand part.

Hon. W. O. FRANKLIN: I beg to second that, Sir.

The question that Clause 7, as renumbered, stand part was put and resolved in the affirmative without division.

Clauses 8 to 12 inclusive, as renumbered, were called and passed. 6.45 p.m.

Clause 13 as renumbered was called.

Mr. D. A. C. SIMMONS: I really wish the Government to pay attention to the criticism that I made of this section during the second reading because I fear that in its implementation it can work hardship and considerable embarrassment both to the Attendance Officers and to the school children. I want to read it again, Sir, in relation to 2(b):

"(a) A School Attendance Officer may after presentation of written authorization to the person present on any premises at any reasonable time whether during school hours or not. Stop any child who appears to be of compulsory school age and is not then at school."

What do you mean by "is not then at school"? Is it at the reasonable time that you have stopped him or her? Well, if it means that, is it really fair that a School Attendance Officer should see a person who appears to be of school age going to catch a bus at 6 o'clock in the evening....

Asides.

Mr. D. A. C. SIMMONS: The reasonable time is going to be a question of fact in any event... okay, say 5 o'clock and go and ask him why he is not then at school. That is what it means. He must then question the child as to all the matters set out in (c), Sir. Presumably, I think there may be a penalty that would attend the child in those circumstances in Section 43.

I just feel, Sir, that these are very arbitrary and wide powers given to an Attendance Officer to stop children outside of school hours if they appear to him to be of compulsory school age. I do not wish to deal with any specifics. I have to look at how the law could be operated or interpreted. I really think, Sir, that "b" is unfortunate in this Bill, Sir. I have no problem with entering premises and making inquiries to determine whether the section is being complied with or whether anyone is in contravention and so on. But as it is presently worded, "b" seems to me to lead to certain illogicalities. Okay, if I give it the liberal interpretation....

Asides.

Mr. D. A. C. SIMMONS: Nothing wrong with that, Sir. I have no problem with (a). But the one I have a problem with is (b). I understand that (b) is an alternative to (a). The Deputy Prime Minister wishes to answer.

Hon. P. M. GREAVES: A facetious name like John Jones - it may not be facetious, but I hope there is no John Jones to whom this might apply. Mr. Chairman, if John Jones is attending a particular secondary school....

Asides.

Hon. P. M. GREAVES: There is a John Jones. Anyhow, if Nigel Jones, Sir....

Laughter.

Hon. P. M. GREAVES: Sir, if a John Jones is a pupil of a particular secondary school and is known to frequent a certain bakery - that is just an example - and the Attendance Officer has got information that John Jones frequents a certain bakery or is maybe even employed at a certain bakery and the Attendance Officer goes to the bakery at 7 o'clock in the night and asks if you employ John Jones, and the Attendance Officer makes inquiries about the particular person, armed with that information the Attendance Officer can then (then means not necessarily at that hour) approach the youngster and find out from the youngster particulars of himself as set out in the Bill. I do not think, Sir, that the interpretation is as restricted as the Member for St. Thomas is giving it. Sir, I believe that in truth and in fact it suggests information which is important to an Attendance Officer in order to get certain information

about a child who is playing truant. For that reason, Sir, I can understand the concern of the Member for St. Thomas but I think one can understand the reason for the provision, Sir.

Mr. D. A. C. SIMMONS: My quarrel with "b" is these words: "Not then at school". I thought that it would be better to say "not attending school" instead of the word "then".

Asides.

Mr. D. A. C. SIMMONS: Take out "then" and substitute "attending". I would move an amendment to delete the word.

Asides.

Hon. M. A. KING: I do not as a rule, Mr. Chairman, — like amendments on the floor of the House. The point about it is that legislation has to be interpreted reasonably. It says: "An Attendance Officer can stop any child who appears to be of compulsory school age and is not then at school at a reasonable time." It has to be a reasonable time that the child is not then at school and ask a number of questions — age, name and address, school at which he is registered, and the reason for his absence from school. Now if you stop a child at 8 o'clock and ask for the reason for his absence — from school, he can say: "You idiot. It is 8 o'clock at night. " I should not be at school now. So anybody would know that I should not be at school now." 6.55 p.m.

What I am saying is that if you construe the whole clause in its entirety, the only reasonable conclusion to draw is that the School Attendance Officer can only act reasonably, because if you ask a child at 8 o'clock at night why he is not at school the answer is so obvious it is not funny, but at a quarter past or half past three in the — afternoon a School Attendance Officer may normally be aware that if a child goes to St. Lucy Secondary School and is seen at Miami Beach in Christ Church he may ask the question: "Why are you down here? Why are you at Miami Beach at a quarter past three in the afternoon?" This is of a child who should be at school in St. Lucy. The child has to give a reasonable explanation.

Aside.

^ Hon. M. A. KING: Precisely! If the explanation is reasonable, then what you have done is to empower the School Attendance Officer to do an effective job. If the answer is reasonable the School Attendance Officer then does not have any further position in the matter, so I think you have to allow some latitude to the School Attendance Officer, and give the School Attendance Officer adequate ~ powers to deal with the problem which he or she has to deal with, rather than constrain the School Attendance Officer within too narrow limits.

The whole thing has to be read in context and the powers have to be wide enough to enable the powers to be administered reasonably. The legislation, I take it, Mr. Chairman, is done on the basis that people act reasonably.

Mr. O. S. ARTHUR: Mr. Chairman, I think we have to discuss this proposed amendment in the light of what was there before and in the light of what the Minister himself said as being the problem that he wanted to correct

The existing legislation gives the School Attendance Officer certain powers to be exercised at any time during school hours. The Minister in his Second Reading speech said that that was a limitation and what you wanted to do was to create a situation where the School Attendance Officer could exercise certain privileges and powers outside school hours.

What we are saying is that the legislation is drafted to put greater an illogical situation whereby a School Attendance Officer can meet a person whom he suspects to be a school child outside of school hours and ask him why he is not attending school. We are saying that that is illogical, that you have reasonable time and all that is necessary is that you can amend clause 13 by deleting "whether during school hours or not" since it already includes "at any reasonable time". If the Government could agree that you retain "at any reasonable time" then "whether during school hours or not" becomes superfluous anyhow and does not create the potential illogic which we on this side find offensive.

We are proposing to amend the Bill to delete "whether during school hours or not" to remove any possibility of illogic arising whereby an officer can meet somebody outside school hours and ask him why he is not at school.

I beg to move that clause 13 be amended by the deletion of the words "whether during school hours or not".

On the motion of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, Mr. CHAIRMAN reported progress and asked for leave to sit again, and Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that this sitting be suspended until 8.00 p.m.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly. 7.05 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is now resumed. When the suspension was taken, the House was in Committee. To that it should revert.

Mr. SPEAKER left the Chair and the House resumed Committee, Mr. L. L. BRATHWAITE in the Chair.

Mr. D. A. C. SIMMONS: Mr. Chairman, before the suspension, an amendment had been proposed that the words in clause 13 which read "whether during school hours or not" be deleted. I think it is an essential amendment I think this is a consensual amendment that we delete the word "then" appearing in subclause (b) of section 13(2). That would allay everybody's fears.

Hon. M. A. KING: Mr. Chairman, I agree to that. That seems acceptable and I am prepared to support the Clause with that amendment.

By consent of the Committee, the question that clause 13 as amended stand part was put and resolved in the affirmative without division.

Clauses 14 to 21 as renumbered were called and passed.

On the separate motions of Hon. C. V. WALKER, seconded by Hon. W. O. FRANKLIN, Mr. CHAIRMAN reported the passing of one Bill in Committee with amendments, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. C. V. WALKER seconded by Hon. W. O. FRANKLIN, the Bill was read a third time and passed.

NOTICES OF QUESTIONS

Mr. SPEAKER: Earlier today under Notices of Questions a question was omitted and I will now let that item be recommitted.

Mr. D. A. C. SIMMONS: Mr. Speaker, to ask the Minister of Health -

Will the Minister please state how many patients died in the Geriatric Hospital per month during the following years:

(a) 1985, (b) 1986, (c) 1987, (d) 1988, (e) 1989, and (f) 1990 to date?

Mr. SPEAKER: That is the end of Notices of Questions.

Hon. M. A. KING: Mr. Speaker, that brings us to the end of Government Business. There are a number of Private Members' Resolutions before the House.

Mr. SPEAKER: That item has not been called, so there is no need to respond to it. 8.10p.m.

Hon. H. deB. FORDE: Mr. Speaker, Sir, with the leave of the House I would wish to commence this Order on the normal time for Private Members' Business next Tuesday at the next sitting of the House.

Aside.

Hon. H. deB. FORDE: The one standing in my name.

Mr. SPEAKER: One would accept the reply that you are not ready to deal with it but the question arises when ^ you say "in the normal time". It may create some difficulty in view of the fact that Standing Orders when suspended may very well include the very time that this kind of Resolution would normally be done so there is no guarantee that that would be done at that time.

Hon. H. deB. FORDE: That is why I am hoping that the Acting Leader of the House, the Honourable Member for Christ Church West Central, recognises that there is a ^ tradition to move the Standing Orders subject to, the reservation of Private Members' Business. I consider the Resolution important enough to be debated at the particular time for Private Members' Business.

Hon. M. A. KING: The Honourable Member has made the point that I am Acting Leader of the House now. Dealing with the matters that are before the House now at this time I can give the Honourable Member no indications as to what the Leader of the House may or may not do at the next Sitting.

Mr. SPEAKER: Are there any other Members who are in the same position as the Honourable Member for Christ Church West in terms of Private Members' Business?

Mr. R. P. BYER: Yes, Sir. I have an old matter on the Order Paper which I would like to get off as soon as possible. I would urge this House to give me some time too. I promise that at the next available opportunity I will be __, ready to deal with it, or at the next or subsequent Sitting. -

Mr. SPEAKER: The Acting Leader of Government Business has indicated that he is not in the position to give any commitment. That being the case, if you are not prepared to deal with any of the matters before the House under Private Members' Business, then those items will be dealt with.

Mr. R. P. BYER: Very well, Sir.

Well, there are two of them. I believe that we will withdraw some of them in the light of events that have taken place in terms of drugs and law enforcement that there have been response to.

There is one having to do with the memorial to Louis Lynch which I would want to deal with very soon because "the Modern High School Old Scholars Association is having a month of activities in commemoration and I would like to deal with it just before then. I would like to deal with it at the earliest opportunity bearing in mind what you said, Mr. Speaker.

Mr. D. A. C. SIMMONS: Mr. Speaker, I have a matter before the House, Item No. 8 on Private Members' Business and I spoke last time and moved the Resolution. I do not know if any Members of the Government wish to speak to the Resolution. If they do not, I would ask that the matter be put to the vote.

Mr. SPEAKER: In that case if I call the item and if no Member responds, it is then left for you to determine if you want to wind up the debate otherwise you can also ask for further postponement as well. If I do not call the item the particular Resolution stands as it is. If I do call the item then the Member who introduced it would then have to ask....

Aside.

Mr. SPEAKER: Call the Resolution. Order No. 8.

RESUMPTION OF FURTHER CONSIDERATION OF A
RESOLUTION CALLING UPON GOVERNMENT TO
TAKE MEASURES TO REDUCE THE BURDEN OF
THE HIGH COST OF MUSICAL EQUIPMENT AND
SPORTS GOODS ON THE YOUTH

Mr. D. A. C. SIMMONS: Mr. Speaker, Sir, when I introduced the Resolution and spoke to it on the last occasion, the Honourable Minister of Tourism and Sports was indisposed and not in the House. In relation to that and the Bill on Apartheid in Sports that was passed during the day I said that I would have wished the Minister's input in respect of these matters, Sir. Perhaps, he has not had a chance to address his attention to the Resolution and in those circumstances it would infringe his rights to ask that we deal with the matter now.

In the circumstances I would ask that further consideration be postponed, Sir.

Mr. SPEAKER: If there are no objections to that then that request is granted and further consideration of that particular item is postponed.

ADJOURNMENT

Hon. M. A. KING: Mr. Speaker, that brings us to the end of parliamentary business for today and I move that the House be now adjourned to Tuesday, June 19, 1990 at 12 o'clock noon.

The question that the House do now adjourn until Tuesday, June 19, 1990 at 12 o'clock noon was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly. 8.20 p.m.

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